

Kitty Hawk Planning Board  
Meeting Minutes  
Thursday, May 12, 2016 – 6:00pm  
Kitty Hawk Municipal Building

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes
  - a. April 14, 2016
4. Administrative Report
  - a. Town Council Action from May 2, 2016 Meeting
5. Text Amendment:
  - a. Section 42-419(3) PCD Minimum Required Buffers
6. Comments:
  - a. Chairman Richeson
  - b. Planning Board Members
  - c. Town Attorney
  - d. Planning Director
7. Public Comment
8. Adjourn
1. **CALL TO ORDER/ATTENDANCE:** Vice-Chairman Bryan Parker called the meeting of the Kitty Hawk Planning Board to order at approximately 6:00pm on Thursday, May 12, 2016  
**PLANNING BOARD MEMBERS PRESENT:** Bryan Parker, Vice-Chairman, filling in for John Richeson, Chairman; Dylan Tillett, Member; Jim Geraghty, Member; Chuck Heath, Member; Dusty Rhoades, Alternate.  
**PLANNING BOARD MEMBERS ABSENT:** John Richeson, Chairman; Gary Muir, Alternate. Due to the absence of Mr. Richeson, Mr. Rhoades, Alternate will vote in Mr. Richeson's absence.  
**STAFF PRESENT:** Rob Testerman, Planning Director; Casey Varnell, Attorney, substituting for Steve Michael, Town Attorney; Patricia Merski, Recording Secretary.
2. **APPROVAL OF AGENDA:** Hearing no comments/corrections to the Agenda, the Agenda was approved unanimously.
3. **APPROVAL OF MINUTES – APRIL 14, 2016:** Hearing no comments/corrections to the April 14, 2016 Minutes, the Minutes were approved unanimously.

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4. **ADMINISTRATIVE REPORT – TOWN COUNCIL ACTION FROM APRIL 16, 2016 MEETING**
  - a. Mr. Testerman stated that the Town Council has scheduled a public hearing for the Jet Surf Kayak Rental property for their June meeting.
  - b. He also stated that the Town Council approved the revised site plan for Beach Medical for the roadway reconfiguration.
5. **TEXT AMENDMENT: SECTION 42-419(3) – PCD MINIMUM REQUIRED BUFFERS PROPOSAL:** The proposed Text Amendment would change the existing zoning ordinance as follows:  
***42-419(3) Minimum Buffer Required.*** No structure, parking area or other facility such as trash collection areas or other use, except open spaces for recreational or decorative purposes and subsurface water, wastewater and septic systems and underground utilities, shall be erected or established within a distance of 50 feet from any planned commercial development project exterior boundary or perimeter line, except that where a PCD abuts a planned unit development (PUD), **or abuts a non-residential zoning district**, this restriction shall not apply. **If the restriction applies**, vegetation shall be maintained in the buffer zone.

Mr. Testerman stated that an Application for the Text Amendment came in to amend Section 42-429(3) which is the *Minimum Buffer Required in the PCD district*. In the Staff report, in red, shows the proposed changes.

Mr. Testerman stated that now there is a 50 foot buffer in place between any exterior boundary line or perimeter line of the PCD, except where it abuts the PUD. The Text Amendment Application would change that, so the 50 foot buffer does not apply if the exterior boundary abuts a non-residential zoning district. That would bring it in line with what the current buffer requirements for the PDU are and it will make it consistent with what is in the books for the PUD.

Mr. Testerman put the exhibit on the screen which, in red, shows the affected boundary lines. (The exhibit was provided to the Planning Board Members in their packets prior.)

Mr. Testerman pointed out the area of PCD as well as the Home Depot property. Shown in red on the exhibit shows the only property boundaries that the Text Amendment would affect. These are the PCD's abutting a non-residential zone district.

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Mr. Testerman also indicated where the Welcome Center is next to the Home Depot and is zoned MS-1 and Harris Teeter and Wal-Mart in the shopping center is zoned BC-3. Mr. Testerman also stated that nothing could really happen on the Home Depot parcel and those two property lines can be disregarded. The property is built out as it is, regarding lot coverage, so there is not going to be any encroachments.

He also stated that a good portion of the Beach Woods property in the area Mr. Testerman indicated on the exhibit, is wetlands and conservation easements, so nothing can really happen in that area. The area that this amendment would affect is currently a playground that was constructed within that current buffer, and adopting this Text Amendment would eliminate that the buffer encroachment.

Showing the aerial exhibit, Mr. Testerman pointed the adjoining property where it is encroaching on the buffer currently which is the Wal-Mart property and adjacent to that property line is the stormwater management basin for Wal-Mart; so, the Text Amendment will really have no affect on anyone using the shopping center, as no one is going to see the back of Wal-Mart. On the zoning map presented, the blue hash mark is the current PCD zone and the red line is the property boundaries the Text Amendment will affect if approved.

The Applicants were in attendance to answer any questions.

Mr. Rhoades asked if the blue shaded area was improved or non-improved and Mr. Testerman stated that it was a mixture of both which he pointed out on the aerial photo showing the parking area and a warehouse building in the region and the other property is Home Depot.

Mr. Parker than asked if any other Board Members had any questions for the Applicants/representatives or Mr. Testerman and Mr. Tillett stated that is was a good thing bringing the consistency between the PCD and PUD districts which is the ultimate goal and a good thing.

Mr. Parker than asked for a Member of the Board to make a recommendation and Mr. Tillett made the following recommendation: *"I recommend approval of the proposed Text Amendment to 42-419(3), eliminating the requirement for a buffer area between PCD and non-residential zoning districts. The Board has found this proposal to be consistent with the Town's adopted land use plan."*

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Mr. Parker seconded the recommendation and the proposed Text Amendment was passed unanimously.

6. **COMMENTS:**
  - a. **Chairman Richeson – Vice-Chairman Parker in for Mr. Richeson had no final comments.**
  - b. **Planning Board Members – Mr. Rhoades asked about Mr. Richeson and how he was doing and Mr. Parker stated that he had spoken to Mr. Richeson earlier in the day and that Mr. Richeson was healing nicely.**
  - c. **Town Attorney – no comments**
  - d. **Planning Director – no comments**
7. **PUBLIC COMMENT: None**
8. **ADJOURN:**  
**Mr. Parker, hearing no further comments/questions, adjourned the May 12, 2016 Meeting of the Kitty Hawk Planning Board at approximately 6:10p.**

**Submitted respectfully by Patricia Merski, Recording Secretary.**