

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016 – 6:00pm  
Kitty Hawk Municipal Building

**AGENDA**

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
  - a. January 14, 2016
4. Administrative Report:
  - a. Town Council Action from February 1, 2016 Meeting
5. Site Plan Review:
  - a. Atlantic Dentistry & Sweet Frog's; 3704 & 3700 N. Croatan Highway
6. Conditional Use Permit:
  - a. Indoor Bounce House; 3809 N. Croatan Highway
7. Text Amendment:
  - a. Mobile Homes
8. Comments:
  - a. Chairman Richeson
  - b. Planning Board Members
  - c. Town Attorney
  - d. Planning Director
9. Public Comment
10. Adjourn
1. **CALL TO ORDER/ATTENDANCE:** Chairman Richeson called the meeting of the Kitty Hawk Planning Board to order at 6:00pm on Thursday, February 11, 2016. Due to Recording Secretary Patricia Merski's absence, Planning Director, Rob Testerman called the attendance.  
**PLANNING BOARD MEMBERS PRESENT:** John Richeson, Chairman; Bryan Parker, Vice-Chairman; Dylan Tillett, Member; Jim Geraghty, Member; Chuck Heath, Member; Dusty Rhoades, Alternate.  
**ABSENT:** Gary Muir, Alternate  
**STAFF PRESENT:** Rob Testerman, Planning Director; Steve Michael, Town Attorney.
2. **APPROVAL OF AGENDA:** Hearing no comments/corrections to the Agenda, the Agenda was approved unanimously.
3. **APPROVAL OF MINUTES:** January 14, 2016: Mr. Richeson asked if there were any comments/corrections to the Minutes and hearing none, the Minutes were approved unanimously.
4. **ADMINISTRATIVE REPORT:** Town Council Action from February 1, 2016 Meeting.
  - Mr. Testerman reported that the Town Council approved the Medical Center Conditional Use Permit for 5201 N. Croatan Highway which was initially tabled at the December, 2015 meeting.
  - The Council also approved the Site Plan Review and the Conditional Use Permits associated with Wendy's.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-2-

- **AS A SIDE NOTE:** Mr. Testerman stated that, as promised, the CAMA Land Use Plans that the Board Members requested at the January, 2016 meeting have been sent out for printing and should be available at the March, 2016 meeting.

5. **SITE PLAN REVIEW:**

- a. Atlantic Dentistry & Sweet Frog; 3704 & 3700 N. Croatan Highway

**PROPOSAL:**

This is a request to amend a previously approved site plan. Recently, approval was granted to demolish the southernmost building on the subject property, rebuild it to the same footprint and construct a 458 square foot addition. The demolition on the building has already occurred.

The most recent plan before the Planning Board included tying in all three properties; Atlantic Dentistry and the properties to the north and south. An access easement was to be required; however, the easement language was never able to be agreed upon by all three parties. The Applicant has come to an agreement with the property owner the south (Sweet Frog) to move forward with the project but the project no longer involves the property to the north (Harbour Bay Shopping Center).

The overall master plan of the final buildout is of the Atlantic Dentistry building which would be connected to Sweet Frog's building which would make a common wall. Sweet Frog's will be adding additional parking in the rear creating a new access lane onto Ascension Drive. Currently, there is a curb cut onto 158 which will be closed off by all the improvements if approved. Per the Applicant, this is proposed as a phased project.

Sheet 2 shows the Existing Conditions of what is currently on the ground, including the footprint of the recently demolished southern building on the Atlantic Dentistry site. Two curb cuts, the gravel parking and vegetation in the rear of Sweet Frog's and the septic area.

Phase I of the project which is the demolition which includes removing the areas of concrete and asphalt indicated by the red cross hatch marks. It also shows the clearing of some of the vegetation to the rear of Sweet Frog's which will make way for the temporary access drive.

