

Kitty Hawk Planning Board
Meeting Minutes
June 16, 2016 – 6pm
Kitty Hawk Municipal Building

1. Call To Order/Attendance
 2. Approval of Agenda
 3. Approval of Minute:
 - a. May 12, 2016
 4. Administrative Report:
 - a. Town Council Action from June 6, 2016 Meeting.
 5. Site Plan Review:
 - a. Beachwoods Phase 2A
 6. Text Amendment:
 - a. Sec. 42-1, 42-253(c)6. Therapeutic Residential Treatment Facility
 7. Conditional Use Permit:
 - a. 3512 N. Virginia Dare Trail. Buccaneer Motel. The Applicant proposes to transition from a motel use to a therapeutic residential treatment facility.
 8. Comments:
 - a. Chairman Richeson
 - b. Planning Board Members
 - c. Town Attorney
 - d. Planning Director
 9. Public Comment
 10. Adjourn
1. **CALL TO ORDER/ATTENDANCE:** Chairman Richeson called the meeting of the Kitty Hawk Planning Board to order on Thursday, June 16, 2016 at 6:03pm.
PLANNING BOARD MEMBERS PRESENT: John Richeson, Chairman; Bryan Parker, Vice-Chairman; Chuck Heath, Member; Jim Geraghty, Member; Dylan Tillett, Member; Dusty Rhoades, Member.
PLANNING BOARD MEMBER(S) ABSENT: Gary Muir, Alternate
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/additions to the Agenda, the Agenda was approved unanimously.
 3. **APPROVAL OF MINUTES:** May 12, 2016: Hearing no comments/corrections/additions to the May 12, 2016 Minutes, the Minutes were approved unanimously.

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4. **ADMINISTRATIVE REPORT:** Town Council Action From June 6, 2016 Meeting
 - a. Mr. Testerman stated that the Town Council scheduled a public hearing for the minimum buffer requirement for the PCD district and the scheduled public hearing for the Jet Ski Kayak Rental was cancelled due to the Applicant withdrawing their Application.

5. **SITE PLAN REVIEW:**

- a. **Beachwoods Phase 2A.**

Mr. Testerman began with a brief history indicating that a few years ago it was Barrier Island Station and a Master Plan was originally approved and each phase of the project came before the Planning Board and the Town Council for Site Plan approval.

Mr. Testerman stated that the current phase that is being proposed was previously Phase 4 and the phases have been renumbered. The original plan was approved in 2006 and since then, as is projected on the plan, three (3) of the buildings have been constructed and then the project was at a standstill for a period of time. The Site Plan has now been reconfigured and the Plan before the Board is what was discussed at the June Meeting.

PROPOSAL:

The Applicant is requesting site plan approval for the proposed development of Phase 2A in the previously approved PUD, now known as Beachwoods, located at 1 Cypress Knee Trail. The property is located within the PUD district with an underlying zoning of BR-3, high density beach residential. This phase was previously approved for 24 units at the February 17, 2004 Town Council Meeting.

Phase 2A is now proposed to have 26 units; however, the overall number of units and bedrooms for Beachwoods as a whole remains the same.

This proposal is for five (5) new buildings, each containing four (4) units, with a mixture of four and two bedroom units. The proposal calls for the extension of the existing parking area and a new ingress/egress point onto Cypress Knee Trail.

The overall site is 118 acres in size and presently zoned Planned Unit Development (PUD)/High-density Beach Residential (BR-3). The portion of the property in which this phase is proposed currently contains three (3) buildings with dwelling units and 36 parking spaces.

The abutting property to the west is Kitty Hawk Woods. The adjoining property to the east is the Sea Scape Golf Course, zoned BR-1. To the south of the subject parcel is the Sea Scape Section 2 subdivision, also zoned BR-1. To the north of the subject parcel is also a part of the Beachwoods development, zoned PCD/BC-3, as well as the Shoreside Shopping Center, zoned BC-3.

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BUILDING HEIGHT: The building height of 35' as indicated by the attached elevation drawings will comply with this requirement.

