

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
November 14, 2018**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, November 14, 2018.

Present were: Chair Joe Blakaitis, Vice Chair Marc Murray, Tim McKeithan, James Cofield, and Sandy Whitman.

Absent: None.

Also present were: Director of Community Development Joe Heard, Permit Coordinator Sandy Cross, and Council Liaison Jon Britt.

Absent: None.

Others Present: Ron Forlano, Mark Martin, Andy Deel, Steve Smith, Frank and Taylor Slaughter, and Dan Byard.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for November 14, 2018 at 6:36 p.m.

PUBLIC COMMENTS

None.

NEW BUSINESS

Conditional Use Permit 18-009: Application for a Conditional Use Permit to Construct a 2,364 Square Foot Restaurant and Apply the Village Commercial Development Option Seeking Flexible Development Standards for Parking Requirements and Parking Setbacks at 1184 Duck Road

Director Heard stated that the requested conditional use permit involves the demolition of an existing office building at 1184 Duck Road and construction of a new restaurant that is 2,364 square feet in size with 38 seats inside and additional seating in a small outdoor seating area on the rear deck. He stated that additional improvements are as follows:

- Construction of wooden decking and walkways.
- Addition of a second wooden walkway connection to the Town of Duck boardwalk.
- Relocation of the entrance/exit driveway.
- Construction of 11 parking spaces and a loading zone.
- Installation of a bicycle rack.
- Utility improvements supporting the proposed development.

Director Heard explained that an eating/drinking establishment is a conditional use in the Village Commercial district. He added that the applicant is seeking the Planning Board's recommendation to apply the Village Commercial Development Option to the project as it relates to a reduction in the minimum parking requirements and the front parking setback.

Director Heard stated that the existing development of the property is an office for Brindley Beach Realty. When their lease expires at the end of the year, Brindley plans to vacate the property. The applicant plans to begin redevelopment of the property in the hopes of getting the restaurant open in time for the upcoming summer season.

Director Heard stated that the property is a little over a third of an acre in size and zoned Village Commercial (V-C) as are all the properties that surround it. He pointed out that to the south is the Soundside Shops and Bob's Bait and Tackle; to the north is Super Wings; and directly across the street from the subject property is the Scarborough Fair Shoppes.

Director Heard stated that the proposed use is a conditional use in the Village Commercial zoning district. He stated that the lot is 16,748 square feet in size, which is smaller than the minimum size of 20,000 square feet for the V-C district. He noted that as an existing, nonconforming parcel, the lot can be redeveloped so long as the Planning Board and Town Council find that the lot is of sufficient size to meet the requirements of the Dare County Health Department, provides adequate siting for structures, and provides parking, loading and maneuvering space for vehicles. He noted that the existing development on the property covers 10,011 square feet, which is just less than the maximum lot coverage requirement of 60% in the Village Commercial district. He added that the proposed redevelopment of the property would significantly decrease the amount of lot coverage by 3,061 square feet. He pointed out that with the decrease, the total amount of lot coverage will be 6,950 square feet, which is in much greater compliance with the lot coverage standard.

Director Heard stated that the existing driveway, parking areas and structures on the property cover about 57% of the area within the 75-foot CAMA Area of Environmental Concern (AEC). He added that the existing coverage is nonconforming since only 30% coverage is permitted in the AEC. He stated that the proposed redevelopment decreases the amount of coverage in the AEC to 27.3%, which brings the property into conformity with the CAMA lot coverage standard. He added that the paved and gravel parking areas presently cover 84.3% of the CAMA buffer area extending 30 feet from the bulkhead. He pointed out that no lot coverage is permitted within the buffer area, which also makes the existing development significantly nonconforming. He stated that the proposed redevelopment will remove all lot coverage in the CAMA buffer area and bring the property into full compliance with current CAMA lot coverage standards.