Also as part of Phase I of the project shows the installation of the temporary access drive to Ascension Drive. In the areas of the new asphalt in the existing parking area shows two new parking spaces and the widening of the drive aisle at the north end of the property as well as the access point of N. Croatan Highway. It also shows the construction of the Atlantic Dentistry addition and a 216 sq. ft. addition to Sweet Frog's, creating a common wall which satisfies the setback requirements of the district.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-3-

Phase II there is more demolition indicating the gravel to be removed (red cross hatch markings) and the additional vegetation from Sweet Frog's which will provide the drainfield for the new septic and stormwater management and the perimeter vegetation will remain in place.

Also, as part of Phase II, the existing gravel parking in the rear of Atlantic Dentistry will be paved.

Phase II indicates the septic drainfield for Sweet Frog's to be relocated and to install stormwater management measures and temporary gravel access drive is to be expanded to parking spaces and a drive aisle.

In Phase IV, the parking area and gravel drive behind Sweet Frog's are to be paved and a small area of gravel is to be removed and a 614 sq. ft. additional between Sweet Frog's and Atlantic Dentistry is to be constructed.

Mr. Gomez, the Applicant, came forward and stated that he has had a discussion with the owner of Sweet Frog's; Glen Barwick concerning the proposed plan. First, Mr. Gomez stated that the driveway indicated on the site plan, instead of going around would go straight to the septic field. He also stated that it is too late in the season to do the rest of the addition and that this phase would not begin until September/October, 2016.

Mr. Testerman stated that as a site plan review, the application is being reviewed to determine whether it meets the zoning requirements and to be consistent with all of the Town's regulations, and not as a Conditional Use Permit where the use itself would be looked at to determine its appropriateness.

Mr. Geraghty asked both Mr. Testerman and Mr. Gomez what the anticipated time frame is for all of the phases of the project and Mr. Gomez stated that Dr. Heyder (Atlantic Dentistry) would like to start the construction as soon as possible and will take approximately 4-6 months for completion. (The addition and access for emergency vehicles should be done as soon as possible.)

Mr. Richeson asked about the septic part of the Master Plan, if that would take place earlier then presented in the original plan and Mr. Gomez stated that the septic field would be straight back and the current driveways would be for future parking.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-4-

Mr. Testerman stated that during the first phase, as soon as the two are built, the addition will create the common wall which will meet the setback requirements and the zoning ordinance as will the parking onsite which will also remain in compliance.

Mr. Gomez stated that the areas in the rear of Dr. Heyder's office has existing gravel which was previously approved and at this time there is no requirement to make a change as it is already there, but in bringing in the new area, that is required to be paved.

Mr. Testerman had a conversation with Ben Alexander, the Fire Inspector, concerning the temporary drive that is being proposed, it was determined that it meets the fire standards as shown on the current site plan.

Mr. Geraghty asked if the access to Ascension Drive's property line would be gravel or should be paved and Mr. Testerman stated that it would have to be looked into as to where it ties into Ascension and Mr. Testerman will check on how the Town has handled it in the past and that if it was tying into a DOT road there would be easement permits required.

Mr. Testerman also stated that as the process is beginning that would become a temporary/construction entrance because that is how it will be utilized while doing the improvements.

Mr. Richeson asked if all or part of Phase I will open up all the other accesses or will they be closed off and Mr. Gomez stated that the area would be closed as shown on the site plan. Mr. Richeson also asked if, as part of Phase I, before the ingress/egress onto 158 and the curb cut are closed, he would like to see Ascension Drive open, especially if the businesses will be open and would not want people trying to get in or out from one access onto the bypass.

Mr. Testerman stated that the parking lots at the front of the building are already connected even if the access to 158 is closed off early in the process, one access will remain to 158 and vehicles can cut through to Ascension Drive in the front, as the rear connection is currently not there.

Mr. Gomez stated that Dr. Heyder is willing to close that driveway which is of great interest to the Town and the Town would like to see that closed as soon as possible and Mr. Richeson asked if that was part of the original approval and Mr. Gomez stated that it is one of the positive aspects of the project.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-5-

Mr. Testerman stated that the Zoning Ordinance and the CAMA Land Use Plan both mention reducing the amount of curb cuts onto 158 which is definitely something the Town is in favor of.