OPEN SPACE: As proposed, the Phase 2A area would have 73% open space and would be compliant with the ordinance.

BUILDING SETBACKS: The nearest property line to the units is the western boarder which abuts Kitty Hawk Woods. The nearest point to any building is 103' which complies with the setbacks listed in the underlying BC-3 district and the 50' minimum buffer also meets the requirements.

ACCESS: The access to Phase 2A will be provided via an existing curb cut onto Cypress Knee Trail and one additional proposed access point onto Cypress Knee Trail.

PARKING: Minimum parking for multi-family developments is one (1) space/bedroom. The current phase contains 63 bedrooms and the requirement is going to be 63 spaces and the site plan indicates 72 which exceeds the minimum requirement.

(Mr. Testerman asked that the comment about ADA parking spaces be disregarded and projected a drawing that was provided by the Engineer for the Board to review.)

There is one (1) ADA parking space in an already developed area and there will be two (2) additional ADA spaces which will then meet the three (3) ADA requirement.

WASTE MANAGEMENT: The revised plan indicates a dumpster pad.

LIGHTING: A few lamps along the sidewalks and around the parking area will need approval from the Planning & Inspection Department.

SIGNAGE: Aside from a new stop sign and a street sign at the corner of the curb cut there is no additional signage being proposed.

WASTE WATER: The existing waste water facility appears to be sufficient to handle the additional usage but a verification from the Health Department will be required before any building permits are to be issued.

FLOOD ZONE: The revised phase is a mixture of a Flood Zone which is the shaded "X" in the AE Flood Zone. The buildings within the AE zone will be required to meet the Flood Zone standards. The buildings in the "X" zone will not have to meet any flood requirements.

FIRE HYDRANTS: Mr. Testerman stated that he had not had a chance to review the revised plans that we submitted shortly prior to the meeting, but the Engineer had indicated that the fire hydrants meet the 250' minimum that's called for in the PUD district.

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LAND USE PLAN: The CAMA Land Use Plan designates the property as a high-density residential area on the Future Land Use Map. The proposed development of additional multi-family units in the Beachwoods development is consistent with the designated land use plan.

Mr. Testerman indicated that with the reconfiguration the overall approval was for 214 units and 568 bedrooms for the entire Beachwood development and with the renaming and re-phasing of the configurations, some of the units will be shifted to different phases but are keeping some of the bedrooms that were originally approved and there will be no density issues to be incurred with this.

Chairman Richeson then asked if there were any questions from the Board members and Mr. Tillett asked if the waste management issues had been taken care of and Mr. Testerman, again indicated that the revised plan shows a dumpster pad.

Mr. Richeson's only statement regarding the revised plan was about the parking which shows the required and actual of 63 spaces; will that change to 72 spaces and Mr. Testerman indicated 'yes.'

Mr. Richeson also indicated that on the revised plan, it would have been very helpful if the phases were shown darker as he found it difficult to clearly see Phase 2A.

Mr. Richeson asked the Board if they had any questions for the Applicant and there were none and then Mr. Richeson asked a member of the Board to make a recommendation.

Mr. Parker made the following recommendation: ***"I recommend approval of the site plan for the proposed Phase 2A of the Beachwoods development, located at 1 Cypress knee Trail with the conditions listed in the Staff report. The Board finds that the plan is consistent with the CAMA Land use Plan."*** Mr. Richeson seconded and the motion was approved unanimously.

6. **TEXT AMENDMENT: 42-1 Definitions and 42-253(c)6 adding "Therapeutic Residential Treatment Facility" as a conditional use in the Beach Hotel (BH-1) District.**

Mr. Testerman started off pointing out that one part of the proposed Text Amendment would add a section to the 42-1 definition:

Therapeutic Residential Treatment Facility means a private facility which is engaged in providing 24-hour a day treatment for chemical dependency or substance abuse. This treatment may include administration of a therapeutic regimen for the treatment of chemically dependent or substance abusing persons and related services. The facility or unit may be:

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A freestanding facility specializing in treatment of persons who are substance abusers or chemically dependent meeting the requirements of Article 1A of General Statutes Chapter 122 or Article 2 of General Statutes Chapter 122C; and may be identified as chemical dependency, substance abuse, alcoholism or drug abuse treatment units, residential chemical dependency, substance abuse, alcoholism or drug abuse facilities, or by other names if the purpose is to provide treatment of chemically dependent or substance abusing persons, but shall not include social setting detoxification facilities or medical detoxification facilities.

