

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
July 11, 2012**

The Planning Board for the Town of Duck convened at the Duck Meeting Hall on Wednesday, July 11, 2012.

Present were: Chairman Jon Britt, Vice Chair Joe Blakaitis, John Fricker, Ron Forlano, and Randy Gilbreath.

Absent: None.

Also present were: Director of Community Development Andy Garman, Council Liaison Chuck Burdick and Town Clerk Lori Kopec.

Others Present: Michael Morway of Albemarle & Associates, Ben Cahoon of Cahoon & Kasten, Crouse Gray, Dick McAuliffe of the Sanderling Inn, Simon Hallgarten of Northview Hotel Group, LLC, Doug Brindley of Brindley Beach Vacation and Sales, Jerry Davis, and Warren Eadus and Brian Rubino of Quible & Associates.

Absent: Permit Coordinator Sandy Cross.

Chairman Britt called to order the Regular Meeting of the Planning Board for July 11, 2012 at 6:34 p.m.

PUBLIC COMMENTS

Chairman Britt stated that if anyone wished to comment on any item on the agenda, to come forward and make comments now instead of during the discussions due to the length of the agenda. Director Garman clarified that the comments would only be regarding Old Business. Chairman Britt stated that it would be, but the audience could also comment on anything else.

Crouse Gray was recognized to speak. Mr. Gray stated that he represented the Poteskeet Village Homeowners Association regarding the project before the Board and wanted to make sure some issues regarding the Wee Winks project were addressed. He noted that it wasn't that the Poteskeet Village HOA did not want the project to happen; it was the fact that the way it was being proposed was negatively impacting certain things. He pointed out that the development is now 5,300 square feet is being doubled to 10,678 square feet. He stated that because of the intensity of use, it was creating issues due to the topography of the property. He stated that too much development was being squeezed onto the site.

Crouse Gray pointed out that the Town has a policy in place regarding saving and preserving trees and the Board had requested at their last meeting that the applicant try to preserve the greater portion of the vegetation to the rear of the development which consisted of significant standard mature trees. He understood that the developer had completed some work to mitigate

things and could save approximately two trees, but the number of trees that will be taken out would be twenty and that included almost every major tree that was on the site.

Crouse Gray stated that the developer was attempting to mitigate along the top edge in an attempt to stop anything else, but was digging a hole and compacting the earth and then going out two more feet from the beginning of the slope, thereby digging up the roots of the trees. He stated that many of the trees along the edge of the slope would not last. He pointed out that the 2:1 slope that was being suggested by the developer and engineer would be stabilized by a mat. He asked the Board if that was what they wanted the Town to look like in the Village Commercial District. He recommended that the project not be allowed to proceed as proposed.

Robert Lee of 103 Wampum Drive was recognized to speak. Mr. Lee stated that the Poteskeet Village community remained adamantly opposed to the driveway on Wampum Drive. He asked the Board to consider having the Duck Road northern entrance utilized instead if the project was to move forward. He noted that when people visit the site and are directed to Wampum Drive, they assume that Wampum Drive was an area where they could park even though there are No Parking signs on the street.

Tim Gillis of 117 Duck Ridge Village Court was recognized to speak. Mr. Gillis stated that he looked into the rainwater issue meeting the criteria as long as NCDOT approved some water flowing into their system. He asked if the plan was approved, and NCDOT subsequently does not approve it, what would happen. He further asked if the application would have a caveat that the plan would be rejected. He noted that NCDOT had a lower threshold for development than redevelopment.

There being no one else wishing to comment, Chairman Britt closed the time for Public Comments.

OLD BUSINESS

Discussion/Consideration of an Application by Michael J. Morway, P.E., of Albemarle & Associates, Ltd., on behalf of Wee Winks, LLC, Property Owner, to Consider a Conditional Use Permit for a New Group Development to be Located at 1216 Duck Road

Director Garman stated that the Board considered the project at their June 13, 2012 meeting and after a lengthy discussion, recommended denial of the application, noting two concerns in the staff report: (1) the second northern driveway on NC 12. The Planning Board raised the issue of whether or not it should be permitted and asked staff to perform additional analysis to see what the impacts of traffic on Wampum Drive would be if the driveway were taken out; and (2) the use of the Brindley office and the concern that the combination of the vacation and rental/sales office at the site and the addition of maintenance staff would be well beyond what the allotted parking was for that building. He added that the Board had asked for clarification from the applicant on what would occur in the building. He stated that the applicant resubmitted the application and left the driveway situation unchanged and that Town staff completed a traffic analysis. He stated that the applicant submitted a narrative of what the use of the building would be and a revised first floor plan showing a more traditional office configuration. He reviewed the floor plan with the Board and the audience.

