

Kitty Hawk Planning Board Meeting
November 14, 2024
Kitty Hawk Municipal Building, Smith Room

Minutes

The Town of Kitty Hawk Planning Board held its regularly scheduled meeting on Thursday, November 14, 2024. This meeting was held in the Smith Room at the Kitty Hawk Municipal Building, 101 Veterans Memorial Drive, Kitty Hawk, NC.

1.) Call to Order/ 6:01 p.m.
Attendance:

Members Present: John Richeson, Chairman Brian Parker, Vice Chairman
Chuck Heath, Member Dave Morton, Alternate

Members Absent: Jim Geraghty, Member Blair Meads, Alternate
Matt Spencer, Member

Others Present: Rob Testerman, Planning Director Casey Varnell, Town Attorney
Jessica Everett, Administrative Zoning Technician

Voting: In the absence of planning board members Jim Geraghty and Matt Spencer, Alternate Dave Morton will act as a voting member this evening.

2.) Approval of Agenda:

Hearing no objections/additions/changes to the agenda, the Chairman approved it as submitted.

3.) Approval of Minutes: Due to a technical malfunction, minutes from the September 19th meeting are not available and will be approved at the December meeting.

4.) Administrative Report:

Mr. Testerman: At the October 7th meeting council held a public hearing on the text amendment for the pier length and voted 4 to 1 to approve the text amendment at 300ft vs the 400ft that was proposed. The five-lot subdivision that is at the corner of Carrenda Lane and Kitty Hawk Road was approved. At the November 4th meeting they scheduled to hold

new public hearing on the pier text amendment it was noticed after the fact that there was a procedural issue that during the public hearing public comment was never asked for. To avoid issues there they decided to readvertise and hold that hearing. They also approved the text amendment that we put forward about the accessory structure definition and allow small assessor structures to be located as close as 5ft to the rear and side property lines. They did add additional language that if you are at that 5ft mark you cannot have any kind of noise generating use in those accessory structures. So, no woodshops or band practice to keep noise down for neighbors. Then based on some general discussion we have had during subdivision reviews in the village and development I had put together an agenda item going through every residentially developed lot in the village looked at lot size of every lot, how much of that was uplands and gave that to council for informational purposes to see how they want to proceed in the future with development patterns in the village. Every time we have a subdivision proposal back there the public comment, we hear is its too many houses or it's too dense even though it meets the minimum requirements. This is an effort to either get confirmation that we are good with that we have, or we are going to change it in one way or another. We did not get any definite direction from that at this point. I think the council wants to get more public input before bringing any recommendations forward. I have started putting together a mailing list for all the residents in the village and we are going to start putting together a community survey for the VR-1, VR-2, VR-3, V-C1 & 2 Council talked about creating a subcommittee to discuss those results and come to council with some kind of recommendation. This is going to be a several-month process, but we are in the early stages of it now.

Chairman Richeson: Wow, that was a lot Rob, thank you.

5.) Public Comment:

Chairman Richeson stated that this portion is dedicated to those in the audience who want to speak to the Board about any issues. Those speaking should come to the podium and state their name for the record. He also noted that the Board is an 'advisory' board to the Town Council, and the Council can approve or deny what the Board puts forward. Also, I want to mention that this is the only time in the meeting that the public is allowed to speak. After public comments closes the business will be conducted between the board members, the town attorney, the town planner and the applicant.

Seeing as no one approached the Board, Mr. Richeson closed this portion of the meeting.

6.) Commercial Site Plan Review

- a.) 4600 N Virginia Dare Trail – Sea Kove Motel (Att. #1)

Mr. Testerman: As noted at the top of the staff report I just want to point out that commercial site plan reviews are an administrative decision. If all minimum requirements are met, the proposal is entitled to approval. Kind of saying if it meets the minimum requirements, we are bound by what the ordinance states. The applicants are on hand to answer any questions. The applicant is on hand if you have any questions. Did you have anything prepared or that you would like to add?

Discussion:

- Chairman Richerson: Any questions for Rob or the applicant?
- Vice Chairman Parker: In the table to the right the proposed new units or bedrooms would be 46? Is that correct?
- Johnathan St. Leger: Yes, 46 units right there.
- Vice Chairman Parker: And I am assuming that the ocean front there are not changes for it.
- Johnathan St Leger: No changes it will be used as previously used.
- David Morton: Going back to the ocean front one that can be used just like it is right not. It's not being demolished.
- Johnathan St. Leger: Yes, use will stay the same and it is currently being used and has rental and guests in there.
- David Morton: As far as the potential conditions and approval that includes things like a CAMA permit.
- Mr. Testerman: They have already secured a CAMA permit.
- Johnathan St. Leger: Approvals that have been achieved already include a site-plan approval, CAMA permit, stormwater permit, three septic permits, fire hydrant have been tested for flow, sprinkler approval, commercial pool permit achieved.
- David Morton: And because of a previous life, are the sprinklers going in the building or just the proposed restaurant?
- Johnathan St. Leger: New sprinklers are going in all the buildings.
- David Morton: As far as flood permits go, does that go hand in hand with the building permits.
- Mr. Testerman: Yes, when the building permit is applied for, we will review the floodplain development requirements at that point too they will list any elevations requirements that they have.
- David Morton: Because of the zone it is in.
- Mr. Testerman: Yes
- Chairman Richeson: And the fire department has looked at it and signed off on it?
- Mr. Testerman: Yes, Dept. Chief Rogers has looked at this and has no concerns and no revisions needed?