Director Heard stated that the proposed drive aisle width of 20 feet is the minimum recommended for 90-degree parking by generally accepted traffic engineering standards. He pointed out that with a width of 24 feet at the property line, the proposed driveway complies with the maximum width standard of 30 feet. He added that the driveway width of 40 feet at the road edge also complies with the Town's maximum requirement of 40 feet. He stated that the distance between the existing access drive and driveway into the Soundside Shops to the south is currently 54 feet and the layout does not comply with the Town's standards requiring a minimum 80-foot separation between the driveways. He added that the existing driveway is proposed to be

relocated 30 feet to the north which will bring the property into compliance with driveway separation standards. He pointed out that the applicant must obtain a driveway permit from the North Carolina Department of Transportation to relocate the access drive.

Director Heard stated that by the anticipated completion date for the proposed project, the second phase of the Duck Village pedestrian improvements will have been installed along the western side of Duck Road at the front of the subject property. He stated that the proposed walkway from the sidewalk to the restaurant will provide convenient access for pedestrians to the restaurant. He added that the applicant is proposing to provide a second connection to the Town boardwalk near the northwest corner of the subject property. He noted that these boardwalk connections also provide convenient access for pedestrians to the restaurant. He stated that standard walkways and ADA handicap access ramps will be provided from both directions to the restaurant.

Director Heard stated that the proposed redevelopment includes the construction of a new concrete parking area containing 11 parking spaces located near the front of the property. He noted that based on the size of the restaurant the minimum parking requirement for the property is 16 parking spaces. He added that as the proposed parking area has only 11 parking spaces, the amount of parking will be five spaces short of complying with the minimum parking standards. He explained that the applicant is seeking relief through the Village Commercial Development Option to reduce the minimum parking requirement and is asking the Board to find that 11 parking spaces are adequate to serve the proposed restaurant. He added that one of the proposed parking spaces is designed to be ADA handicap accessible, which complies with the Americans with Disabilities Act. He noted that the applicant is also proposing to install a bicycle rack located just west of the parking lot and loading zone. He stated that the bicycle rack location is convenient to the future bicycle lane and sidewalk at the front of the property.

Director Heard stated that Town standards require a minimum setback of 10 feet from property lines for parking spaces. He stated that proposed parking spaces 5 and 11 are located within the 10-foot setback, approximately three feet from the front property line. He added that the applicant is seeking approval of reduced setback requirements for the two parking spaces.

Director Heard stated that the proposed parking area contains a loading zone at the western end of the parking area in close proximity of the restaurant. He noted that since most of the deliveries will occur during the morning hours, there should be minimal conflict between delivery trucks and customers trying to park at the site. He stated that a commercial dumpster large enough to accommodate a regular and recycling container is proposed to be located to the rear of the parking area adjoining parking space #1. The dumpster pad will be enclosed on at least three sides as required by Town standards.

Director Heard stated that the applicant has submitted plans to the Dare County Environmental Health Department for review. He stated that Jack Flythe of the Health Department had commented that: "...the concept of the on-site wastewater system information contained in the submittal packet appears to be favorable upon our initial review. However, our full review is still in process at this time." He noted that the applicant must obtain a permit from the Dare County Health Department for the design and installation of the proposed wastewater treatment system improvements prior to the issuance of a land disturbance or building permit.

Director Heard specified that the applicant is requesting approval of the Village Commercial Development Option for two purposes:

1. To reduce the minimum parking requirement from 16 parking spaces and find that 11 parking spaces are adequate to serve the proposed restaurant on the site.
2. To reduce the minimum setback for parking spaces at the front of the property from 10 feet to three feet with shrubs planted between the parking spaces and the adjoining sidewalk.

Director Heard explained that the Village Commercial Development Option offers flexibility from a variety of development standards in the Village Commercial district on a project-specific basis. He added that the Planning Board is asked to determine if the proposed development is consistent with the intent of the Village Commercial Development Option and warrants approval of the requested modifications to the development standards for parking and parking setbacks from the front property line.

