

Kitty Hawk Planning Board Meeting]
September 17, 2020 – 6:00pm
Kitty Hawk Municipal Building

AGENDA

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
 - a. July 7, 2020
4. Administrative Report:
 - a. Town Council Action from September 8, 2020 Meeting
5. Public Comment
6. Conditional Use Permit:
 - a. Church – Sheepdog Ministries – 3834 N. Croatan Highway
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 September 17, 2020 Kitty Hawk Planning Board Meeting to order at approximately 6:00pm.

Board Members Present:

John Richeson, Chairman; Dusty Rhoads, Member; Chuck Heath, Member; Gary Muir, Alternate; Rob Testerman, Planning Director

Absent:

Bryan Parker, Vice-Chairman; Jim Geraghty, Member; Matt Spencer, Alternate; Casey Varnell, Town Attorney.

2. **Approval of Agenda:**

Hearing no objections/changes/corrections to the September 17, 2020 Agenda, the Agenda was approved unanimously.

3. **Approval of Minutes:**

Hearing no objections/changes/corrections to the July 16, 2020 Meeting Minutes, the Minutes were approved with Mr. Rhoads making the motion to approve and Mr. Richeson seconded and the Minutes were approved unanimously.

4. **Administrative Report: Town Council Action from September 8, 2020 Meeting:**

Mr. Testerman stated that the Council unanimously approved the Text Amendment request for the building height measurement of 35' from finished grade and the fill limitations that were also in the Text Amendment.

5. **Public Comment:**

- There were no audience members in attendance at the meeting, but, Mr. Richeson reiterated that this portion of the meeting was for those in attendance who could come forth to address the Council with any issues.
- Due to no one in attendance, Mr. Richeson closed this portion of the meeting.

6. **Conditional Use Permit: Church – 3834 N. Croatan Highway**

- Mr. Testerman stated that the Applicant is requesting a Conditional Use Permit to use the existing commercial building as a Church at 3834 N. Croatan Highway.
- The use, as described by the Applicant, is a non-profit, operating primarily as a Christian Church that offers a place of fellowship and worship as well as a location to participate in small groups for fitness, health and nutrition and also for small Bible study groups and to also include men's and women's groups. It would also include Bible camps for children, self-improvement, addiction and recovery groups; arts and crafts classes and also plans to do various outreach programs to help strengthen the community and those in need.
- There is also a sign in the window stating that there is also a gym within the Church.
- Mr. Testerman stated that Churches are permitted as a 'conditional use' in the BC-1 District . There are no specific conditions required within the Ordinance for approval for a 'conditional use' for a Church.
- Mr. Testerman also stated that since part of the Conditional Use Permit is being advertised as a gym, it is Staff's opinion that the conditions for 250(c)-13 should be met which are:
 - a. No promotional sales or services shall be visible outside of the building.
 - b. The building shall be designed so that any noise shall be contained within the building.
 - c. All lighting shall meet Section 42-515 for outdoor lighting.
 - d. Any outdoor uses or facilities shall be setback or buffered so that no noise will go beyond the property.
 - e. Massage personnel will be required to be licensed by the State.

Background:

The subject property is a multi-tenant building presently zoned General Beach Commercial (BC-1)

- The abutting properties to the north and south are also zoned General Beach Commercial (BC-1) with Gray's Department Store to the north and Noland's to the south.
- The parcel to the west of the subject property is zoned BR-1 and is occupied by the Lighthouse Church and across N. Croatan Highway to the east is zoned BC-1, and is occupied by Longboards Island Grill and the United States Post Office.

Proposed Uses:

- Church/fitness center. Both uses are permitted as a 'conditional use' in the BC-1 District
- Lot Area: The subject parcel is approximately 3.9 acres in size.
- Lot Coverage: Maximum lot coverage in the BC -1 District is 60%. Mr. Testerman stated that Staff does not have a recent site plan or a survey showing the existing lot coverage, but, the proposed use will not increase the lot coverage.
- Building Height: The building height is 35 feet from the existing grade exclusive of chimneys, flag poles, communication masts and aerials. It does appear that the existing buildings are compliant with the height requirements.

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- Access: There is a curb cut at the northern portion of the parking lot that accesses N. Croatan Highway as well as a connection to Gray's Department Store parking lot; also, a curb cut on the southern boundary of the parcel that accesses Beacon Drive.
- Parking: The Zoning Ordinance requirement is one parking space per 2.5 seats in the sanctuary for Churches and it is Staff's understanding that this is not a typical Church with a defined sanctuary nor is it a full 'fitness center' that would require the parking standards to be met and also at this time an estimate has not been provided to Staff on how much parking should be delineated.
- At this time, they will have access to the entire parking lot and the evenings are generally when the Church meetings take place; there is a Thursday night Fellowship meeting and the Applicant stated that, eventually there will be Saturday evening meetings with an approximate 50 in attendance or much smaller.
- **Conditional Use Permit Specific Requirements:**
 - There are no proposals for any promotional sales or services outside of the building.
 - The building shall be designed so that any noise shall be contained within the building.
 - Mr. Testerman stated that, currently, there are no building specifications to indicate how the noise will be contained within the building; however, the Town has other full service fitness centers housed in multi-tenant buildings; but, in this instance, given the limited uses of the fitness center in the Church, there is no reason to believe that compliance could not be met.
 - Lighting: All lighting shall meet Section 42-515 for Outdoor Lighting.
 - Outdoor Uses: any outdoor uses or facilities shall be setback or buffered so that no noise will go beyond the property and at this time there are no outdoor lighting proposals that have been submitted to Staff.
 - Massage Personnel will be required to be licensed by the State.

Conditional Use Findings:

Per Section 42-99(b)(7), to approve the Application for a Conditional Use Permit the following must be met:

- a. Does not materially endanger the public health or safety,
 - There is no evidence to suggest that allowing the proposed use room would endanger the public health or safety, as long as the safety measures recommended by the building and fire inspectors are met. (Both the Building Inspector and Fire Marshall have been at the building and verified that the building meets all codes.)
- b. Does meet all required conditions and specifications,
 - As noted in the Staff Report, the Proposal will meet all specific requirements of a fitness center and there are no conditions or specifications required for Churches.
- c. Will not substantially injure the value of adjoining property or be a public nuisance, and
 - There is no evidence to suggest the proposed use would substantially injure the value of adjoining properties or be a public nuisance.

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- d. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
- The proposed use is in harmony with the area which it is located and is in general conformity with the comprehensive plan and the future land use map indicates this area as a commercial area.
 - Mr. Richeson then asked if the Board had any questions and, out of curiosity, stated per the conditions of the Conditional Use Permit that no promotional sales or services will be visible outside of the building and if that statement is redundant for a non-profit organization and Mr. Testerman stated that per the Ordinance that would be required for gyms or fitness centers.
 - Hearing no further questions, Mr. Richeson asked for a member of the Board to make a recommendation and Mr. Heath stated the following: **"I recommend approval of the Conditional Use Permit for the establishment of a Church with an accessory fitness center use to be located at 3834 N. Croatan Highway, subject to the conditions listed in Section 42-250(c)31. The Board has found this proposal to be consistent with the Town's Adopted Land Use Plan.**
 - Mr. Rhoads seconded and the recommendation was approved unanimously.
7. **Comments:**
- a. Chairman Richeson – none
 - b. Planning Board Members – none
 - c. Town Attorney – Absent
 - d. Planning Director – None
8. **Adjourn:**
Hearing no further comments, Mr. Richeson adjourned the September 17, 2020 Planning Board Meeting at approximately 6:20pm,

Respectfully submitted by Patricia Merski, Recording Secretary