Mr. Richeson clarified that the Phase I improvement will be the construction of the access to Ascension Drive and Mr. Gomez confirmed and that that would be done as soon as possible and it will be paved.

Mr. Richeson also wanted clarification if all four phases would be completed in a year and Mr. Gomez indicated that the project will take approximately 18 months and the goal for completion would be the summer of 2017.

Mr. Richeson asked if the second access to Ascension Drive would be completed before the summer of 2016 and Mr. Gomez stated that the pavement would be before the summer of 2017 and it will be fully paved. Mr. Gomez indicated that there would be 20' wide gravel drive which would meet the Fire Department standards.

Mr. Parker asked if the timing of the construction would interfere with the site plan approval and what is that time line

Mr. Testerman stated that as long as the construction begins within 180 days which also ties in with the building permits that once they are issued there is a year to do a certain percentage of the work and assuming that percentage is done and the permit(s) is still valid, but if that certain percentage is not done within that timeframe, the permit expires.

Mr. Richeson asked what would happen, once the project is approved and during the two-year timeframe, one of the partners decided to abandon the project for whatever reason, what would happen?

With said, Mr. Richeson asked Mr. Gomez if he would be willing to secure a 'Performance Bond' which would ensure that the project would be completed and should the 'Performance Bond' be in place for the site plan is approved?

Mr. Michael stated that the 'Performance Bond' needs to be in place before the site plan is approved to move ahead with the project. He also stated that the Town needs to have something to say that the plan is approved because the two have the 'Performance Bond' and should one of the owners back out the Town would know that the money is there.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-6-

Mr. Michael also stated that the last thing the Town wants is another gravel driveway/parking lot and it is up to Mr. Gomez and his clients to satisfy to the Town that this is going to happen and this is what we are doing to ensure that it will happen.

Mr. Geraghty asked about the zero lot line prior to the paving and Mr. Michael stated that was correct and that if someone walks away we have the party wall and you can violate the setbacks, then the project is not complete and then what has to be done to satisfy the Town that the project is under completion.

Mr. Testerman stated that the last time this was before the Board, the Board made the condition that the access a would agreement had to be in place before Council could review it and Mr. Testerman asked is this again was what the Board would like to propose?

Mr. Testerman stated that if the Board is only looking at the site plan and if the Board is happy with the site plan as is, making the recommendation would make sure all the legal points are addressed before the project is presented to the Council, assuming there are no changes to the site plan, except the minor change of running the access drive straight, rather than having this come back to the Board.

Mr. Richeson then asked Mr. Gomez how close is he in securing the 'Performance Bond' and Mr. Gomez stated that he needs to get prices from the contractors and also, because the septic field is being straight to the back also increases the price. He also stated that the easements take less time and Mr. Michael stated that they need to have an agreement for the revisions to the cross access to the easement.

Mr. Testerman stated that regardless how this is achieved with the Board, this is what the final site plan is going to be with the temporary drive cuts in the rear, nothing will change on the ground, with regards to how the 'Bond' is in place or how it gets worked out from a legal standpoint.

Mr. Richeson stated, that from a final standpoint, the project looks good and likes losing the curb cut and the two ingress/egress from Ascension Drive.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016  
-7-

Mr. Michael restated that the approval would be contingent upon the securing of the 'Performance Bond' before it goes to Council so that the Town is not stuck for another gravel drive project that does not get completed.

Mr. Richeson asked the Member of the Board if they had any further comments/questions and Mr. Michael again stated that as condition by the Board, both parties have to agree to the 'Performance Bond' being in place that guarantees to the Town that the project will be completed according to the site plan.

Mr. Richeson asked Mr. Gomez if that would be doable and Mr. Gomez stated there is another option, rather than obtaining a performance bond, the gravel drive could be paved as part of Phase I site improvements. And Mr. Testerman stated that would negate the need for a 'Performance Bond' and eliminate the gravel temporary access driveway and Mr. Gomez stated that the addition is not done and the parking in the back is required for the second phase of that building.