Director Garman stated that the Board would probably have questions with regards to the use of the building. He stated that a general traffic analysis was completed which was based on ITE's trip generation manual. He reviewed the analysis with the Board and audience.

Member Fricker asked if Brindley had provided the number of check ins for their building. Director Garman stated that they had and it was in the traffic analysis. He added that Brindley had indicated that on Fridays, six properties were checked-in; on Saturdays, they had 120 and on Sundays, they had 112 check-ins. He noted that the weekend traffic would function a little differently than weekdays as they would have office staff in the building, but their duties would most likely be focused on check-ins. He stated that based on that information and the size of the development and the opportunities to enter and exit at the southern driveway, staff didn't feel that deleting the northern driveway would add so much traffic that it would change the recommendation. He stated that staff didn't feel that the development was that substantial, and added that NCDOT would not consider installing a traffic light. He thought that the additional traffic, by removing the northern driveway, was not a significant factor in keeping or eliminating it, however; there were concerns from the neighborhood regarding increased traffic if it were removed and the applicant would like it to stay to improve traffic flow and access to the site. He noted that staff was looking at it from the standpoint of maintaining traffic flow on Duck Road; maintaining bicycle and pedestrian safety; reducing the number of vehicle conflicts with pedestrians and bicyclists; and the fact that the Town has an ordinance in effect that requires driveways to be provided on side streets wherever possible. He stated that those reasons were why staff continued to recommend the removal of the northern driveway.

Director Garman stated that there were other changes that the applicant made to the development plan – they addressed some concerns with the stormwater that were pointed out at the last meeting. He noted that a trench drain was added on the northern driveway. He stated that he received a letter from the district engineer for NCDOT regarding the stormwater runoff from the site. He added that the applicant met with the district engineer and she believed that the stormwater issue was adequately addressed based on the plan she was shown. He stated that a better lighting plan was provided that was consistent with the Town Code.

Chairman Britt asked if the amount of check-ins would remain the same as with the current building. Doug Brindley was recognized to speak. Mr. Brindley stated that the check-in would remain the same.

Chairman Britt suggested that the Board discuss the driveway issue first.

Member Gilbreath thought that if the project moves forward, the northern driveway was needed. Member Forlano agreed with Member Gilbreath's comment. He stated that he looked at it as a way to get traffic off Wampum Drive. He added that he was not saying to eliminate the driveway on Wampum Drive, but by keeping the northern driveway, it may alleviate some of the traffic.

Member Fricker agreed with Member Gilbreath and Member Forlano's comments. He stated that he was persuaded by the traffic analysis and thought if the northern driveway was eliminated

from Duck Road; it would double or triple the amount of entrances and exits using Wampum Drive. He stated that he was glad that more data was received.

Vice Chair Blakaitis stated that he was originally against the northern driveway and has since changed his mind. He agreed with the Member Fricker's analysis of the reasoning on why he agreed with the northern driveway at this time. He agreed that the northern driveway was a good solution and would relieve some of the Wampum Drive concerns. He added that the Board needed to do whatever they could for the Wampum Drive residents. Chairman Britt agreed with Vice Chair Blakaitis' comments.

Council Liaison Burdick asked if it would be advantageous for the Board to look into whether the driveway should be one-way in order to eliminate three cuts next to each other, adding that it could help the traffic flow. Member Fricker stated that the Board hadn't thought about it but it seemed conceptually to be a good idea. He added that the Board tried to persuade Twiddy and Company a few years back to do that when they reconstructed their building. Council Liaison Burdick stated that his suggestion came from a Planning Board member of another town who had a similar situation. Member Fricker thought if the driveway was one-way, it would encourage people to use Wampum Drive and could increase the traffic. Council Liaison Burdick thought the traffic would be minimal.