- Chairman Richeson: Does anyone have any questions? Does someone want to make a recommendation at this point?

MOTION:

Chairman Richeson moved to make a recommendation of the commercial site plan, with those conditions listed in the staff report, for the proposed motel and restaurant use located at 4600 N Virginia Dare Trail.

Seconded by Vice Chairman Parker

Vote: YEAS - unanimous

7.) Comments:

- a. Chairman Richeson – none
- b. Planning Board Members - none
- c. Town Attorney - none
- d. Planning Director- none

9.) Adjourn:

Hearing no further comments, Mr. Richeson adjourned the November 14, 2024, Kitty Hawk Planning Board meeting at 6:16pm.

Respectfully Submitted,

Jessica M. Everett
Administrative Zoning Technician

ATTACHMENT 1

Post Office Box 549
101 Veterans Memorial Drive



Phone (252) 261-3552
Fax (252) 261-7900

MEMORANDUM

TO: Chairman Richeson and Members of the Planning Board
FROM: Rob Testerman, AICP, CFM, CZO, Director of Planning & Inspections
DATE: November 14, 2024
RE: **Site Plan Review: Motel, 4600 N Virginia Dare Trl**

Commercial site plan review is an administrative decision. If all minimum requirements are met, the proposal is entitled to approval.

Attachment: List of by-right and SUP uses in the BC-1

Proposal

The applicant has submitted a site plan for a new motel to replace the former motel at 4600 N Virginia Dare Trl, Sea Kove. Additionally, the development would include a new restaurant.

Background Information

The subject property is presently zoned General Beach Commercial (BC-1) and is currently vacant as the former Sea Kove operation was demolished in preparation for the new development.

The adjoining properties to the north and west are also zoned BC-1 containing single-family dwellings. The properties across NC 12 to the east, as well as the properties across Bleriot St to the south, are zoned BR-1 and contain single-family dwellings. One of the single-family dwellings on the east side of NC 12 is also owned and operated as part of Sea Kove.

Staff Analysis

Proposed Use: Motel and restaurant. Restaurants are permitted by-right in the BC-1. Motels are not currently permitted, however Sec. 42-250(h) applies in this scenario.

Rental unit nonconforming use and density grandfathering. Any motel, hotel, inn or cottage court in the BC or the BH zones may rebuild structures containing one or more rental units and/or freestanding structures used for rental purposes which were in existence and so used on August 18, 1986; notwithstanding such reconstruction would not comply with the density standards of this chapter. Any expansion of the business by the addition of more rental structures shall comply with all the nonuse standards and density standards of this chapter.

The proposed site plan does not add additional rental structures from what was currently on site (six), and while the structures are proposed to be larger than what was previously on site, the density (number of potential customers sleeping in said rental units) is not proposing to be increased.

Lot Area: The subject development site is comprised of eight parcels totaling 70,000 sq. ft. in area

Lot Coverage: Total allowable lot coverage is 60%, lot coverage physical area is permitted up to 72% provided that any lot coverage physical area in excess of 60% is comprised of permeable pavement.

Proposed lot coverage is 30,043 sq. ft., or 42.9%, lot coverage physical area is 48,784 or 69.7%.

Per Sec. 42-1, Definitions, “all permeable paving systems shall comply with the criteria of the NC DWQ Stormwater Best Management Practices Manual”. Documentation will be required to verify that the proposed permeable pavers meet this criteria.

Open Space: BC-1 requires a minimum of 25% open space (42-250(d)(8), with a lot coverage physical area of 69.7%, that leaves 30.3% open space

Building Height: Maximum permitted building height is 35'. Portions of the development are proposed to be 32’6” in height (Proposed buildings 2, 3, and 4), Proposed Building 1 is proposed as a single-story structure

Building Setbacks:

	<u>Proposed</u>	<u>Required</u>
Front	26 feet	15 feet
Rear	55 feet	20 feet
Sides	21 feet	10 feet (north)
	22 feet	15 feet (south, corner lot requires additional 5 feet)

Access: The applicant proposes 14 foot wide ingress/egress drive off of Lindbergh Avenue. The applicant also proposes a 20 foot wide ingress and a separate 12 foot wide egress drive on N Virginia Dare Trl.