In addition to the definition it would also add 42-253(c)6 to the list of conditional uses allowed in the Beach Hotel District (BH-1) and which would be the Therapeutic Treatment Facility.

Mr. Testerman also stated that attached for the Board to review are Articles 1A and 2 that are referenced in the proposed definition.

The intent of the BH-1 district, as listed in the Zoning Ordinance is as follows: The beach hotel district is established to provide the proper grouping and development of hotel facilities in the Town. The hotel use is the most intense land use permitted by this chapter. The problems resulting from the hotel use require standards as well as regulations which mitigate the impact of the intense use of the land upon neighboring land and surrounding community. Notwithstanding the intensity of the hotel use itself, the town believes that the hotel use can be combined with other commercial uses in a compatible mix of uses, provided that the project is planned and built in accordance with the unified plan.

There are three (3) small areas of the Town that are zoned BH-1 that the proposed Text Amendment would affect and they were indicated in orange on the projected zoning map. One area is located at the southeast end of Town, surrounding Sibbern Drive, the second is at the northeast part of town north of Byrd Street and the third is in the northwest part of Town before reaching the Wright Memorial Bridge.

CONSISTENCY WITH LAND USE PLAN: The areas zoned BH-1 are shown on the Future Land Use Map as “commercial, shopping and working areas.” Commercial, shopping and working areas include areas that primarily encourage the concentration of commercial facilities in clusters or group developments and to provide readily accessible shopping facilities and will provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents and the general public. Some of these areas are envisioned to provide limited mixed uses. It should be noted that the uses in Town most similar to the proposed use would be the medical uses which are also located in commercial, shopping and working areas as well.

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The Town's adopted CAMA Land Use Plan does not specifically or generally mention therapeutic residential treatment facilities. As part of its recommendation, the Planning Board is asked to determine if the proposed Text Amendment is consistent with the TOWN'S adopted CAMA Land Use Plan.

Mr. Testerman stated that the Applicants were in attendance and also stated that the Text Amendment runs concurrent with the Conditional Use Permit, but, first, any questions would be regarding the Text Amendment.,

Mr. Richeson asked if any Board Members had any questions and Mr. Tillett indicated he had a concern with the definition of the CAMA Use Land Map with this Text Amendment falling into the 'commercial, shopping and working areas' and how the Therapeutic Treatment Facility will fit into that category.

Mr. Testerman stated that he also originally had a concern, but at the end of the definition and reviewing the uses that are similar; i.e., doctors' offices, medical facilities and any other uses in the MS-1 zoning district and found that they are a part of the 'commercial, shopping and working areas' as well.

Mr. Tillett then asked about the medical areas – MS-1 included in the 'commercial, shopping and working' area and it appears that it is a broad-based definition and looked at as a 'commercial, professional.'

Mr. Geraghty then asked about what happens in other areas and what zoning did other areas have for such a facility and Mr. Testerman indicated that nothing in his research specified a zoned property for such a facility. Most of the research that Mr. Testerman did was around how it affected the community and nothing indicated was found that it was actually zoned for but will research further. Mr. Testerman also indicated that he will reach out to other communities to see how they have handled a similar proposal.

Mr. Richeson stated that he understands that in the Beach Hotel district, there are doctors' offices, dentists, etc. and other permitted uses and in a doctor's office, people come in the then they leave and do not stay overnight and the same with a lot of other 'commercial' uses and this seems to fall into a 'nether' region between a medical use and hotel.

