



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that on Tuesday, July 16, 2024, at 5:30 p.m., the Kill Devil Hills Planning Board will hold its regular meeting of the month in the Town Hall Meeting Room located at 102 Town Hall Drive, Kill Devil Hills.

A printed packet is available for public inspection in the Office of the Town Clerk, 102 Town Hall Drive. To schedule an inspection time, contact the Department at 252-449-5300. Packet materials can be viewed on the Town's website at <https://www.kdhnc.com/743/Meetings-Agendas-Packets-Minutes>.

Written public comments for the Planning Board 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 May 16, 2024, meeting

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Zoning Amendment Request — §153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

Posted this 11th day of July 2024.

Jennifer Stecher

Administrative Assistant/Deputy Town Clerk

Copies to: Mayor and Board of Commissioners, Planning Board members in their packet materials; Town Manager; Town bulletin boards; Town Sunshine List, including all local news media; Electronic Distribution List; Town website and social media; file

Minutes of the Tuesday, May 21, 2024, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills, North Carolina.

Members Present: Chairperson Howard Buchanan, Jenniffer Albanese, Sandie Markland, Natalie Painter, and Ron Seidman, II

Members Absent: Becky Breiholz and Phillip Wayland

Others Present: Cameron Ray, Assistant Planning Director; Ryan Lang, Senior Planner; and Jennifer R. Stecher, Deputy Town Clerk

Call to Order

At 5:30 p.m., Chairperson Howard Buchanan called the Tuesday, May 21, 2024, meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

Agenda Approval

Natalie Painter moved to approve the agenda for this meeting. Ron Seidman seconded the motion, which was approved by a unanimous, 4-0, vote.

Approval of the Minutes of the February 13, 2024 meeting

Sandie Markland moved to approve the February 13, 2024, meeting minutes, as presented. Ms. Painter seconded the motion, which was approved by a unanimous, 4-0, vote.

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Site Plan Review – 1106 Blue Jay Street – Proposed Professional Office Building (Dentist Office)

The site plan review submittal by Created Engineering Solutions, on behalf of Driftwood Dental, for a proposed office building (Dentist Office) at 1106 Blue Jay Street in the Commercial Zone. The proposed plan calls for construction of a 3,400 square foot office building with 20

parking spaces, and associated site improvements. The *Professional Office (L)* is a permitted use in the Commercial Zone 153.176. The meeting packet included the site plan application, proposed site plan, site narrative, and applicant's response to Staff's Technical Review comments. The applicant has addressed all of Staff's initial technical review comments.

Staff recommended that the Planning Board forward the plan to the Board of Commissioners with a favorable recommendation.

Ms. Painter moved to forward the Site Plan Review – 1106 Blue Jay Street – Proposed Professional Office Building (Dentist Office) to the Board of Commissioners with a favorable recommendation. Ms. Markland seconded the motion, which passed with a unanimous 4-0 vote.

2. Minor Subdivision Review – Ocean Breeze Townhomes: Phase 2 – Proposed 8-Lot Minor Subdivision

A minor subdivision meeting the requirements of *Chapter 152 Subdivisions* was in the meeting packet for the Ocean Breeze Townhomes: Phase 2 at 902 South Virginia Dare Trail in the Commercial 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 the approval by the Planning Board Chairman prior to recordation. This action will be recorded for compliance with §152.25 of the Subdivisions ordinance.

3. Minor Subdivision Review – Ocean Breeze Townhomes: Phase 3 – Proposed 8-Lot Minor Subdivision

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Public Comment

Response to Public Comment

Board Member Comment

Chairperson Buchanan welcomed the newest member of the Planning Board, Jenniffer Albanese, who had been sworn in prior to the meeting.

The group discussed:

- E-bikes and the multi-use path.
- Excessive number of parked cars in driveways block access to the sidewalks on West Third Street.

- Overgrown vegetation on the west side of Lowes entrance blocking site lines for drivers and bicyclists.
- Upkeep of the property at 1513 South Croatan Highway

Ms. Painter announced that she would be moving out of the Town of Kill Devil Hills in August 2024, at which will end her tenure on the Planning Board.