Chairman Britt questioned whether the one-way driveway would provide enough room on a busy day to handle all of the vehicles. Director Garman stated that if the desire of the Board was to allow the northern driveway to stay to eliminate the traffic issues on Wampum Drive, it would defeat the purpose to convert the northern driveway to an exit only. Chairman Britt noted that once the driveway is missed, the vehicle would head to Wampum Drive.

Member Fricker asked if staff, the applicant or representatives addressed the issue of making the driveway one way. Mike Morway stated that there had been some discussion, but noted that if the driveway is one-way, it will force more people onto Wampum Drive. Chairman Britt stated that he could understand a one-way driveway if it were a development where the same people used it daily, but did not like the idea knowing that there would be people unfamiliar with the area. He stated that he did not like the one-way driveway in this scenario.

Member Fricker thought that the Board should not be designing the driveway. Chairman Britt stated that he was fine with the driveway the way it was. Director Garman thought the one-way driveway was safer from a vehicular conflict standpoint, but if the purpose was to allow the northern driveway to take traffic off Wampum Drive, this would not do it and thought it should be left as is.

It was *consensus* of the Board to leave the northern driveway in place.

Chairman Britt suggested that the Board discuss the uses of the Brindley building.

Ben Cahoon was recognized to speak. Mr. Cahoon stated that the reason the plan was modified was in response to the concerns on the use of the Brindley building. He stated that the proposed use was a real estate office which would include vacation rentals as well as maintenance and repair personnel. He went on to review the use with the Board and the audience.

Member Gilbreath asked if laundry services would be operated out of this facility. Doug Brindley stated they would be conducted at another location outside of Duck.

Member Fricker stated that he would like a list of each of the activities in the area of property management; maintenance and/or housekeeping that the applicant was intending to operate out of the Brindley building as presented to the Board at their last meeting as well as whether they would continue to have any of those functions in the redesigned floor plan. Doug Brindley stated that the vacation packets were assembled at the Corolla location. He stated that no housekeeping functions would occur in the Duck office. Member Fricker asked Mr. Brindley to clarify that it was not the intention to have minor repairs completed in this office. Mr. Brindley stated that he was correct, adding that repairs happen in the rental homes and that the maintenance facility was located in the Corolla office. He noted that there would not be any maintenance or housekeeping staff at the Duck location.

Member Fricker stated that it had been observed that the Brindley location near Nor'Banks Sailing had a number of privately owned vehicles of employees that were dropped off and then the employees left in company vehicles. He stated that the concern was, if that location was going to be vacated, that part of the operation would be brought into the new location. Doug Brindley stated that he would be abandoning the property near Nor'Banks Sailing, but the operation would be moved wherever it needed to be moved. He added that if it was not allowed to be at the Duck location, he would move it elsewhere.

Member Fricker noted that if the employee vehicles would be parking around the new building, the Board would need to look at that issue very carefully and quantify how many vehicles would be there as well as how long they would be there. He added that the other issue was whether any of the tasks that those employees currently perform would be performed in the new building. Doug Brindley stated that none would be performed in the new building. He added that all tasks would be performed out in the field.

Member Forlano stated that he could not find anywhere in the North Carolina Vacation Act where the maintenance department from a rental standpoint has to be in the same facility. Ben Cahoon stated that it was the legal function, but agreed that there wasn't anything in the Act that required it.

Chairman Britt suggested that the Board review the staff analysis.

Director Garman thought the Board could discuss the process for site disturbance with clearing the existing vegetation. He pointed out that the applicant was preserving a significant number of trees to the rear of the property. He added that the applicant had made some improvements to the plan in order to preserve what is in the rear of the property, but some of the trees do come close to the limits of clearing. He stated that he was inclined to suggest that some specific limitation be provided on how close to the trunk of some of the trees the applicant can get. He added that there needed to be something in place that clearly delineated the process for the applicant when they start conducting grading and site clearing. Mike Morway noted that the Town's vegetation ordinance read that cuts cannot be closer than 10 feet to the trunk of a tree and could only occur on one side of the tree. He believed that the grading plan showed that.

Director Garman stated that he was addressing and/or clarifying what was being done in order to preserve those trees.