Director Heard reminded the Board that the stated purposes of the Village Commercial Development Option were as follows:

1. To facilitate appropriate development in the Village Commercial District.
2. To assist in the creation of a mixed-use development of size, scale, and architectural character that will complement the Village Commercial District that is at the heart of Duck.
3. To provide opportunities for custom site-specific development review to implement Town policies encouraging shared parking, limited vehicular access, pedestrian accommodations, and a mixture of land uses.
4. To reinforce the Village Commercial District as an exceptional and distinctive place to live, work, and recreate.

Director Heard stated that after evaluating the proposed redevelopment for compliance with the intent and objectives of the Village Commercial Development Option, Community Development staff offer the following comments:

- The architectural design of the proposed building blends a traditional, one-story cottage-style design with an open, airy modern design. The modest size of the building is appropriately scaled to the lot. The design of the building is consistent with the scale and character desired in Duck Village.
- The applicant has proposed walkways that provide convenient access to and from the adjoining boardwalk at the rear of the property and sidewalk and bicycle lane at the front of the property.
- The applicant notes that a substantial number of customers will arrive at the site on foot and by bicycle from the adjoining sidewalk and boardwalk. Therefore, the amount of vehicular parking needed is less than typical shopping areas.
- The redevelopment proposal includes the removal of extensive amounts of impervious surfaces in close proximity to the Currituck Sound in the CAMA Area of Environmental

Concern. These areas of the property will be brought into full compliance with CAMA and Town lot coverage standards as part of the site's redevelopment.

Director Heard stated that staff is recommending approval of the conditional use permit to with the following conditions:

1. The applicant must provide a lighting plan in compliance with the Town's exterior lighting standards.
2. The applicant must obtain a driveway permit from the North Carolina Department of Transportation for relocation of the existing driveway further to the north prior to the issuance of a land disturbance permit.
3. The applicant must obtain a permit from the Dare County Health Department for the design and installation of the proposed wastewater treatment system improvements prior to the issuance of a land disturbance or building permit.
4. The applicant must obtain a CAMA Minor permit for all work and improvements within the Area of Environmental Concern prior to the issuance of a land disturbance or building permit.
5. The proposed boardwalk connection must be designed by an engineer to comply with the standards and specifications of the Town's boardwalk and applicable codes.
6. Any new signs must be reviewed and approved under a separate permit by the Community Development Department.
7. The applicant must submit the final engineer-stamped site plan and site plan review fees as provided for in the Town's adopted fee schedule, as may be revised through the approval and condition process, with all required information referenced in the CUP conditions, prior to issuance of a building permit for the project.
8. The building must be constructed in substantial conformance with the elevation drawings and floor plans submitted with the conditional use permit application, as prepared by Beacon Architecture and dated November 7, 2018.
9. This conditional use permit will expire in 18 months from the date of approval unless construction has commenced with the required site plan and building permit approvals.

Director Heard noted that the Board has in front of them a copy of an email that was sent from a business owner in the adjoining Soundside Shoppes, where the owner expresses some concerns about the project. He pointed out on Friday, November 9, 2018, staff became aware of an issue regarding the location of the front property line. He explained that as the proposed redevelopment of 1184 Duck Road makes changes that will impact the Town's upcoming sidewalk project, he had sent a copy of the site plan to VHB, the Town's engineering firm for the pedestrian plan. He stated that after reviewing the plan, VHB found a discrepancy between the survey used for the site plan and their survey for the sidewalk project.

Director Heard explained that the sidewalk at the front of the subject property was designed to be located entirely within the public right-of-way for Duck Road. He added that the actual edge of the right-of-way is located further to the east, as shown on the applicant's site plan. He stated that the correction will require a portion of the sidewalk to be located on the subject property and means that there is not as much room from the eastern edge of the property area to the sidewalk.

Director Heard stated that VHB and he reviewed the situation and have developed several potential solutions to the issue, any of which will involve changes to the site plan. However, a majority of the site plan will remain substantially the same. He noted that the potential amendments will be discussed to determine which option the Planning Board prefers as well as what is acceptable to the applicant.

