

**Kitty Hawk Planning Board Meeting  
February 16, 2017 – 6:00pm  
Kitty Hawk Municipal Building**

**Agenda**

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1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
  - a. January 19, 2016
4. Administrative Report:
  - a. Town Council Action from 2/6/17 Meeting
5. Public Comment
6. Subdivision:
  - a. 1206 W. Kitty Hawk Road, 3 Lots. The Applicant is seeking final plat approval for this 3 lot subdivision
7. Comments:
  - a. Chairman Richeson
  - b. Planning Board Members
  - c. Town Attorney
  - d. Planning Director
8. Adjourn

**1. Call to Order/Attendance**

Chairman Richeson called the Kitty Hawk Planning Board Meeting to order at approximately 6:00pm with the roll call taken by Recording Secretary Patricia Merski.

**Board Members Present:**

John Richeson, Chairman; Bryan Parker, Vice-Chairman; Chuck Heath, Member; Jim Geraghty, Member; Gary Muir, Alternate

**Absent:**

Dusty Rhoads, Member; Jan Collins, Alternate.

**Staff Present:**

Robert Testerman, Director, Planning & Inspections; Casey Varnell, Town Attorney; Patricia Merski, Recording Secretary.

**Voting:**

Due to the absence of Member, Dusty Rhoads and Alternate, Jan Collins, Gary Muir would therefore participate in the voting.

**2. Approval of Agenda:**

Hearing no objections/changes/corrections to the presented Agenda, the Agenda was approved as submitted.

**3. Approval of Minutes: January 19, 2017**

Hearing no objections/changes/corrections to the January 19, 2017 Minutes, the Minutes were approved with Vice-Chairman Parker making the motion to approve and Chairman Richeson seconded and the Minutes were approved as submitted.

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4. **Administrative Report: Town Council Action from the February 6, 2017 Meeting:**

Mr. Testerman stated that at the February 6, 2017 Town Council Meeting,, the Council has scheduled public hearings for the three (3) Conditional Use Permits presented at the January 19, 2017 Planning Board Meeting: the two (2) game rooms and the ENT office and a public hearing has also been scheduled for the Text Amendment for the site plan approval extensions.

As an aside, Mr. Testerman stated that the Conditional Use Permit for the ENT was withdrawn but the Applicant may still be searching for another location in Kitty Hawk.

5. **Public Comment:**

Chairman Richeson asked if anyone in the audience would like to come forward to address the Board, they could do so at this time and hearing no comments from the audience, Chairman Richeson closed the "Public Comment" portion of the meeting.

6. **Subdivision:**

a. **1206 W. Kitty Hawk Road, 3 Lots.** The Applicant is seeking final plat approval for this 3 lot subdivision.

Mr. Testerman had the plan on the projector screen for the Board to reference. He stated that in October, 2016, the Board reviewed the preliminary plat for the subdivision which was a fairly straight-forward subdivision proposal with no new road improvements nor any future site work.

The preliminary plat was approved by Town Council with the four (4) conditions that the Board had recommended:

**Conditions Set on Preliminary Plat:**

- Wetlands need to be shown on the preliminary plat and need to be identified as either Sec. 404 wetlands or CAMA/CRC wetlands.
- **Wetlands have been delineated on the plat. Staff has also received a jurisdictional determination from the U.S. Army Corps of Engineers verifying the wetlands shown.**
- Proposed driveway areas should be shown on the preliminary plat, otherwise an access easement will need to be put into place between lots 1 and 2 as the existing driveway cuts through lot 1 to access lot 2.
- **Specific driveway locations are unknown at this time; however, a note has been added to the plat that each lot shall construct its own driveway access to Kitty Hawk Road and that the existing driveway on lots 2 and 2 shall be configured and Staff finds that acceptable.**

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- The third requirement concerning the non-conformed structures: the four (4) sheds on lot 2 were legal non-conformities; therefore, no changes were required nor changes to the smaller sheds.
- The larger shed on lot #1 had been built without a permit. It was not anchored and set within the side yard setback and, thus, the shed has been removed and the conditions were complied with.
- Also, addressed have to be assigned to the aforementioned properties and Mr. Alexander has completed the preliminary work and will submit for the addressed to be finalized.
- At this point, Mr. Richeson asked if the Board had any questions for Mr. Testerman or for the Applicant. Mr. Geraghty stated that at the October, 2016 meeting it was discussed that the easements for the driveways were not a concern of the Town and therefore, should not be a condition for approval. Mr. Richeson stated that he had raised that question at the October, 2016 meeting and then withdrew it because anyone can let someone else use their property and Mr. Testerman stated that he had overlooked that from the October, 2016 meeting.
- Mr. Richeson then asked for a Member of the Board to make a recommendation and Mr. Geraghty made the following: ***“The Planning Board accepts all conditions of the preliminary plat having been met and also those concerning the driveway easements, and recommends approval of the final plat for EasternNcRemodel LLC that divides one existing parcel off of W. Kitty Hawk Road into three lots and conforms to the Town’s adopted land use plans.”***
- Mr. Richeson seconded the motion and was passed unanimously.

(NOTE: Mr. Testerman, at this time, had handed out to the Board, the “Town of Kitty Hawk Planning Board Rules of Procedures)

7. **Comments:**

- a. Chairman Richeson – no comment other than to acknowledge receipt of the “Rules” handed out by Mr. Testerman.
- b. Planning Board Member – no comments
- c. Town Attorney – no comments
- d. Planning Director: Mr. Testerman stated that the last time the “Rules” were edited was approximately 15 years ago and asked that the Board review and make any additions/corrections/recommendations to Mr. Testerman to be addressed at the March, 2017 Meeting.

Mr. Richeson commented on the last paragraph on Page 3 that was probably updated in 2002.

8. **Adjourn:** Hearing no further comments/issues, Mr. Richeson adjourned the meeting at approximately 6:10pm.

Respectfully submitted by Recording Secretary Patricia Merski.