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Mr. Geraghty stated that there is a needed use in this area and it is something the Town should be addressing but, 'where do we go with it?' He also stated that there are some houses in regular residential areas that are similar to this and have employees stay overnight, but still doesn't understand how the zoning affect this.

Mr. Testerman stated that the Applicant would be better equipped to speak to Mr. Geragrhty's concerns; i.e., length of stay, clientele, etc. Mr. Testerman also stated that what was expressed to him was that the usage would be fairly similar to how it's being used in the hotel; come in for a short time, not months at a time, and the Applicant would be able to elaborate on the Board's concerns.

The Applicant, Mr. David Briggman then approached the Board and stated that the motel currently houses people in the winter time for six (6) months. When he and his wife started this, the clientele weren't allowed to stay for more than a month due to various statutes and they would have to renew their stay.

He also said that each participant would have to 're-up' their stay so their stay would be for two (2) weeks at a time and could be 're-upped' if the administration determines that they are performing their rehabilitation and that would not be longer than two (2) months.

The plan now is to house no more than sixteen (16) participants and there would also be Staff Members on the premises and the participants would not be allowed to have their own vehicles. Also, in the summer time, the hotel occasionally houses over 100 and the parking lot is full.

Everyone would be under a 24 hour surveillance with Staff Members in attendance. Detox would not be done in this facility. Anyone requiring detox would have to go to a detox center first so when they come into the facility they will have already been through detox. The program also has zero tolerance for any narcotic or alcohol use. Anyone caught with narcotics or alcohol would be immediately escorted off the property.

Mr. Testerman interjected, stating that a lot of the time Text Amendments or Conditional Use Permits are tailor made for their application citing as an example the vehicle rental proposal that was before the Board a few months ago and after listening to Mr. Brigman, if the Board wanted to they could include conditions that state *any future applications would have to state: they are limited to two (2) month maximum stay; only sixteen (16) participants; no vehicles*, and this might make it easier and tailor made for the Applicant's application and prevent a huge development from coming in who may have 100 clients staying for six (6) months at a time.

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Mr. Testerman also stated that when the Town Council hears Text Amendments, their immediate concern is how it is going to affect not only the property in that Amendment is focused on, but also the entire zoning district, so in order to narrow this down as much as possible, it would make it more presentable.

Mr. Richeson asked if this was a seasonal or year-round operation and Mr. Briggman said that it was year round. Also, the motel, as is now being run, has longer term customers in the wintertime. In the summer time, the maximum stay is limited to two (2) weeks but in the winter that is not necessarily true.

Mr. Richeson then asked if the hotel will be operated concurrently with the facility and Mr. Briggman stated 'no.' Mr. Briggman said that there are no plans to make any physical alterations to the building site and will be using the facility as is and every participant will be housed individually in a motel room.

Mr. Richeson asked if the participants would be ambulatory and will they be monitored 24 hours a day or allowed to come and go as they please and Mr. Briggman said they would be ambulatory and no physical restraints would be put on anyone. He also referenced 'New Horizons' in similarity but with no provisions for overnight stays.

Mr. Richeson asked if the participants can decide in the middle of the day they want to go to Wink's on their own and Mr. Briggman said that they would be monitored and would not be allowed to leave the property unless accompanied by a Staff Member and that this is standard operating procedure for any facility of this type.

Mr. Rhoades asked about meals; was there a restaurant on the facility or a kitchen and Mr. Briggman said that the participants would be responsible for providing their own meals and that Staff Members would be responsible to go to the grocery store with a shopping list prepared by the participants. The motel currently has 27 units and all but 10 have a kitchen and Mr. Rhoades stated it sounded much like an efficiency and Mr. Briggman agreed.

The rooms have regular kitchens and those that do not have microwaves and a small refrigerator and that 17 of the 27 units have full kitchens with dining tables, etc.

Also, a few rooms will be set aside for individual and group therapy sessions and there will also be accommodations for the Staff Members. The area being discussed is the southeastern area where there are a few neighbors and the property is surrounded by Charlie's RV Park and there are two neighbors on the northwest side in houses directly next to the motel.