Andy Deel of Deel Engineering was recognized to speak. Mr. Deel stated that one of the nice things about the layout is that, while coming into compliance with CAMA and FEMA, he is taking away a lot of the at-risk aspects of the property. He stated that the existing development take up much of the site. He added that there is a little green space in front and on the north side, while everything else is paved. He stated that from an environmental aspect, the proposal will greatly enhance what is happening on the property and will not cause any issues. Mr. Deel stated that one of the things that is important to the applicant is marrying the site with the Town's boardwalk. He noted that the property effectively has two fronts to it as there is access and customers coming from both the boardwalk and Duck Road. He stated that the applicant feels it is important to have the ADA access up to the building and down to the boardwalk.

Chair Blakaitis asked Andy Deel to review the four parking alternatives with the Board and audience. Andy Deel stated that in the survey there is a strip of land that the sidewalk designer thought that they had in the right-of-way, but don't. He stated that he didn't realize that a portion of the sidewalk needs to be on the applicant's property. He stated that the sidewalk can fit on the property with the proposed parking area, but there is no space between them. He stated that the one option is to put the sidewalk in, put a raised curb between the parking space and sidewalk, and not have any green space. He added that they propose to have the sidewalk, some type of small, visible barrier and then the parking.

Andy Deel stated that a second option is to lose two parking spaces. He stated that the applicant does not prefer this option as they are already at 11 parking spaces and prefer not to go down to nine. He stated that a third option proposed by VHB is to remove parking space #11 but keep space #5. He stated that this will create a little more room between space #5 and the sidewalk. He added that if parking space #11 is removed, that area can be landscaped and create a bit of a different experience for people on the sidewalk. He pointed out that the negative impact is that the applicant will lose a parking space, but that will be at the discretion of the Planning Board.

Andy Deel stated that a fourth option is to take the lot out of compliance with CAMA standards. He explained that much of the property is currently paved within the 30-foot CAMA buffer and AEC. This amount of lot coverage is grandfathered by CAMA and can be retained. He stated that the proposed layout will bring the site fully into compliance. However, if they want to reduce compliance, then they can slide the building five feet to the left, which will open up some landscaped area between the parking spaces and the Town's new sidewalk. He noted that the applicant likes having the rear yard. In terms of the applicant's preference, they are open to any of the options, but are trending more towards losing parking space #11 and landscaping that area or shifting things by five feet.

Member Cofield thought if the applicant wants to get more parking spaces, it looks like there is a fair amount of space between the westernmost parking space and the building. Andy Deel stated that the grass area is completely consumed with the wastewater system, which was a big driver

in the site layout. He added that they can pick up the building and shift it five feet to the west as there is some room but cannot make the yard smaller because they need the space for the septic drainfield. Member Cofield clarified that the applicant can shift everything five feet. Andy Deel stated that they can shift the whole assembly five feet to the west and will not be in violation of setback standards. Member Cofield asked if the applicant can pick up two more spaces and change the material for the parking spaces. Andy Deel asked why they would want to change the material for the parking spaces. Member Cofield stated that it would be for drainage purposes. Mr. Deel stated that there isn't a correlation between the material for the parking spaces and anything having to do with the septic drain field. Member Cofield stated that if the parking is designed similarly to the parking at Duck Deli, clearly there will be better drainage. Mr. Deel pointed out that there is a significant cost associated with permeable pavement. He noted that stormwater design is his specialty. He stated that the capacity of the soil is equivalent to a 4.2-inch rainfall across the site, which is a little less than the 10-year rain event. He added that they can install permeable pavement, but the minimal advantage they will get from is money that would not be well spent.

Member Cofield thought, in theory, everything on the site can be moved back by five feet. Andy Deel stated he is correct. Member Cofield asked if it can be moved back further. He asked if he can get nine feet. Andy Deel stated that if they did that, then the back yard will become smaller. He explained that they have 30 feet from the building and can go down to 23 feet, but it becomes a question of what is more important. He stated that this is something that the Planning Board needs to weigh in on - picking up two more parking spaces or compliance with CAMA lot coverage. Member Cofield asked about the septic drain field. Mr. Deel stated that he spends a lot of time working with the Dare County Health Department on the drainfield. He stated that they do not have a permit yet and will not be applying until they have site plan approval from the Town.