Chairman Britt stated that the other concern was losing neighboring trees. He asked what would happen if a lot of trees were lost in the rear of the property. Director Garman stated that if they were damaged or destroyed, they would have to mitigate it in some way. Chairman Britt thought that if the overall development accelerates the process of removal of some of the other trees, there should be something to cover it. He asked if there was anything in the vegetation ordinance that would cover it. Director Garman stated that there was.

Member Fricker noted that Director Garman had indicated earlier in the meeting that the Board may want to ask the applicant how many company vehicles would be kept on site. He added that Doug Brindley stated that if the Board didn't want any, he would make sure there wouldn't be any. He asked if the Board wanted quantification on the number of vehicles. Director Garman stated that since it was an office, there would be some company vehicles parked at the site. He added that he did not have a specific recommendation as to how many company vehicles that should be allowed to have on site. He stated that his main concern initially was that it would be a use that was specifically excluded from the ordinance, which was the repair and storage of materials, but the applicant had clearly stated that would not occur. Member Fricker asked if it should be an administrative matter. Director Garman stated that he needed to think about it.

Vice Chair Blakaitis thought the Board was thinking about not wanting to see 15 trucks parked there every day. He stated that a few trucks that have to be parked there would not be an issue. Chairman Britt stated that his concern was that there would be a series of trucks that would be using those parking spots 24 hours a day, 7 days a week. He thought a condition should be put in regarding that.

Member Forlano noted that the plan went from one building which was retail and a rental agency to two retail establishments, an office building and a maintenance center. He thought there were too many uses for the size of the property. He added that he was concerned about the amount of parking. He stated that he was also concerned with the intensity of the use of the property and wanted to see the maintenance department trucks be located off site. Doug Brindley reiterated that there would not be a maintenance department in the building, no offices, no technicians and no vehicles parked there. He added that there would be no overnight parking or employee vehicles parked there from the maintenance department during the day.

Crouse Gray stated that he had no problem with Doug Brindley's comments, but noted that in the future, the building may be sold and the use may change. He noted that if the ABC store was a stand-alone building, it would require approximately 11 parking spaces. He added that the total retail spacing was approximately 22.5 parking spaces. He asked if there was anything in the ordinance that group development parking was based on the gross total space. Director Garman stated that since it was a group development, there could be an aggregate of the numbers.

Jerry Davis was recognized to speak. Mr. Davis stated that he was trying to maximize the use of his property and thought the plan in front of the Board was the best and most attractive plan he could come up with. Member Fricker thought that the Board would agree that the plan was a very good one and was a vast improvement from the plan that was presented last month.

Chairman Britt asked Director Garman for his thoughts on the parking issue. Director Garman thought if the Board wanted to come up with a condition, the easiest thing would be to designate a percentage of the parking spaces for the Brindley office and have it be limited for the company vehicles. He added that not allowing any company vehicles on the site would be unfair. Vice Chair Blakaitis thought Director Garman's suggestion was fair. Chairman Britt agreed.

Member Forlano asked if it would be reasonable for Brindley Realty to have an employee direct traffic on the weekends as well as informing people not to park on Wampum Drive. Doug Brindley thought it would be. He asked if Wampum Drive had been looked at. Member Forlano stated that he had and there wasn't any people parked on the street at the same time. Mr. Brindley stated that his business operates in a different fashion from other rental companies as they get the guests into their homes earlier, so the traffic problem would not be an issue.

Vice Chair Blakaitis asked if it was still proposed that the left parking area would be asphalt and not pervious pavement. Mike Morway stated he was correct.

Chairman Britt commended the developers on their work on the plan.

Member Fricker moved that the application of Albemarle & Associates on behalf of Wee Winks, LLC, property owner, for Conditional Use Permit 12-003 for the group development be approved on the condition that not more than 10% of the parking spaces dedicated to the Brindley operation be used for company vehicles. Vice Chair Blakaitis seconded.

Motion carried 5-0.

Chairman Britt called for a five minute recess. The time was 8:08 p.m.

Chairman Britt reconvened the meeting.