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Mr. Geraghty asked what the timeframe is for this to happen and Mr. Briggman said that they would like to officially open, January 2017 and Mr. Geraghty said that he thinks the Board should see more examples from other communities before a final decision could be made.

Mr. Parker than asked if the participants would be working during the day and Mr. Briggman said that they will be in rehabilitation and then asked Ms. Aubrey Briggman to address those questions.

Ms. Briggman stepped forward and stated that this will be a therapeutic structure and the participants will have some say in their activities and that their days will begin at a certain time and end at a certain time. Also, throughout the day, they will have time for meal planning and resting and it is a very structured plan.

There will also be two groups a day where they can express how they are feeling during their healing and recovery. They may be taken to a local gym accompanied by Staff Members and a possibility would be to have some gym equipment at the motel. They want them to have fun in recovery, whereas, they thought drugs and alcohol were fun, there are other ways to have fun without the drugs and alcohol.

Ms. Merski asked if the residents would be OBX residents or where will they come from and Ms. Briggman said that they want to help the community and also to give back to the community in any way that they can and could possible include people from surrounding areas but will not be coming from across the country. They also plan to advertise via business cards, brochures, newspapers, etc. and if there is not a fit for a particular client, they will be referred to another program.

Mr. Rhoades asked if the participants would be on any type of medication prescribed by a physician and Ms. Briggman said that there would not be a physician on site, but should the need arise they would contact local physicians available to assist. She also said that abstinence and removing all the substances from their system is the goal to have them become more grounded through meditation, etc.

Mr. Richeson asked if the Board had any further questions and Mr. Parker said that this is important and needed but not sure how it coincides with the future land use plan and this is something the Town didn't have 30 years ago and seems to be a hard fit for what it was originally designed for and that more time is needed for the Board to learn more about it and Mr. Richeson agreed.

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Mr. Geraghty agreed and made a motion that the Board should table this until the next Board meeting and would like to see examples of how other areas have dealt with a similar situation; specifically, what the numbers were; how many units, etc. and Mr. Richeson seconded the motion and the motion was carried unanimously.

Mr. Briggman then asked if he could make an additional comment: "My wife and I have a personal interest vested in this project; two personal interests. We have been Guardian ad litem in District 1 and are advocates for children who are abused and neglected. We have been doing this for 13 years and we are in court often and I would have to say, probably, 98%, and I know Mr. Michael is involved here, of the children that are abused and neglected are so because their parents are abusing narcotics or alcohol. It also affects us personally that way. The second reason is our youngest son is an addict and an alcoholic and he is currently 11 months sober but we had to send him to Florida to do so and that's a burden on the family and a burden on everybody involved. Why did we have to do that? Well, there wasn't one of these in the community; so, we are very much personally vested in the project."

7. CONDITIONAL USE PERMIT:

- a. **3512 N. Virginia Dare Trail. Buccaneer Motel. The Applicant proposes to transition from a motel use to a therapeutic residential treatment facility.**

PROPOSAL:

The Applicant is requesting approval of a Conditional Use Permit to transition the existing motel use, Buccaneer Motel, located at 3512 N. Virginia Dare Trail into a therapeutic residential treatment facility. According to the Applicant, the treatment center is intended to provide coping skills for those struggling with chemical or alcohol dependency.

BACKGROUND INFORMATION: (The subject property is zoned BH-1 and for the record, this approval of the Conditional Use Permit would be contingent upon the approval of the previously discussed Text Amendment.)

The subject property is presently zoned Beach Hotel (BH-1). The lot is approximately 39,000 square feet (0.9 acre). The abutting properties to the north are zoned Low Density Beach Residential (BR-1) and contains two vacant lots in the Kitty Dunes South single-family residential subdivision. (Mr. Testerman stated that in going to the location, the two (2) lots are owned by the Kitty Hawk Land Association and used for beach parking for residents.)