Parking:

The zoning ordinance is inconsistent with regards to required parking for hotels and motels. In the table of Sec 42-546.- Minimum Parking Requirements, under *Residential and related uses*, “Hotels, tourist homes, motels motor courts, rooming houses, and boardinghouses” are listed as requiring 1.5 per each room to be rented, plus one additional per each three employees.”, two lines below that are parking standards for “Hotels and motels,” requiring 1.15 space per rental room. Additionally, for a hotel with a restaurant attached, one space per 3 restaurant seats for 50% seating capacity is required. As there is such a discrepancy, staff has required the less restrictive requirement. If challenged, this would likely be the end outcome.

<u>Parking Calculations</u>	<u># Required Spaces</u>
1.15 per rental room/29rental rooms	33.35 spaces
1 per 3 seats at 50% capacity	11.4 spaces

TOTAL 45 spaces required.
PROPOSED 59 parking spaces, including four handicapped accessible parking spaces.

Off-street loading.

Sec. 42-547 states: Retail operation, *including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 sq. ft. or more devoted to that purpose* require one loading berth per 20,000 sq. ft. of floor area

There is less than 20,000 sq. ft. of floor area devoted to the restaurant use/purpose, therefore no loading berths are required for the restaurant use.

Sec. 42-547 also states: Office buildings and *hotels with a total usable area of 100,000 sq. ft. or more devoted to such purposes* require one loading berth for every 100,000 sq. ft. of floor area.

Again, the hotel/motel use does not meet this square footage threshold, thus no off-street loading berths are required.

Dumpster: The dumpster pad is located off Lindbergh Avenue and has been approved by Dare County Sanitation.

Lighting: A specific lighting plan has not been submitted as part of this project. Greater detail on the lighting must be provided prior to permitting and must be compliant with the Town's outdoor lighting ordinance, Sec. 42-515.

Signs: A sign plan has not been included in the proposed development project but will require separate sign permitting prior to any new signage being installed.

Erosion & Sediment Control: Plan will be reviewed by Town staff prior to permitting.

Stormwater Plan: Per the applicant, a State Stormwater Permit has already been issued for the site. Prior to issuance of building permits, a copy will be provided to staff.

Wastewater: Per the applicant, Dare County Environmental Health has issued three septic permits, one for each septic system on site. Prior to issuance of building permits, copies to be provided to staff.

Buffer/Separation Zone: Sec. 42-250(d)(7) requires a 50 foot separation between any building or other facility (such as parking areas, trash collection areas, etc.) and abutting residential zoning districts. The ordinance goes on to state that the width of a road and its right of way can be include

as part, or all of the 50-foot separation zone.

As noted previously, the subject site is bounded to the east, and south by residential zoning districts. To the south, using the Bleriot St. right-of-way, the subject site parking area is separated by 72 feet from the adjacent residential zoning district. To the east, using the N Virginia Dare Trail right-of-way, the proposed facility is separated by 60 feet from the adjacent residential zoning district.

The areas to the north and west contain single-family dwellings, but it is zoned as the BC-1 district, thus the 50 foot separation is not applicable.

Staff Analysis and Recommendations:

It is staff's opinion that all zoning requirements are met by the proposal. Although hotel/motel is not a use currently permitted in the BC-1 district, Sec. 42-250(h) specifically and directly permits the reconstruction of this type of use within the BC-1 district. As noted previously, the site is comprised of eight separate lots, alternate potential uses permitted by-right for the site could be eight single-family dwellings, or any of the uses listed in the BC-1 district, offices, retail stores, service establishments.

Potential conditions of approval:

- Prior to installation of any outdoor lighting, a lighting plan be submitted and approved by staff
- Prior to issuance of any building permits, copies of the stormwater permit and septic permits be submitted to staff.
- Submit documentation/engineering verifying that permeable pavers are compliant materials to be considered permeable pavement.

Planning Board Action

The Planning Board has been asked to provide the Town Council with a recommendation regarding the site plan for the motel proposal.

Should the Planning Board decide to recommend approval of the proposed site plan, the motion could be worded in the following manner:

“I move to recommend approval of this commercial site plan, with those conditions listed in the staff report, for the proposed motel and restaurant use located at 4600 N Virginia Dare Trail.”

Should the Planning Board decide to recommend **denial** of the proposed site plan, the following motion could be used:

“I move to recommend denial of the site plan proposal for the motel and restaurant uses [Insert sections of town code proposal is non-compliant with].”

Directions to the Subject Property

(from Kitty Hawk Post Office, N. Croatan Highway & Kitty Hawk Road)

Turn right onto E Kitty Hawk Rd, drive 0.1 mile

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Turn left onto N Virginia Dare Trl, drive 1.4 miles

The subject properties are located on the left (west) side of NC 12 at the northwest corner of N Virginia Dare Trl and Bleriot St.