

**Minutes of the Monday, September 9, 2024, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills.**

**Members Participating:** Mayor John Windley; Commissioners Terry Gray, T. Dillon Heikens, Ivy Ingram, and Bernard “B.J.” McAvoy

**Members Not Participating:**

**Others Participating:** Debora P. Díaz, Town Manager; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; Starkey Sharp, Town Attorney; and James Michael O’Dell, Town Clerk

**Call to Order**

At 6:00 p.m., Mayor John Windley opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present.

**Pledge of Allegiance and Moment of Silence**

Mayor Windley asked everyone to take a moment to remember the events of September 11, 2001, and the lives lost in the horrific tragedy.

**Agenda Approval**

Commissioner Gray moved to approve the agenda, as presented. Commissioner Heikens seconded the motion, which passed by a unanimous, 4-0, vote.

Commissioner McAvoy entered the meeting at 6:03 p.m.

**Public Hearing**

Town Attorney Starkey Sharp read aloud the public hearing rules and then opened the public hearing. He stated that notice for the following item has been published in the *Coastland Times*, and posted on the Town’s bulletin boards, website at <https://www.kdhnc.com/1136/September-9-2024-Board-of-Commissioners->, social media platforms, and has been disseminated through the Town’s electronic distribution list, meeting or exceeding the N.C.G.S. requirements for public hearings.

**A. 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**

Assistant Planning Director noted that the Planning Department’s meeting memorandum detailed the proposed amendment to the Town’s Code of Ordinances. Assistant Planning Director Cameron Ray shared that this amendment, submitted by George E. Goodrich, would eliminate the site requirement for 50% of required parking being outside the footprint on all lots greater than one acre in the Low Density Residential Zone. He stated that in 2018, an amendment was adopted to establish the incentivization of permeable pavement for lot coverage reductions in the Residential Low (RL) Zone.

At its July 16, 2024, meeting, the Planning Board reviewed and forwarded the following amendment, recommending approval; Staff concurs, and recommends approval of the proposed amendment. At the Board’s August 12, 2024, meeting, this public hearing was scheduled.

Commissioner Gray moved to approve the amendment to §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, as presented, with its consistency statement, and that the Board of Commissioners found that the amendment is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable, and reasonable and in the public interest because it incentivizes stormwater management for larger developments on larger lots. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

**Public Comment**

**Response to Public Comment**

**Introductions and Presentations**

**1. Outer Banks Visitors Bureau – The Outer Banks Promise**

Lee Nettles, Director, and Jeff Schwartzberg, Community Engagement Manager, were present to share on the Outer Banks Visitors Bureau’s initiative, The Outer Banks Promise. Mr. Nettles stated that on June 26, 2024, the Outer Banks Promise was introduced to encourage the public to take small but impactful steps to take care of the area. Mr. Schwartzberg then presented a video on this destination pledge. He noted that an online form affirming support for the Outer Banks Promise can be completed, and stated that this is a long-term commitment. More information can be found at [obxpromise.com](http://obxpromise.com)

**Ongoing Business**

## New Business

### 1. Regulatory Options – Ocean Impact Residential Zone: Review Density and Development Issues (large single-family dwellings) (Attached NB-1)

Planning Director Meredith Guns noted that following its June 8, 2024, retreat, the Board of Commissioners directed Staff to identify and develop options to limit density and development in the Ocean Impact Residential Zone (OIR). This was in addition to the measures taken by the Board to address large single-family dwellings, which were approved in 2020.

The Planning Department's meeting memorandum and materials highlighted the Town's recent history of proactive actions, along with five options for consideration by the Board. Ms. Guns noted that all of the options could be considered separately or combined:

1. Limit stacked parking not to exceed six vehicles to reduce long lines of cars that prevent access by emergency vehicles to the structure.
2. Remove exceptions to one access aisle designed to be open and unobstructed to the primary dwelling. Minimum access aisle width shall be ten feet within 20 feet of the front entrance.
3. Require 10% of the total vehicle accommodation area to include landscaping aisles established within the interior of the vehicle accommodation area (similar to commercial development). Landscaping within the parking area will break up the large concrete areas and provide visual relief.
4. Increase setbacks for house over a designated square footage. Similar to commercial requirements (153.181(C)(1)).
5. Designate large single-family dwellings a special use in the Ocean Impact Residential (OIR) Zone and define as a separate use.