Across N. Virginia Dare Trail to the east is also vacant, unbuildable land zoned BR-1. Abutting the subject parcel to the west and south is property zoned BH-1 and contains Charlie's RV Park.

PROPOSED USES:

Therapeutic Residential Treatment Facility. This use would be permitted as conditional use in the Beach Hotel (BH-1) district if the associated Text Amendment is approved.

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LOT COVERAGE:

The maximum lot coverage in the BH-1 district is 60%. The Town does not have an up-to-date survey of this property, so the existing lot coverage is unknown. Viewing the aerial photos of the property, it appears that the lot coverage exceeds the maximum 60%, but exists as a legal nonconformity, as it existed prior to the incorporation of the Town. No lot coverage changes are proposed and wouldn't affect the nonconformity statutes.

BUILDING HEIGHT:

The maximum height in the BH-1 district is a) A height of 27 feet from the ground elevation to the top of the top plate; b) A height of 19 feet for habitable floors; c) A height of 35 total feet from existing grade exclusive of chimneys, flagpoles, communication masts and aerials. It appears that the existing buildings are compliant with height requirements. No building height changes are proposed and the current building is compliant.

BUILDING SETBACKS:

It appears that there are existing nonconformities and also there are no proposed changes to the footprint and doesn't affect any of the nonconformities.

ACCESS:

The subject property currently contains 2 ingress/egress points onto N. Virginia Dare Trail.

PARKING:

The Town does not currently have established parking requirements for the proposed use. There are currently 35 parking spaces on site. The current use of a motel requires 1.15 spaces/rental room, with 35 parking spaces that would allow for 30 rental rooms and the current use contains 27 rental units and is compliant with the current parking standards.

BUFFERS:

The Zoning Ordinance requires buffers between commercial zones and abutting residential zones. The subject property is abutted by other BH-1 properties to the south and west, so no buffer is required. While the properties across N. Virginia Dare Trail and the properties to the north are zoned BR-1, in recent applications, the Town has rules that a new use in a building would not warrant a requirement to establish a vegetative buffer.

WASTE MANAGEMENT: The property is served by one dumpster accessed from Poseidon Court.

LIGHTING: No lighting changes are planned and if any lighting changes are submitted, they will be approved administratively by the Planning & Inspection Department.

SIGNAGE: Again, should there be any changes submitted, they will be approved administratively by the Planning & Inspection Department.

STORM WATER MANAGEMENT: No land disturbance is occurring, as the site is utilizing all existing features.

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FLOOD ZONE: The entire subject property is located in the VE flood zone and if any work were to be done and exceeded 50% of the value of the structure, the building would then need to be brought up to today's flood zone requirement and there are no proposed changes to the building.

LAND USE PLAN: The adopted CAMA Use Plan designates the property as a 'commercial, shopping and working area' on the future land use map. The following policies and objectives relevant to this application are stated in the CAMA Land Use Plan:

POLICY 4a: Kitty Hawk, through its zoning ordinance, will continue to direct the placement of commercial development in areas zoned for such activities.

POLICY 4e: Kitty Hawk will review and analyze development and redevelopment proposals for consistency with the future land use map included in this land use plan.

OBJECTIVE 16a: Monitor and consider redevelopment proposals for consistency with stated Town land use and development goals.

CONDITIONAL USE FINDINGS: Per the standards of Section 42-99(b)(7), in order to approve this Application, the Town Council must make findings that the proposed conditional uses:

- a. Does not materially endanger the public health or safety,
 - There is no evidence to suggest that allowing the use of this building for a residential treatment facility would endanger public health or safety.
- b. Does meet all required conditions and specifications,
 - The existing building and lot layout appears to have many legal nonconformities with regards to setbacks, lot coverages, etc. If the associated Text Amendment is approved, it will comply with the BH-1 zoning district.
- c. Will not substantially injure the value of adjoining property or be a public nuisance, and;
 - Staff has found conflicting reports regarding property values near residential treatment facilities. A 2014 article for the American Real Estate Society by Claire La Roche, Bennie Waller and Scott Wentland found that substance abuse treatment centers is associated with an 8% reduction in neighboring home prices. Another study, by the Greater Baltimore Community Housing Resource Board in 93 found that in over 1,000 transactions of residential properties in areas where there was a group or treatment facility, approximately 50% of the neighborhoods' residential property values were affected positively and 50% negatively by the treatment center placement. Likewise, it appears that in some cases, reports of increased traffic, noise, assaults and burglaries have increased after placement of a treatment facility, and in other cases they have not. The mixed results of the studies indicate that the placement of a treatment facility cannot be considered to definitively be the cause property value increase or decrease, or a definitive cause of increased nuisance activity.

