

Kitty Hawk Planning Board Meeting
August 17, 2017 – 6:00pm
Kitty Hawk Municipal Building

Agenda

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
 - a. July 13, 2017
4. Administrative Report:
 - a. Town Council Action from August 7, 2017 Meeting
5. Public Comment
6. Unfinished Business:
 - a. 42-616(a); 42-247(b)3. The Applicant is seeking a Text Amendment that would allow the occupation of trailers/RVs on residential lots in the BR-1 zoning district when specific requirements are met.
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 Kitty Hawk Planning Board Meeting to order at approximately 6:00pm with the roll call taken by Patricia Merski, Recording Secretary.

Board Members Present

John Richeson, Chairman; Bryan Parker, Vice-Chairman; Jim Geraghty, Member; Dusty Rhoads, Member; Chuck Heath, Member; Gary Muir, Alternate.

Absent:

Jan Collins, Alternate

2. Approval of Agenda

Hearing no objections/changes/corrections to the presented Agenda, the Agenda was approved as submitted.

3. Approval of Minutes, July 13, 2017

Hearing no objections/changes/corrections to the presented Minutes, Mr. Geraghty made a motion to approve the Minutes and Mr. Richeson seconded and the Minutes were approved unanimously.

4. Administrative Report

a. Town Council Action from the August 7, 2017 Meeting.

- Mr. Testerman commented on the following:
- The Public Hearing on the sign ordinance revision was held and the amendment was approved.

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- Lot Coverage Text Amendment: The Applicant has pulled back his Application to re-evaluate and rework some of the concerns that were brought up at the Planning Board Meeting and those revisions, etc. will probably come back to the Planning Board for further consideration before going to the Town Council for a final determination.
- A Public Hearing is scheduled for the subdivision variance for Beach Haven for September 5, 2017.

5. Public Comment

Having no Public Comments from the audience, Mr. Richeson declared the Public Comment portion of the meeting closed.

6. Unfinished Business: 42-616(a); 42-247(b)3. The Applicant is seeking a Text Amendment that would allow the occupation of trailers/RVs on residential lots in the BR-1 zoning district when specific requirements are met.

- Mr. Testerman referenced the proposal brought forth at the July 13, 2017 Planning Board Meeting where the Text Amendment would allow for one camper/travel trailer or RV site on a BR-1 lot with certain requirements that have to be met; lot size, screening from public view, etc.
 - At the July 13, 2017 Board Meeting, questions were raised specifically concerning the septic system at the site and how the Board of Health would look at this proposal and also how it would affect the parking on the individual lots.
 - Mr. Testerman spoke with the Health Department and their response was that they calculate the RV/travel trailer usage at a daily flow rate of 100 gallons per day/site in a RV park.
 - Also, if the RV becomes a fixed structure, the minimum flow rate is at 240 gallons per day or 60 gallons/occupant, whichever is larger.
 - If two dwelling units are connected into the same on-site wastewater system the requirement is a minimum septic tank size of 1500 gallons. Therefore, given the variations and should the Planning Board recommend approval, an additional requirement could be added stating that, 'Health Department approval is required prior to issuance of a zoning permit.
 - Parking: For single-family detached dwelling units, Kitty Hawk's ordinance currently requires one (1) space per every two (2) occupants authorized by the septic improvement permit issued by the County Department of Environmental Health or one (1) per 600 sq. ft. of total heated space, whichever is lesser.
 - Also, given the general size of RV and travel trailers and that an RV may have a car in tow or a travel trailer would have a vehicle that is driven to its location would probably take up two (2) to three (3) spaces, depending on the sizes of the RVs/trailers.
 - The Town's ordinance states that one (1) parking space is a minimum of 18' long x 9'6" wide; therefore, it would be reasonable to put a parking requirement condition stating that, "In addition to the required parking for a single-family detached dwelling, any lot hosting a travel trailer site must provide three (3) additional parking spaces.