In highlighting the last option, Ms. Guns stated that the Town could create a separate definition for large single-family dwellings, utilizing a square footage measurement, likely paralleling the 6,000 square footage threshold for landscaping and stormwater categories. Alternatively, the large single-family dwelling could be established as a special use, which would allow Board review on a per-site basis. Additional special use regulations would be applicable in this process. It would not permit the Board to deny the special use application, but could have additional regulations to address this new category and a public hearing would be required.

Mayor Windley inquired about the proposed number for increased setbacks, and whether 6,000 square feet was the proposed threshold. Ms. Guns replied that Staff would further research the issue; 6,000 square feet was established for landscaping and stormwater due to the lot coverage and area coverage. When dealing with setbacks, it may be a different number or a tiered ratio. She noted that the commercial setbacks increase by height.

Commissioner Ingram supported additional parking requirements, and suggested a Floor Area Ratio (FAR) measurement. She requested Staff to provide examples of how structures could have changed if the different proposed options had been in place. Commissioner Ingram stated that Kill Devil Hills has varying sized lots that other localities do not. There is the strong

potential for redevelopment over the coming decades, and any plan should be for long-term, not only five or so years.

Commissioner Gray was interested in the limited stacked parking, with additional Staff research on how parking in other areas, like the Town's beach accesses, would be affected. He also expressed interest in the special use designation for large single-family dwellings. A designated access aisle deserved weight due to the importance of having first responder access to a site. Commissioner McAvoy supported the potential for the designated drive aisle. He stated the Board needs to understand what any proposed changes would affect: the number of homes or the type of structure. He inquired whether the proposed regulations would create limitations on the options that builders have to developments. Commissioner Gray also liked the landscaping in option three. Commissioner Heikens shared his interest in the special use option, but wanted additional information. Commissioner Ingram also requested further information on Floor Area Ratio (FAR).

Town Manager Debora Díaz stated that Staff would research the options and provide additional information at a future meeting.

## **Committee Reports**

### **Commissioners' Agenda**

#### Commissioner Gray

Fire Department Emergency Signals on US 158 Commissioner Gray highlighted with a photo the possible traffic issue with the initially situated emergency signals at the new Fire Department; southbound traffic on US 158 could accidentally block the exit of fire crews responding to an emergency. Chief Tilley shared that following work by Commissioner Gray, the NC Department of Transportation (NCDOT) will relocate the emergency signal light further north on US 158, eliminating the issue.

### **Mayor's Agenda**

- 1. Resolutions and Proclamations (Attached MA-1A, MA-1B, and MA-1C)**
  - A. Constitution Week Proclamation**
  - B. Breast Cancer Awareness Month Proclamation**
  - C. Fire Prevention Week Proclamation**

Mayor Windley noted that the three proclamations honor the foundation of our system of government, heighten awareness of an illness diagnosed in over 315,000 Americans annually, and remind us of the importance of fire safety in our homes, especially the installation and regular maintenance of smoke detectors.

Mayor Windley moved to approve the proclamations as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

## Ice Cream Social

Mayor Windley reminded everyone that the Ice Cream Social was scheduled for Tuesday, September 24, 2024, from 4:30 p.m. to 7:00 p.m., at Aviation Park. The event will include a pie-making contest, and a bake sale to benefit the Wallace H. McCown Scholarship.

### **Town Manager's Agenda**

### **Town Attorney's Agenda**

### **Consent Agenda**

#### **1. Minutes (Attached CA-1A)**

A. August 12, 2024

#### **2. Monthly Report (Attached CA-2A)**

A. July 2024

#### **3. Budget Amendments and Transfers (Attached CA-3A)**

A. Budget Amendment #3 – to appropriate funds for the Baum Tract property survey as directed at the August 12, 2024, Board of Commissioners meeting.

The Budget Amendment's inclusion on the Consent Agenda enters it into the record of this meeting.

B. Budget Amendment #4 – to record encumbrances outstanding at June 30, 2024.

Ms. Díaz presented the Consent Agenda, and recommended approval.

Commissioner Ingram moved to approve the Consent Agenda, as presented.

Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

### **Public Comment**

### **Response to Public Comment**

## **Adjournment**

There being no further business appearing before the BOC at this time, Commissioner McAvoy moved to adjourn the meeting. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

The time was 6:36 p.m.

Submitted by:

James Michael O'Dell  
Town Clerk