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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.
- There is question as to whether the reuse is compatible with the surrounding zoning and single-family residential land uses.
 - Per stated policies in the Town's adopted land use plan, the reuse of this business will be located on existing, commercially zoned properties.

Mr. Testerman will do further research for the next meeting to see how other localities have zoned for these uses and if they are located in a residential area and as Mr. Brigman stated, to the surrounding area to the south and west the RV park which is more of a 'commercial' use, short-term residential; there may be some long-term, year-round residents, but for the most part, that area would be considered 'commercial use.'

SUGGESTED CONDITIONS: For approval;

- Submit to the Town a new survey of the property for the record as there currently is not one on the record.
- Provide to the Town copies of all licenses and requirements of the NC Division of Health Service Regulation. (Mr. Testerman spoke with that Department and from the brief description he gave them, there would need to be a licensing document from them and anything else that may be required and copies would need to be provided to the Planning & Inspection Department.)

Mr. Testerman stated that going through the Text Amendment, if the Board would want to state the conditions discussed previously and those conditions are not included in the Text Amendment itself, they could be included as conditions in the Conditional Use Permit.

Mr. Parker reiterated that more research is needed and the Board owes it to the surrounding property owners of the motel.

Mr. Richeson asked if the Town has contacted any of the surrounding/adjacent property owners and Mr. Testerman stated 'not at this time.' He also said that since the Planning Board makes recommendations to the Council and the Council holds public hearings, he typically then mails notifications to all the property owners prior to a public hearing and advertise in the local newspaper. If the Board preferred he could send out letters to neighboring property owners prior to the next Planning Board meeting, and then the Board would have some feedback in order to make a recommendation to the Council.

Mr. Richeson thought it was a good idea and asked, if this was approved, can someone else set up another facility in the BH district also with a Conditional Use Permit and also stated to Mr. Briggman that he was very impressed by his presentation.

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Mr. Testerman said that if the Text Amendment is approved with the Conditional Use Permit and any further applications that would come in would be reviewed on a case-by-case basis and if the proposal was not up to par or did not seem it would fit or not run as good, then the Town would not have to approve it. Approving the proposed one would not set a precedent for approving any others that may come in.

Mr. Richeson then asked if there were any further questions and Mr. Geraghty again stated that this should be tabled until the next meeting when the Board could review Mr. Testerman's research and Mr. Rhoades also said that feedback from surrounding communities would also be helpful and that he thought there were some year-round residents.

Mr. Richeson made the recommendation to table the Conditional Use Permit until the next meeting and Mr. Parker seconded and it was passed unanimously.

8. **COMMENTS:**

- a. Chairman Richeson: Glad to be back.
- b. Planning Board Members: Mr. Tillett informed the Board that this was his last meeting as he had accepted a position in Virginia and will be relocating. Mr. Richeson and Mr. Testerman thanked Mr. Tillett for his service to the community.
- c. Town Attorney: No Comment
- d. Planning Director: Mr. Testerman thanked Mr. Tillett for his service to the community and stated that Ms. Jan Collins would be joining the Board as an alternate member at the July meeting.

9. **PUBLIC COMMENT:** None

10. **ADJOURN:** Chairman Richeson, hearing no further comments, adjourned the June 16, 2016 Kitty Hawk Planning Board Meeting at approximately 6:56pm.

Respectfully submitted by Patricia Merski, Recording Secretary.