NEW BUSINESS

Discussion/Consideration of a Zoning Text Amendment Application Submitted by Quible and Associates, P.C., on behalf of FMC/NV Sanderling SPE, LLC, to Amend Town Code Section 156.094, to Modify the Parking Requirements for Hotels

Director Garman noted that the Sanderling was recently purchased and the new owners were present and wished to introduce themselves. He added that they would be giving a more formal presentation to the Town Council at their August 1, 2012 meeting.

Simon Hallgarten of Northview Hotel Group, LLC was recognized to speak. Mr. Hallgarten gave a short history of his work experience to the Board and audience, adding that he has been working for the hotel industry for many years.

Director Garman stated that the applicant submitted a request to modify the parking standards for hotels and were dealing with several different issues. He stated that one of the issues that staff noted was that with the most recent conditional use permit that the Sanderling had applied for

with regard to the events pavilion – they had a parking analysis included in the permit that relied on a 25% reduction on the overall parking requirement for the facility. He added that this was something that the Town has approved with previous conditional use permits for the Sanderling. He noted that if one took each individual facility at the Sanderling and calculated all of the parking for the uses individually, they would be required to have 285 parking spaces. He added that they currently have 214 spaces on-site and with the Town's previous conditional use permits, they were given a 25% parking reduction based on the fact that the uses were all shared on site and that the Sanderling hotels guests were the primary patrons. He stated that the Sanderling wished to incorporate that reduction into the ordinance so they would not have to rely on previous conditional use permits as they plan for future improvements.

Director Garman stated that the applicants were planning on long-term and short-term improvements. He noted that the Sanderling would like to convert some existing office space to a hotel rooms. He thought there were about 7-8 spaces they were looking at in the short-term to convert to guest rooms. He stated that in the long-term, the applicant wished to do 20-30 additional guest rooms, but that was far off in the future. He stated that in advance of doing any work, the Sanderling wanted to correct the parking standard to address the 25% reduction, but also to have it reflect the actual demand for parking that they feel they generate. He noted that a consultant performed a parking study documenting available parking during peak periods to determine the parking demand generated by the facility. He pointed out that this study was in the Board's packets.

Director Garman stated that staff reviewed the proposal from the Sanderling and had some discussions with them and came to an agreement on the proposed ordinance. He noted that the proposed ordinance states that the parking standard would be reduced from 1.5 parking spaces per room to 1 parking space per room and the calculation for the total parking requirement for all of the other facilities on-site would be given a 25% reduction. He stated that staff felt that the parking standard that was being proposed was consistent with all other ordinances he researched. He pointed out that staff was recommending approval of the text amendment.

Member Forlano asked how many people would be expected to attend an average wedding held at the pavilion. Dick McAuliffe was recognized to speak. Mr. McAuliffe stated that it ranged from 60 to 200 people. Member Forlano asked if the Sanderling was anticipating a wedding with a guest list of approximately 200 people, how many would be staying at the hotel. Mr. McAuliffe stated that it would range from 10 to 30/35 rooms. Member Forlano stated that he was concerned that there would be too much strain on the reduced parking if there would be a large wedding held at the Sanderling. Mr. McAuliffe stated that they would be keeping the same number of parking spaces. He noted that there were multiple functions that happened over the past weekend and there were no parking issues.

Member Fricker moved to approve the text amendment application as presented. Member Gilbreath seconded.

Motion carried 5-0.

Discussion/Consideration of a Zoning Text Amendment Application submitted by Quible and Associates, P.C., on behalf of TFP, LLC, to Amend Town Code Sections 156.002 and 156.036(C), to add Real Estate Property Management/Maintenance Office as a Conditional Use Permitted in the Village Commercial Zoning District

Director Garman stated that staff was approached a few months back by Quible and Associates, representing TFP, LLC who had an interest in a piece of property where they wished to construct a small real estate property management/maintenance building. He stated that it was discussed whether it would be permitted and noted that they wanted to do some storage and repair on the site. He noted that those items were specifically excluded from the Town's definition of office and are not currently permitted. He stated that he informed the applicant that they would need to apply for a zoning text amendment in order to do it. He stated that he and Town Manager Layton were invited to see a similar site they own in Corolla to get a sense of what the impacts would be. He stated that after the meeting, the applicant asked what the suggestion would be in order to move forward. He stated that he had suggested that they apply for a text amendment, making it a conditional use and putting some strong conditions on it. He reviewed the draft ordinance and the site TFP owns in Corolla with the Board and the audience.