Member McKeithan noted that the original conditional use permit application showed 12 parking spaces. He asked where one of the parking spaces went with regard to the submission. Andy Deel stated that it was on the first submission. Director Heard explained that at the technical review committee meeting, there was a lot of conversation regarding the need for a loading zone. He added that when the loading zone was incorporated into the proposal, it resulted in a loss of a parking space. Andy Deel noted that they also had originally proposed a single dumpster enclosure. The ALE requires a recycling dumpster in addition to a trash dumpster, so they had to expand that, which also contributed to elimination of the parking space.

Member McKeithan asked if the parking space to the east of the handicap parking is required for handicap parking or necessary for the loading space. Andy Deel stated that the first handicap parking space is required to have an eight-foot-wide loading zone beside it.

Dan Byard of 2017 Creek Road, Kitty Hawk was recognized to speak. Mr. Byard stated that he is a resident of Kitty Hawk. As a former tourist and now local, he is proposing the project as an opportunity to dine on the waterfront in a somewhat casual and affordable environment. He noted that that is the vision for this property. He added that when he saw the property for sale, he identified that the waterfront location is the most valuable part of the property. He sees a really good opportunity and to enhance the Town by offering another dining option.

Member Whitman asked if the sidewalk in front of Bob's Bait and Tackle is designed to stay off their property and how it joins with the applicant's property. Director Heard stated that VHB's initial design narrowed the sidewalk significantly. He noted that the standard design is five feet in width and it was narrowed to about three and one-half feet in that area. He stated that he met with several owners of the Soundside Shoppes and talked through the proposal and in that discussion, they brought up that they are willing to give up a little bit of property in the northwest corner to make it a standard sidewalk. He stated that they have signed a permanent easement, giving the Town the right to construct and maintain the standard sidewalk configuration over the northeast corner of the property tying into the subject property. He noted that there may be a slightly narrower landscaped area in front of Bob's Bait and Tackle, but will still maintain the sidewalk width.

Member Whitman noted that the applicant indicates he will have six employees. He asked if they will all be parking on the property at the same time. Andy Deel stated that the ordinance requirement is one parking space for every three employees and there will be a maximum of six employees at the site. He stated that the applicant will not have all six working at the same time and will coordinate with them so there should be parking available for customers.

Member Cofield asked how the applicant will coordinate with his employees so that they are not parked at the restaurant at the same time. Andy Deel stated that there are a lot of examples on the beach of people gathering their employees and taking them to the work site. He noted that a lot of the grocery stores and real estate companies do that. He added that even if the employees are parking at the property, they will make sure that they are coming with multiple people in one vehicle. He stated that it will be part of the operational aspect of the restaurant. He stated that it is in the applicant's best interest to not fill up the parking with employee vehicles. Member Cofield asked if the employee calculation is included in the parking. Andy Deel stated that it is.

Member McKeithan asked if the applicant explored any possibility of finding additional parking at other locations in the neighborhood, such as at Super Wings. Chair Blakaitis clarified that Member McKeithan is referencing shared parking with another business, which is encouraged in the V-C district. Andy Deel stated that they have not. Dan Byard stated that he is open to the idea of shared parking but has not established any at this point.

Vice Chair Murray asked what the restaurant hours will be. Dan Byard stated that the plan is to be open for lunch and dinner and maybe a light breakfast later on.

Chair Blakaitis stated that in general, he feels there are a lot of good things with the project, but his overriding fear is the total amount of parking spaces on the property. He added that it isn't like the applicant is going from 70 spaces to 60, but are going from 16 spaces to 11, which is a high percentage for a small number of spaces. He stated that it concerns him but isn't sure if the other Board members feel the same. He stated that the Board is not concerned about what the applicant is giving up in the front of the property with the two parking spaces but does not think the Board should be thinking at all about eliminating parking for any reason. He stated that he likes the idea of moving the building if possible but moving it five feet will not give the applicant another parking space. Andy Deel stated that moving it five feet will open up the space between the parking spaces and the sidewalk. He added that nine feet will achieve two more parking spaces.