Adjournment

There being no further business before the Planning Board at this time, Ms. Markland moved to adjourn the meeting. Mr. Seidman seconded the motion, which was approved by a unanimous, 4-0, vote.

It was 5:44 p.m.

Submitted by:

Jennifer R. Stecher
Administrative Assistant/Deputy Town Clerk

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Submitted by:

Jennifer R. Stecher
Administrative Assistant/Deputy Town Clerk

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

July 16, 2024

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director

Subject: Zoning Amendment Request — §153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre

Attached is a Zoning Amendment Request submitted by George E. Goodrich to amend Town Code section 153.120(E)(4)(c). The amendment request is to modify the requirements for permeable pavement lot coverage calculations for lot(s) greater than one acre in the Low Density Residential Zone.

As you recall, in 2018 this section was amended to allow for lot coverage reductions in this zoning district. Per the Planning Board recommendations several additional requirements were added including limiting the minimum eligible lot size of 7,500 square feet and 50% of the required parking had to be outside the footprint of the structure. These recommendations were incorporated into the new regulations to address the concern of additional lot coverage on smaller lots and the regulations resulting in larger structures.

The proposed amendment request is to eliminate the requirement for the 50% of required parking being outside the footprint on all lots greater than one acre. When the original amendment was being reviewed, cluster homes and cottage courts were not allowed uses in the (RL) zone, which require a minimum of one acre.

Staff recommends forwarding the amendment to §153.120(E)(4)(c) Low Density Residential Zone Site Requirements, to amend permeable pavement lot coverage calculations for lot(s) greater than one acre as presented with attached consistency statement to the Board of Commissioners with a favorable recommendation.

LOW DENSITY RESIDENTIAL ZONES (RL)

§ 153.120 SITE REQUIREMENTS.

(4) *Permeable pavement lot coverage calculations.*

(a) For lots 7,500 square feet in area or greater, the use of permeable paving systems, including porous concrete, porous asphalt, concrete grid pavers and permeable interlocking concrete pavers for parking spaces, drive aisles, and vehicular circulation areas, shall allow for a reduction in the calculated lot coverage. Material to fill the open cells of the pavement system types shall consist of open graded fine aggregate, open graded washed aggregate, sod turf grasses native to the southeast coastal environment and exhibit medium to high permeability rates. All permeable paving systems shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (current edition). The following calculated reductions are allowed:

1. Porous concrete without washed stone base: 40% reduction.
2. Porous concrete with at least six inches of washed stone base: 60% reduction.
3. Porous asphalt, concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids with at least four inches of washed stone base: 40% reduction.
4. Porous asphalt concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids with at least seven inches of washed stone base: 60% reduction.
5. The pavement section shall consist of the surface course or layer for infiltration, a bedding course (as required), an aggregate storage layer, and a woven geotextile fabric layer to prevent clogging.
6. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

(b) In no case shall the total area that is occupied and obstructed by any structure above the ground, including but not limited to parking and drive aisles exceed 45% of the area of the lot.

(c) For additional coverage under the previous pavement reduction for all lots less than 1 acre, 50% of the required parking shall be outside of the footprint of any structure or covering.

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 Amendment—§153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre 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 Sixteenth day of July, 2024.

Attest:

Planning Board Chairman

Secretary of Planning Board



Town of Kill Devil Hills Planning and Inspections
252-449-5318

NON-REFUNDABLE FEES

Date: 6/18/24

- | | |
|--|---|
| <input type="checkbox"/> Board of Adjustments | <input type="checkbox"/> Exempt plat/Subdivision |
| <input type="checkbox"/> CAMA | <input type="checkbox"/> Fines and/or Re-Inspection Fee |
| <input type="checkbox"/> Copies | <input type="checkbox"/> Site Plan Review |
| <input checked="" type="checkbox"/> Text Amendment | <input type="checkbox"/> Permit Re-instatement |
| <input type="checkbox"/> Other: _____ | |

Amount: \$500.00

Received From: George e Goodrich

Description: Text amendment-153.120 (4)(c) Parking Reduction

Received by: Ryan lang

PAID

JUN 18 2024

TOWN OF
KILL DEVIL HILLS



Kill Devil Hills

North Carolina

CODE AMENDMENT APPLICATION

Planning and Inspections Department

(252) 449 – 5318

102 Town Hall Drive

Kill Devil Hills, NC 27948

FEE: \$500.00

The purpose of this application is to *request* a code amendment, or a permanent alteration, to the Kill Devil Hills Town Code.