Director Garman stated that the ordinance was crafted to reflect the use that was occurring at the applicant's Corolla location. He stated that staff made some suggestions with the primary suggestion being that the site could not be located on Duck Road. He pointed out that the property in question was located well off Duck Road. He stated that staff felt that NC 12 and the Village Commercial area should be dedicated to uses that serve the general public. He added that, initially, staff had concerns that it would be a large property maintenance building that was more like a warehouse, however; that was not what is intended. Staff believes this condition would preserve the majority of the Village Commercial area for uses that serve the general public rather than service related. He stated that there were a number of conditions attached to the text amendment – it allowed the office use, minor repairs, some storage, and all would have to be approved with a site plan. He noted that it was a conditional use permit and would have to be approved by the Planning Board and Town Council. He stated that the building size would be limited to 5,000 square feet and would have to be a residential style building that would be consistent with the Town's commercial design guidelines.

Director Garman stated that additional conditions were placed on the permit regarding building placement with the parking in the rear. He stated that the facility in Corolla had the vehicles circulating behind the building, so just a residential style building was seen from the street. He stated that staff did request a vegetative buffer strip where the property abuts the residential zone. He concluded that staff felt the application was reasonable, accommodating what the applicant wanted to do while still preserving the character of the village, and recommended approval.

Vice Chair Blakaitis asked if there was a representative from Twiddy & Company present. Warren Eadus of Quible & Associates was recognized to speak. Mr. Eadus stated that he was present on behalf of Twiddy & Company. Director Garman stated that the applicant has a contract on the property, pending approval of the conditional use permit, so they wished not to advertise that they had an interest. Vice Chair Blakaitis noted that it looked like there would not be an issue when the conditional use permit is formally presented. Director Garman stated that

he tried to address all issues up front. He added that the facility would be small and with no access onto Duck Road, which should eliminate a lot of problems.

Chairman Britt pointed out that there wasn't anything regarding laundry facilities in the permit. He asked if it was omitted for a reason. Director Garman stated that it would not preclude laundry facilities. He added that if the Board wished to come up with a condition regarding that, they could. He stated that the use that was observed in Corolla had two laundry machines which the applicant used for performing emergency laundry services. Warren Eadus stated that the laundry service would like consist of one commercial machine. He noted that it would not be a laundry facility.

Chairman Britt stated that he wasn't thinking about that specific location as much as it may open the door for someone else to have a more laundry-oriented business. He wondered if it was something that should be allowed. Member Gilbreath pointed that there weren't any laundry facilities in Duck. Chairman Britt agreed. Director Garman stated that the applicant had expressed to staff that they wanted to have a limited space where they could be more responsive to their guests.

Council Liaison Burdick asked if the facility would be in the Village Commercial District. Vice Chair Blakaitis stated that it was. Council Liaison Burdick clarified that it would not be located in a residential area. Director Garman stated that it was in the Village Commercial District. He added that the proposed ordinance has the use as village commercial. Council Liaison Burdick clarified that the proposed ordinance would change the use to village commercial. Director Garman disagreed and added that it would add the use as an allowable one in the Village Commercial District but this action would not be a rezoning of property.

Council Liaison Burdick asked if the Board really wanted to allow outdoor material storage. Member Forlano stated that he was concerned about the outdoor storage. Warren Eadus noted that it would be minor quantities and added that it would be used to respond to minor landscape issues that would pop up. He stated that he could propose limitations on the quantities of the stone and mulch or do it in a manner that would hide the stone and mulch from view. Director Garman suggested that the language read: "...it shall be adequately screened from view..."

Chairman Britt understood why the applicant may need a small amount, but limited outdoor storage should be put in along with language regarding screening. He added that it seemed to stand out from everything else. Member Forlano felt that this was bending the intent of what Village Commercial stood for. He asked how far the Board wanted to bend with regard to what should be allowed in the Village Commercial District. He stated that he had a problem with property management uses. Chairman Britt pointed out that there was language that would keep it off Duck Road.