Chair Blakaitis stated that he is not as interested in creating greenspace as much as he is in adding two parking spaces. He thought, overall, the project is a good thing for the Town as it will be attractive. He thought the Board can talk for hours about it and come down to the same situation that they do not like the fact that they are providing so few parking spaces. He stated that he cannot think of anything else in the proposal that bothers him other than the parking.

Member McKeithan asked if the applicant considered the possibility of reducing the number of seats in the restaurant from 38 to 28 if the Board has an issue with the parking or have 24 seats and allow the outdoor dining to comply with the parking spaces. Andy Deel stated that as they consider that, it will impact the financial aspect of the business. He stated that the number of seats is the driver of the numbers. Member McKeithan pointed out that the biggest issue is that the applicant is dealing with a lot that is not large enough to accommodate the size of the restaurant that is being proposed. Chair Blakaitis added that it is a concern with trying to squeeze a lot of development into a small space. Andy Deel stated that it is within the context of the Town's coverage requirements as well as the CAMA requirements. He stated that they will be more compliant than what currently exists on the property. He stated that in terms of percentages with parking, they aren't outside of what has been done in Duck in the past. He added that if they are able to pick up two more parking spaces by shifting the building and leaving the sidewalks as is, then they will be in a situation where they will be less in conformance with lot coverage and CAMA.

Vice Chair Murray thought the question for the Board is what is more important: parking or lot coverage. He understood that the Board has concerns about parking, even though he does not share that concern. He felt that the Town has invested in a lot of money for the boardwalk and sidewalk to make Duck a pedestrian-friendly town. He pointed out that if a potential customer demands a parking space that is not available, they will go somewhere else. He stated that he sees the benefit of picking up two more parking spaces but wonders what is more important to the Board. He wondered what more damage it can do, having someone not try the restaurant and continue driving somewhere else because they can't find a parking space or putting the Town in a position where the applicant is putting in less of a buffer for stormwater into the sound. He thought it seems damaging in the long-term. Based on comments, he thinks parking may be more important to the Board. He thought the general consensus is that it will be a good development and benefit to the Town.

Chair Blakaitis stated that the Board is not talking about a lot of parking spaces and thinks businesses always need more parking than they think they need. He asked Council Liaison Britt how many parking spaces were approved for the Village Table & Tavern Restaurant. Council Liaison Britt stated that it was approximately 67-68 parking spaces. Chair Blakaitis asked how it is working out. Council Liaison Britt stated that it is different for every business. He had multiple businesses running on his site and doesn't think it is fair to compare them. He added that his business also is not in Duck Village with the advantage of the boardwalk and the sidewalk. He reiterated that it isn't a fair comparison because of location, size and nature of the businesses. Vice Chair Murray stated that even if the parking is tight at Village Table, no one is parking in the street. Chair Blakaitis agreed.

Member Cofield stated that he does not see moving the building as compromising the stormwater management. Andy Deel stated that CAMA created the 30-foot buffer. He stated that it is supposed to be a vegetative buffer with a place for water to settle or infiltrate before it enters the sound. He added that currently, the site has a parking lot with the worst pervious coverage as it drains right into the sound. He stated that the closest point of the building would be going from 32 feet behind the bulkhead to 23 feet behind the bulkhead. He added that in these soils, that will still be a lot of available area for infiltration, but with a heavy rain, water will run off.

Member Cofield suggested that the applicant can do something to mitigate the rooftop runoff. Andy Deel stated that they can grade the area under the drip line on the side to pull the water back. Member Cofield suggested moving the proposed building closer to the sound and adding two more parking spaces to make it a total of 13 parking spaces.

Chair Blakaitis pointed out if the applicant cannot add any more spaces, the application is not moving forward at this meeting. Andy Deel stated that the decision is a value judgment of the buffer versus the parking spaces. Chair Blakaitis pointed out that if the Board still feels that more parking is an enhancement for Duck and a good thing, it should be made a condition.