Required attachments/submittals for an application for a code amendment:

- 1.) A completed application
- 2.) One copy of the code in question (existing Kill Devil Hills Town Code)
- 3.) One copy of your proposed code amendment, with the proposed changes highlighted
- 4.) Application Fee, *which is nonrefundable*

*****Important:** If any of the above requirements are not present at the time of submittal, the application will be deemed incomplete and will not be accepted.***

Certification:

I (we) hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Town of Kill Devil Hills Planning and Inspections Department.

Petitioner's Name (Please Print): George E. Goodrich

Petitioner's Signature: George E. Goodrich Date: 6-18-24

For Staff Use Only:

Fee Received by: Ryan Lang Date: 6/18/24



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

(Please Type or Print)

Petitioner

Name:

George E. Goodrich

Address: P.O. Box 3629

Kill Devil Hills, NC 27948

Telephone Number:

252-475-0874

Email:

eddieg@vrobx.com

Agent for Petitioner (If Applicable)

Name:

Same

Address: Same

Telephone Number:

Same

Email:

Same

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

Chapter: 153 Code: Zoning

Title: Site Requirements 153.120 (4) (c)

To this application, attach:

- One copy of the code in question (existing Kill Devil Hills Town Code)
- One copy of your proposed code amendment, with the proposed changes highlighted



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

1. Please provide a **detailed** justification for the proposed amendment (*attach additional pages as needed*):

To provide adequate covered parking to protect vehicles and individuals from inclement weather and extreme heat while entering the structure, as well as being more aesthetically pleasing than open parking.

2. How does this proposed amendment help to promote the public health, safety, and general welfare? (*attach additional pages as needed*)

By providing adequate covered parking to protect vehicles and individuals from inclement weather and extreme heat while entering the structure, as well as being more aesthetically pleasing.

(4) *Permeable pavement lot coverage calculations.*

(a) For lots 7,500 square feet in area or greater, the use of permeable paving systems, including porous concrete, porous asphalt, concrete grid pavers and permeable interlocking concrete pavers for parking spaces, drive aisles, and vehicular circulation areas, shall allow for a reduction in the calculated lot coverage. Material to fill the open cells of the pavement system types shall consist of open graded fine aggregate, open graded washed aggregate, sod turf grasses native to the southeast coastal environment and exhibit medium to high permeability rates. All permeable paving systems shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (current edition). The following calculated reductions are allowed:

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5. The pavement section shall consist of the surface course or layer for infiltration, a bedding course (as required), an aggregate storage layer, and a woven geotextile fabric layer to prevent clogging.
6. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

(b) In no case shall the total area that is occupied and obstructed by any structure above the ground, including but not limited to parking and drive aisles exceed 45% of the area of the lot.

(c) For additional coverage under the previous pavement reduction for all lots less than 1 acre, 50% of the required parking shall be outside of the footprint of any structure or covering.

(c) If the lot has between 50% to 75% of its total area in soils classified as wetlands, then 25% of that area classified as wetlands may be used in calculating lot coverage;

(d) If the lot has 75% or more of its total area classified as wetlands, none of that area classified as wetlands may be used in calculating lot coverage.

(4) *Permeable pavement lot coverage calculations.*

(a) For lots 7,500 square feet in area or greater, the use of permeable paving systems, including porous concrete, porous asphalt, concrete grid pavers and permeable interlocking concrete pavers for parking spaces, drive aisles, and vehicular circulation areas, shall allow for a reduction in the calculated lot coverage. Material to fill the open cells of the pavement system types shall consist of open graded fine aggregate, open graded washed aggregate, sod turf grasses native to the southeast coastal environment and exhibit medium to high permeability rates. All permeable paving systems shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (current edition). The following calculated reductions are allowed:

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