Vice Chair Blakaitis asked how many commercial properties were off Duck Road. Director Garman thought there were approximately five and were all located on Scarborough Lane. Vice Chair Blakaitis asked why a real estate company needed to get involved in dealing with mulch and stone. Warren Eadus stated that they were concerned with the appearance of the homes. Vice Chair Blakaitis thought the homeowners should take care of that. Mr. Eadus agreed, but noted that real estate companies do maintain a lot of the homes for the owners that live out of

state. Vice Chair Blakaitis asked if this particular use was incidental. He further asked where the materials would be kept for maintaining homes. Mr. Eadus stated that the applicant has accounts at different stores to buy the materials as needed. Vice Chair Blakaitis asked why it would be needed on the site. Mr. Eadus stated that it would only be minor quantities. Vice Chair Blakaitis stated that he didn't see where there would be an urgent need for mulch or stone.

Member Forlano pointed out that the applicant was nowhere near bringing forward a site plan. Director Garman agreed and added that the applicant was bringing the item forward in advance of a site plan. He added that it would be likely that a site plan would be brought forward at the Board's next meeting. Chairman Britt stated that it was giving flexibility to allow it and it says limited and was on a site plan basis. He felt it could be controlled. Director Garman pointed out that the Town does allow retail businesses to rent bicycles and keep them outdoors. He stated that those types of uses have to be approved as part of the site plan.

Council Liaison Burdick thought the issue was if the Town wanted to allow this type of use in the Village Commercial District. He added that it would be a significant change to allow a maintenance organization to work in the Village Commercial District. He thought that it was an issue that the Council would bring up. Chairman Britt agreed that it was an issue, but thought it was a limited maintenance office. Director Garman thought the question of whether the use should be allowed at all needed to be addressed by the Board. He added that it was a judgment call as to whether the use fit in with the character of the Village.

Member Forlano thought any issues could be controlled with the conditional use permit after the site plan is presented. He questioned whether it belonged in the Village Commercial District. Vice Chair Blakaitis asked where it should belong. Member Forlano thought it should be in a light industrial park area. Chairman Britt didn't think the use would fit in Town. Member Forlano wondered if a "Pandora's box" would be opened by allowing this use. He further wondered what the next thing that would come up for the Village Commercial District.

Member Forlano asked if Twiddy & Company had a maintenance operation facility in Duck. Warren Eadus stated that it was just a check in, rental and real estate office. Director Garman stated that staff's biggest concern at first was that this would be similar to the Village Realty facility in Nags Head but after looking at it, it was more of a convenience center than a property maintenance center. Chairman Britt reiterated that the actual use was inconsistent with other uses in the Village Commercial District. Member Forlano agreed. Warren Eadus noted that the facility's use would essentially be a call center with a light amount of work in the building, but it was not inclusive that all maintenance would come out of the building.

Director Garman pointed out that the property was well off of Duck Road and was considered less desirable for a restaurant or retail facility. He stated that the ordinance was expanding the definition of "office" slightly to accommodate what the applicant wished to do. He added that there was still the question of whether the proposed use would fit. Chairman Britt thought that operationally, it was problematic. He still felt that it didn't fit. Director Garman noted that if the applicant was not proposing storage or repair, the Board would not even be discussing the issue. Member Fricker agreed.

Chairman Britt asked the Board how they felt. Member Gilbreath felt the use fit in with the Town. Member Forlano felt that it did not fit. Member Fricker felt it did not fit. Vice Chair Blakaitis stated that if the use did not fit, he was inclined to agree with Member Forlano and Fricker, but wasn't sure if it really didn't fit.

Member Fricker moved to recommend that the Town Council not approve the proposed zoning text amendment as presented. Member Forlano seconded.

Motion carried 4-1 with Member Gilbreath dissenting.

APPROVAL OF MINUTES

Planning Board Meeting June 13, 2012

Chairman Britt directed the Board to review the minutes from the June 13, 2012 meeting.

Vice Chair Blakaitis moved to approve the minutes as amended. Member Gilbreath seconded.

Motion carried 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

None.

BOARD COMMENTS

None.

ADJOURNMENT

There being no further business to discuss, Chairman Britt adjourned the meeting. There was no second or vote.

The time was 9:20 p.m.

Approved: _____
/s/ Joe Blakaitis, Vice-Chairman