Vice Chair Murray made a motion to recommend approval of conditional use permit 18-009, with the conditions listed in the staff report and with the two additional conditions that the site plan be amended to move the building nine feet to the west in order to create two more parking spaces on the east side of the parking lot and grading details be provided on the final site plan indicating grading techniques to mitigate runoff towards the sound.

Director Heard asked that the easement for the sidewalk be included in the motion in front of the property. Vice Chair Murray amended his motion to add a third condition to include a permanent easement to accommodate the public sidewalk at the front of the property.

Member Cofield stated that he wanted to clarify the motion in that the two additional parking spaces should be on the west side of the parking lot. Chair Blakaitis pointed out that the Board is giving the applicant the option to move the building as necessary in order to install two parking spaces and thought they should be nine feet each, so it doesn't matter where they are located.

Member Cofield seconded the motion.

Motion carried 5-0.

OLD BUSINESS

Update on Ordinance 18-06: Maximum House Size/Septic Capacity

Director Heard stated that this item is not meant to be one for significant discussion, but because the Board had put forward a recommendation to the Town Council, he wanted to let the members know how it proceeded since the council's decision was different than what is typical.

Director Heard stated that the Planning Board had moved forward a recommendation to the Town Council limiting the capacity of septic systems based on tiers of lot size. He stated that it

was presented to Council with the Board's unanimous recommendation for approval. At the Council meeting, a lot of discussion was had, but no agreement on the proposal. He stated that Council ended up with a stop-gap measure to consider adopting an ordinance that puts something into place, then have future consideration of the Board's proposal as well as other potential alternatives.

Director Heard stated that Council made a motion to set a second public hearing to consider the Board's original proposal that was put forth. He noted that Council held a public hearing on this proposal at their September 5, 2018 meeting and ended up sending it back to the Planning Board to look at several aspects of it. He stated that Council did not take action on the ordinance at the original public hearing, but because it is out there, they voted to set the hearing to be heard at their December 5, 2018 meeting on the ordinance that was recommended previously.

Council Liaison Britt added there was discussion at the Council meeting regarding increasing the maximum square footage from 7,000 square feet to 8,500 square feet as a possibility. He stated that there seems to be a lot of focus on house size with some Council members feeling that that is not the challenge. He thought that what the Planning Board had sent is exactly what Council had asked, but now there will be another public hearing on December 5, 2018 on what the Board gave Council in September with the knowledge that the high-end cap will likely go up. He thought the Planning Board had put two good proposals in front of Council.

Member McKeithan asked if the second proposal that discussed limiting density by the septic size is not being presented in the second public hearing. Director Heard answered that the septic capacity proposal will not be part of the public hearing unless someone brings it up. Council Liaison Britt reiterated that the public hearing will only be about the proposal that the Planning Board sent to Council for their September 5, 2018 meeting.

APPROVAL OF MINUTES

Minutes from the October 10, 2018, Regular Meeting

Member Cofield moved to approve the October 10, 2018 minutes as presented. Vice Chair Murray seconded.

Motion carried 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Summary of November 7, 2018, Town Council Meeting

Director Heard updated the Board on the November 7, 2018 Council meeting.

Project Updates

Director Heard updated the Board and audience about several Town projects.

BOARD COMMENTS

Member McKeithan stated that he, along with Chair Blakaitis and Member Whitman had attended the open session of the Town of Southern Shores Council in that they are having similar discussions on maximum size of houses. He stated that it was a very interesting meeting. He reminded the Board that Southern Shores' issue is that they have 6,000 square feet maximum house sizes and found that someone can build a 12-bedroom home within that size house. Many citizens of Southern Shores are upset over it. He stated that the Southern Shores Council is trying to figure out their options regarding further limiting density. He added that one option is an overlay district, mainly for oceanfront properties, with development standards to try to further look at their options in limiting density. Chair Blakaitis stated that it was a good meeting with a full house in attendance.

ADJOURNMENT

Member Cofield moved to adjourn the meeting. Member McKeithan seconded. There was no vote.

The time was 8:19 p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman