

Kitty Hawk Planning Board Meeting  
December 28, 2023 - 6pm  
Kitty Hawk Municipal Building

**AGENDA**

**1. Call to Order/Attendance:**

- Chairman Richeson called the December 28, 2023 Kitty Hawk Planning Board Meeting to order at approximately 6:00.
- Attendance: Chairman Richeson, Member; Jim Geraghty, Member; Matt Spencer, Member; Chuck Heath, Member; Rob Testerman, Planning Director
- Absent: Bryan Parker, Vice-Chairman; Blair Meads, Alternate; Craig Merrill, Alternate; Casey Varnell, Town Attorney

**2. Approval of Agenda:** Hearing no objections/additions/changes to the Agenda the Agenda was passed unanimously.

**3. Approval of Minutes: November 16, 2023** - Hearing no objections/additions/changes to the Minutes, Mr. Richeson made a motion to approve and Mr. Spencer seconded and the Minutes were passed unanimously.

**4. Administrative Report: Town Council Meeting - December 4, 2023**

- Mr. Testerman stated that the Council adopted the Text Amendment regarding the mini-warehouses in the Planned Commercial Development District. The Council removed the West Village Subdivision from the December 4, Agenda; reason: More information is needed from the DOT Town Engineer and the report from the School Board and the requested aforementioned information had not been received; therefore, it will be considered at the Council Meeting, February, 2024.

**5. Public Comment:** Mr. Richeson stated that this portion is dedicated to those in the audience who would like to speak to the Board about any issues. He also stated, that the Board is an ‘advisory’ board to the Town Council where the Council can approve or deny what the Board has put forward. Seeing as no one approached the Board, Mr. Richeson closed this portion of the meeting.

**6. Subdivision** - 4410 Ridge Road - Subdivide existing 3.65 acres to parcel into two (2) lots.

- Mr. Testerman stated that the Applicant has submitted an Application and preliminary plat for the subdivision of the parcel at 4410 Ridge Road. The plat outlines a Proposal to subdivide one (1) existing parcel totaling 3.65 acres on the western side of Ridge Road; no road expansions are proposed as part of this subdivision.
- The two lots would be 91,578 sf (43,976sf) uplands and 67,316sf (28,621sf) uplands and both meet the amended upland requirements. Because no new improvements are proposed or recommended on conditions of approval, the plat is being presented as both the preliminary and final plat.
- If there are any conditions of approval which would require a revised plat, the Board can make a separate preliminary plat approval and require a revised final plat to be submitted at a later date.

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- Mr. Testerman stated that there have been other proposals for the same types of subdivisions submitted and he also stated that if the parent parcel was less than two (2) acres it would be considered an ‘exempt subdivision’ and would not be presented to the Board and because this Proposal has a two (2) acres threshold, these are presented for the Board and Council for the reviewing process
- Zoning: Zoning is VR-1 low density village residential. The minimum lot size in the VC-1 district is 15ksf of non-wetlands area and each of the lots exceed the minimum lot size and the recent Text Amendment regarding lot sizes does not specify that the uplands need to be contiguous and both proposed are also compliant.
- Density: The maximum permitted density is two (2) dwellings/acre and this Proposal equals approximately ½ dwelling per acre.
- Lot Width: Minimum lot size is 75’ measured at the front building setback line and the proposed lots are approximately 130’ and 100’ in width.
- Building Setbacks: Minimum building setbacks are 10’ along the side and 25’ at the front and rear. Setback lines are shown on the plat and will be reviewed should there be any future lot development.
- Road Frontage: Lots must have a minimum road frontage of fifty (50) feet and both lots comply with this requirement.
- Mr. Richeson and Board had no questions for Mr. Testerman or the Applicant and Mr. Richeson asked for a Member of the Board to make a motion and Mr. Geraghty made the following motion: “I recommend the approval of the preliminary/final plat at 4410 Ridge Road LLC that creates a total of two (2) lots on Ridge Road.” Mr. Richeson seconded and the motion was passed unanimously.

**7. Site Plan Modification** - 3708 N. Croatan Highway Commercial. Applicant proposes to add a new parking area.

- Mr. Testerman stated that the Applicant has submitted a Site Plan Modification request to add additional parking and an associated drive aisle to the existing commercial development on site and the proposed parking would be in the rear of the lot. (Background: In 2018 the Town Council adopted a Text Amendment that allows an additional built-upon area in excess of the maximum of 60% lot coverage up to a total of 72% built-up area if the additional 12% is of permeable pavement.)
- Mr. Testerman stated that the Applicant proposes to replace thirteen (13) existing parking spaces with permeable pavement and construct the new parking and drive aisles using permeable pavement and also, that on the Site Plan the permeable pavement would be Portland Cement Concrete or Bituminous Asphalt Pavement.
- In addition to the Site Plan, there are areas of impermeable concrete proposed at the northeast and northwest corners of the building which would provide smoking and non-smoking areas for customers as well as a base for a future generator and fire sprinkler check, control and riser room.
- Mr. Testerman also stated that the area to be considered regarding the site plan modification and zoning requirements are the lot coverage and the setback area and the maximum allowed on the lot coverage is 60% with an allowable additional 12% of built-upon area if permeable pavement

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is used and the proposed impervious lot coverage is at 59.9' and the proposed permeable pavement built-upon area is 10.8% which brings the total built-upon area is 70.7% which is compliant with the regulation.

- Mr. Testerman also stated that in the BC-1 District there is a 50% separation of commercial structures including parking lots to an adjacent residential zone. He also stated that there has been a recent Text change in that the separation zone must be reduced to 20' when the adjacent residential zone is a dedicated open space or recreational area of the adjacent residential development.
- To the west of the subject parcel is a recreational area for the Harbour Bay residential development and the proposed parking area is 25' from the property line and is compliant with the requirements.
- Mr. Testerman and the Applicant agreed that the as-built survey be at the end of the project and would include the permeable pavement materials used and that all were adequately installed, thus, verifying at the end rather than at the beginning of the process.
- Mr. Calfee, Applicant, is the Manager and sole member of the Harbour Bay LLC which owns the aforementioned property was present at the meeting.
- Mr. Richeson stated that as a 'matter of record', the Board has had the same issue before the Board on a property with a buffer near Seascape where it was a recreational area which was reduced and was not uncommon that backed up to the golf course.
- Hearing no questions from the Board, Mr. Richeson asked for a motion to be made and Mr. Spencer made the following: "I recommend the reapproval of this Site Plan modification at 3708 N. Croatan Highway with the conditions stated in the Staff Report except for the change that the materials used would be verified at the final Site Plan submission state." Mr. Geraghty seconded and the motion was approved unanimously.

**8. Comments:**

- Chairman Richeson – none
- Planning Board Members – none
- Town Attorney – absent
- Planning Director - none

**9. Adjourn:**

Hearing no further comments, Mr. Richeson adjourned the December 28, 2023 Meeting of the Kitty Hawk Planning Board at approximately 6:20pm.

Respectfully submitted by Patricia Merski, Recording Secretary