Mr. Michael stated that the additional piece on the site plan would be paved as part of Phase I or the 'Performance Bond' need to be posted satisfactory to the Town to ensure it will be paved and Mr. Richeson clarified that the rear is to be paved on condition that the rear area would be paved PRIOR to the issuance of the 'Performance Bond.'

Mr. Michael stated that it would not be paved before it goes to Council and per the site plan approval it will be paved as a condition of the approval or if it's to be paved at a later date, that the Owners have posted the 'Performance Bond' that would be satisfactory to the Town. He also stated that what Mr. Gomez stated makes more sense to pave it now and to move the septic now and if that can be done it will make it a lot easier to get the project approved.

Mr. Richeson asked for a Member of the Board to make a recommendation and Mr. Geraghty made the following: ***"I recommend approval of the site plan for additions to the existing Atlantic Dentistry officer building at 3704 N. Croatan Highway and Sweet Frog's at 3700 N. Croatan Highway subject to the Owners completing the site plan and paving as shown, or by obtaining a 'Performance Bond' acceptable to the Town which ensures the completion of the project including general site improvements shown on the site plan."***

Mr. Richeson asked for a second and Mr. Parker seconded the motion and it was passed unanimously.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-8-

6. **CONDITIONAL USE PERMIT:**

- a. Indoor Bounce House, 3809 N. Croatan Highway

**PROPOSAL**

The Applicant is requesting approval of a Conditional Use Permit to locate an indoor bounce house to be located at the Sea Dunes Shopping Center at 3809 N. Croatan Highway. The indoor bounce house would go into the southernmost unit of the building.

For zoning purposes of this Application, the indoor bounce house is being interpreted as 'game room', as this is the closest fit to what we have in the ordinance. Games rooms are permitted in the BC-1 district with a Conditional Use Permit provided that:

- a. A game room Conditional Use can coexist with another authorized district use within a freestanding detached building or within the area owned or leased by a person or entity with a multi-use building where the game room utilizes no more than 49% of the gross (interior) square and areas to which customer access of the floor area, excluding designated storage areas and areas to which customer access is prohibited.
- b. Supervision in the game room area shall be provided during all operating hours. If the owner or lessee of the game room allows the consumption of alcoholic beverages within the game room, then the supervising attendant must be at least 18 years of age.
- c. The game room area shall be constructed in such a manner and with such materials as to prevent any noise originating within the facility from being heard beyond the approved site boundary. Noise within the game room must not be audible beyond the boundaries of the area leased or owned by the game room operator. An architect, engineer or other qualified professional must certify on the site plan that the proposed design and materials will comply with these standards.
- d. The maximum number of occupants shall be determined by the building inspector according to the standards of the state fire code. The maximum number of occupants allowed in the game room shall be posted in a conspicuous place therein and its limits shall not be exceeded.
- e. No alcoholic beverages shall be sold in the game room and no alcoholic beverages shall be consumed therein unless permitted by state law and in compliance with state law and laws of the Town.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016

-9-

- f. It shall no be permissible to stimulate play by gambling incentives such as, but not limited to, free plays or games, monetary rewards or the exchange of coupons redeemable for play or gifts.
- g. The parking requirement shall be calculated on the basis of one space for each 200 square feet of floor area devoted to game room use.
  - The Applicant will be using two (2) units which would create approximately 2,800 square feet of space for the bounce house.
  - The facility is not going to employ 1-4 personal trainers and the use is intended to serve children ages 2-12 and will include inflatable slides, bounce houses and obstacle courses.
  - It will employ five (5) part-time employees who will be educated in the safety and use of the equipment. The equipment must have an inspection done by the Elevator and Amusement Device Bureau of the NC Department of Labor prior to opening and the Applicant will also have a liability policy in place.

**BACKGROUND INFORMATION**

The subject property is presently zoned General Beach Commercial (BC -1) and is a multi-tenant commercial use. The property has approximately 430 feet of frontage on N. Croatan Highway. In total, the lot is 58,064.24 square feet (1.33 acre) in area.