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- Mr. Testerman then turned the discussion over to the Board for questions/comments, etc.
- Mr. Richeson asked if any of the Board Members had any questions and Mr. Geraghty asked if the Health Department addressed the footage for a drain field.
- Mr. Testerman stated 'no'; that the gallons/day flow rate was only addressed.
- Mr. Richeson then stated that he had researched some of this on his own with the Health Department. He stated that the Applicant, at the July, 2017 Board Meeting, stated that there are two (2) septic systems; one for the house and one for the RV site. There is no permit on record for the RV site and the septic system is an illegal system and cannot be used. Therefore, the Applicant needs to apply for a permit and the system would have to be inspected by the Health Department to ensure that it meets the Health Department's requirements and, if not, the waste would have to go to the house system which would then require a 'change of use' for the house system.
- Mr. Geraghty asked if the three (3) parking spaces include one (1) for the RV and then two(2) additional and Mr. Testerman stated that there are three (3) in total and that he looked at the average size of an RV for the length and that there would be two(2) spaces for the RV and one (1) for a car in tow.
- Mr. Richeson stated that the Town's current zoning ordinance allows trailers/campers and RVs to be occupied if located within a trailer park and that this is zoned as Beach Residential. He also stated that the zoning ordinance was set up for a reason and at the July, 2017 Board Meeting, it was stated that this Text Amendment did not set a precedent; but, based on that, Mr. Richeson said someone may want to do the same thing that the Applicant is requesting but couldn't because of the conditions of the Text Amendment, and request a smaller lot size requirement. Residential neighborhoods are for residences and camp grounds are for trailers, etc.
- Mr. Parker stated that Kitty Hawk has taken the time and effort in designating where certain things are permitted for a reason and agrees with Mr. Richeson's comments.
- Mr. Richeson then made a motion to deny the approval of the Text Amendment as follows: ***I recommend denial of the proposed Text Amendments to Sections 42-616(a) and 42-247(b)3, preserving the current regulations which dictate travel trailers, campers and recreational vehicles may only be occupied within approved trailer parks."*** ***I recommend denial of the proposed Text Amendments to Sections 42-616(a) and 42-247(b)3, preserving the current regulations which dictate travel trailers, campers and recreational vehicles may only be occupied within approved trailer parks."*** Mr. Parker seconded and the motion was approved unanimously.

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- Due to the Applicant in attendance, Mr. Richeson reiterated that the Planning Board is strictly an 'advisory board' which makes recommendations to the Town Council and the Town Council is not bound to adhere to the Planning Board's recommendations. He also stated that should the Planning Board make a recommendation for denial, the Town Council could make a recommendation to approve and they can also deny and, therefore, the Planning Board's recommendation is not the final decision.
7. Comments:
- a. Chairman Richeson had no comments only to thank the Board for their consistent input and observations.
 - b. Planning Board Members – no further comments
 - c. Town Attorney – no comments
 - d. Planning Director: a) Mr. Testerman stated that beach nourishment is still in progress and that an estimated completion time is end of September; originally, the timeframe was mid or late October. There are approximately 10,000 linear feet to complete going south and a tie in by the bath house. b) Mr. Testerman then spoke about the appeal period for the new flood maps which is 90 days and that there are concerns about the base flood elevations, and flood zone boundaries. He stated that Dare County Planning Director Creef is crafting a letter concerning the methodology and accuracy of FEMA's preliminary Flood Insurance Maps that were released in the Spring of 2016. Mr. Testerman gave an example of Kitty Hawk Landing which now has a base flood of 8.3' first floor and there is a 1' freeboard regulation. The new maps have a base flood of 4 feet and can build an elevation of 5 feet which is lowering the base elevation in areas that we have empirical evidence of recent flooding above those proposed levels.
- Mr. Testerman also stated that they are bringing back the AO zone between the highways and homes along Lindbergh to 2' above elevation as dictated by the AO which are constantly flooded. Another issue is rain water which is not counted in the flooding and that only storm surges are counted.
 - Mr. Varnell asked how many homes are affected in Kitty Hawk and Mr. Testerman stated a 'couple hundred.' Mr. Varnell then stated that in Kill Devil Hills there are currently over 4000 homes located in a flood zone and the new maps only designate approximately 200 in the flood zone, taking 3800 homes out of the flood zone. Flood insurance then becomes an issue.
 - He also stated that FEMA has 'grants' for home owners which would mean that home owners could only raise to the regulation levels which is the base flood plus freeboard. Therefore FEMA grants would elevate homes to 5', if we keep the 1' freeboard. At that elevation, in many areas, the home would continue to flood even after structure elevation.
8. Adjourn: Hearing no further comments/questions, Mr. Richeson adjourned the August 17, 2017 Kitty Hawk Planning Board Meeting at approximately 6:20pm.

Respectfully submitted by Patricia Merski, Recording Secretary.