Directly abutting the subject property to the south is Stack 'Em High, zoned BC-1; to the rear of the subject property is the Sea Dunes multi-family residential development, zoned BR-3; to the north is Longboards Island Grill, zoned BC-1 and to the west of the subject property, across N. Croatan Highway is the Nolan Company, also zoned BC-1.

**LOT COVERAGE AND BUILDING SETBACKS**

The lot coverage and building setbacks are all compliant as they were built to the standards that were approved when the development was originally built.

**BUFFERS**

The Zoning Ordinance requires buffers between commercial zones and abutting residential zones. The original site plan approval, when the building was developed, did not include a vegetative buffer between the BC-1 district and the BR-3 district to the west. Upon a physical inspection of the property by Mr. Testerman, he did not see a vegetative buffer but stated that there is a six (6) or seven (7) foot fence that separates the two.

Per the Staff's opinion, a new tenant moving into the building would not warrant a requirement to establish a vegetative buffer at this point in time.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016  
-10-

**PARKING**

Parking requirements pertaining to 'game rooms' requires one (1) space per 200 square feet of gross floor area which equates to fourteen (14) parking spaces for the 2,800 square feet use. The parking lot for the development was approved and built considering the entire building, with a parking rationale of one (1) space per 350 square feet plus one (1) space per two(2) employees, for a total of 41 parking spaces on site.

The ADA standards require a minimum of two (2) handicapped accessible parking spaces; currently, one (1) ADA compliant space exists on the site.

**LIGHTING/SIGNAGE**

There are no proposed changes to the lighting or signage. Should that change, permits would be reviewed and would then be approved administratively by the Planning & Inspections Department.

**LAND USE PLAN**

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the property as a "Commercial, Shopping and Working Area" on the future land use map.

The following policies and objectives relevant to this Application are stated in the CAMA Land Use Plan:

**Policy 4a:** Kitty Hawk, through its zoning ordinance, will continue to direct the placement of commercial development in areas zoned for such activities.

**Policy 4e:** Kitty Hawk will review and analyze development and redevelopment proposals for consistency with the future land use map included in the land use plan.

**Objective 16a:** Monitor and consider redevelopment proposals for consistency with stated Town land use and development goals.

**CONDITIONAL USE FINDINGS**

Per the standards of Section 42-99(b)(7), in order to approve this Application, the Town Council must make findings that the proposed conditional uses:

- a. Does not materially endanger the public health or safety,
  - There is no evidence to suggest that allowing the use of this building for an indoor bounce house would endanger public health or safety.
- b. Does meet all required conditions and specifications,
  - The existing building was constructed to meet all conditions and specifications, the new proposal includes no changes and will also meet all requirements.
- c. Will not substantially injure the value of adjoining property or be a public nuisance, and,
  - There is no evidence to suggest that the proposed use would injure the value of adjoining property, or be a public nuisance.

Kitty Hawk Planning Board

Meeting Minutes

February 11, 2016

-11-

d. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

- The reuse is compatible with the surrounding zoning and commercial land uses,.
- Per stated policies in the Town's adopted land use plan, the reuse of this business will be located on existing, commercially zoned properties.

Mr. Richeson asked Mr. Michael for clarification 'that it is the owner's responsibility to provide the required number of ADA spaces' and Mr. Michael stated 'yes.'

Mr. Rhoades asked if there were currently bathroom facilities in place or will that have to be added and Mr. Testerman stated that the facilities are already in place.

Ms. Mattingly, the Applicant, was asked by Mr. Richeson if the facility will be ADA compatible and she stated that her employees will be educated on the rules and regulations regarding ADA clients.

Mr. Tillett questioned the parking for multi-unit buildings and if the available parking is specific to that particular unit and what if less parking is utilized or are the parking requirements viewed as a whole? Mr. Testerman stated that this is a different situation regarding individual uses and how the parking is divided. He stated that not knowing what to expect in the future, and because game room resemble this type of use, the bounce house may not necessarily need the 14 parking spaces. The 'game room' as it is written, was probably geared more toward arcades which may have a higher volume of participants during business hours.

Mr. Rhoades asked whether the facility would be used for children's birthday parties or was this just a seasonal operation and Ms. Mattingly stated that it would be used for birthday parties.

Mr. Richeson, hearing no further comments/questions, asked for a Member of the Board to make a recommendation and Mr. Richeson made the following: ***"I recommend approval of the Conditional Use Permit for the establishment of a game room to be located at 3809 N. Croatan Highway. The Board has found this proposal to be consistent with the Town's adopted land use plan."***

Mr. Richeson asked for a second and the motion was passed unanimously.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016  
-12-

7. **TEXT AMENDMENT**

a. Mobile Homes

Last month the Board tabled this issue and Mr. Testerman indicated that the intent of this Text Amendment is to clear up wording inconsistencies of the ordinance.

**BACKGROUND INFORMATION**

Due to some inconsistencies in the ordinance, this issue was brought to Mr. Testerman's attention for review and to 'clean up' some of those inconsistencies.

Currently, mobile homes are permitted use in the VR-2 and VR-3 districts. Also, there is a mobile home park ordinance which has a subsection that says, 'all mobile homes and travel trailers will be either in a mobile home park or a travel trailer park.'

Mr. Testerman also stated that there is an inconsistency between 42-616 which says, 'all mobile homes have to be in a mobile home park and VR2-274 allows mobile homes as permitted use by right in the VR-2 district and currently 42-275 which allows, as a permitted use by right in the VR-3 district.

The proposal is to take that out of the VR-2 district, leaving mobile homes as a permitted use by right in the VR-3 district and that would not change. 41-616 would then be revised as follows:

- (a) All ~~mobile homes~~, trailers and campers shall hereafter be located for occupancy in a ~~mobile home park~~ or trailer park only as provided for in this chapter.  
As you can see, the ~~mobile home~~ reference was crossed out in 616(a) and a new 616(b) was added that states:
- (b) All mobile homes shall hereafter be located for occupancy in a mobile home park only as provided for in this chapter or as provided for by Section 42-275(b)5.

Mr. Testerman referred to the zoning map on the screen indicating that the VR-2 district is in red and the VR-3 district is in green. The VR-2 district begins at the southside of West Kitty Hawk Road and extends down Poor Ridge Road and VR-3 is on the north side of Kitty Hawk Road around the International Hostel and the camp ground extends north up to Twiford and encompasses the area with the travel trailer park that was reviewed by the Board less than a year ago with the Preserve.

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016  
-13-

Mr. Testerman found a few more areas in the ordinance that stated that mobile homes were allowed as permitted uses and the Board is being asked to consider the following changes:

**Sec. 42-1 Definitions:**

*Manufactured home* means a structure that is transportable in one or more sections. In traveling mode, the home is eight (8) feet or more in width and forty (40) feet or more in length. A *manufactured home* is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is:

1. At least 400 square feet.
2. Built and remains on a permanent chassis.
3. Designed to be used as a dwelling with a permanent foundation built to FHA criteria.

The structure must be designed for occupancy as a principle residence by a single family.

*Mobile home* means a structure that has all of the following characteristics:

1. It consists of a single unit completely assembled at the factory.
2. It is designed so that the total structure can be transported on its own chassis.
3. It is over 32 feet long and 8 feet wide.
4. It is designed to be used as a dwelling unit and provides complete independent living facilities, including provisions for living, sleeping, eating, cooking and sanitation,
5. It is actually being used, or is held ready for use, as a dwelling.

Mr. Testerman added 6:

6. Built prior to June 15, 1975.

A *modular home* is manufactured in a production facility and built in multiple sections. The sections are then transported and assembled at a location; unlike a mobile home, a modular home cannot be moved and is built to the local building codes as opposed to HUD standards. A modular home would not be affected by these proposed changes.

**CHANGES**

**BR-1: 42-247(b)1; BR-2: 42-248(b)1; and BR-3: 42-249(b)1:** The change was 'permitted use' detached single-family dwellings, and currently it states 'not to include mobile home or manufactured homes.

**BC-1: 42-205(c)1; BC-2: 251(c)1:** A similar statement was added: Single-family dwellings, not to include mobile or manufactured homes. A single-family dwelling must comply with the dimensional requirements of the BR-1 district,

**BH-1: 42-253(c)1:** (Note: Mr. Testerman conferred with a former Planner regarding the current description):

Kitty Hawk Planning Board

Meeting Minutes

February 11, 2016

-14-

~~Residential. Single-family dwellings, not to include mobile or manufactured homes. A single-family dwelling must comply with the dimensional requirements of the BR-1 district. Provided the height from ground elevation to the top of the top plate is 27 feet, the height of habitable floors :poles, communication masts and aerials.~~

The former Staffer indicated that some of the zoning ordinances were revamped and changed the height requirements to be 35 feet from grade and somehow the requirement for BH-1 was left out, the change would make it more consistent with all the districts. Single-family dwellings are not to include mobile homes or manufactured homes. A single-family dwelling must comply with the dimensional requirements of the BR-1 district which is in the BC-1 and BC-2 districts for single-family homes which means that the setbacks and height requirements will all be regulated to BR-1.

**VR-1: 42-273(b)1; VR-2: 42-274(b)1:** Both were changed to make it consistent with all the other definitions. Also, in VR-2 42-274(b)1 was removed which allows mobile homes currently as permitted uses.

**BC-1** was changed to be consistent with the other definitions for all the other commercial districts that include residences as a permitted use and the same pertains for **VC-1 and VC-2**.

**42-616 Mobile Home Park:** Change 616(a) All mobile homes, trailers and campers shall thereafter be located for occupancy in a mobile home park or trailer park only as provided for in this chapter.

- b. All mobile homes shall hereafter be located for occupancy in a mobile home park only as provided for in this chapter or as provided for by Section 42-275(b)5.
- c. No person shall maintain, operate or occupy a mobile home or travel trailer park in the Town unless such park has been located in accordance with this chapter.
- d. Except as otherwise provided, this division applies to mobile home and trailer parks.

Mr. Richeson made a statement of clarification of the definitions that 'before 1975 it's a mobile home and after June 15, 1975, it is classified as a 'manufactured home? He went on to state that both have their own chassis and wheels and a modular home is the one that is brought in in different sections but it built to the building codes as a modular home cannot be moved?"

Kitty Hawk Planning Board  
Meeting Minutes  
February 11, 2016  
-15-

Hearing no further comments/questions from the Board, Mr. Richeson asked for a Member of the Board to make a recommendation and Mr. Parker made the following: ***"I recommend approval of the proposed Text Amendments, revising the section listed in the Staff Report, regarding placement of mobile homes in 42-616, subsection B within the Town of Kitty Hawk amending the definition of mobile homes and adding the definition of manufactured homes. The Board has found this proposal to be consistent with the Town' adopted land use plan."***

The motion was seconded and the motion was approved unanimously.

**COMMENTS:**

- a. Chairman Richeson – Mr. Richeson thanked the Board for a good meeting and for the clarifications on the last item of business.
- b. Planning Board Members – Mr. Tillett asked are there separate zoning ordinances for shopping centers and multi-use structures regarding the parking requirements as a lot of business come and go and how is that regulated?
  - Mr. Testerman clarified, for inventory purposes, it is what currently exists and what kind of parking each business requires and Mr. Tillett asked if any records are kept in tracking parking as he is aware that some towns have done parking studies and Mr. Testerman stated 'no.'
  - Mr. Richeson commented that it could be determined by storage and office space and Mr. Testerman stated that some retail businesses count gross floor space.
  - Mr. Rhoades asked if parking spaces are determined by the one space/350 sf and 1-2 employees and that most retail storage is not counted into the parking calculations and that handicap spaces reduce that amount.
- c. Town Attorney – no further comments
- d. Planning Director – see above
8. **PUBLIC COMMENT:**  
There were no further comments from the Applicants, etc.
9. **ADJOURN:**  
Mr. Richeson adjourned the meeting at 7:35pm.

Respectfully submitted by Patricia Merski, Recording Secretary