

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
June 10, 2020**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, June 10, 2020.

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

Absent: None.

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

Absent: None.

Others Present: Director of Public Information, Marketing and Events Christian Legner.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for June 10, 2020 at 6:35 p.m. He noted that this is a virtual meeting and that the chat feature is disabled for those watching remotely. He stated that if anyone watching remotely wants to make a comment, they can indicate by raising their hand and/or submit comments through the chat feature in Zoom.

Chair Blakaitis noted that Member McKeithan is attending the meeting remotely.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

Introduction to NCGS Chapter 160-D: Planning & Development Modules from the UNC School of Government

Director Heard stated that the Board will be watching a series of videos produced by the UNC School of Government, all of which relate to the adoption of Chapter 160-D in the State Statutes, which combines municipal and county regulations for land use and development. He explained that this is the enabling legislation that allows the Town to do everything it does with regard to the zoning ordinance, subdivision ordinance, and other development standards. He stated that this is a project that began about 10 years ago and was spearheaded by the North Carolina Bar Association. The NCBA looked at the way the regulations on a State level had been adopted in a

piece meal fashion over the years. They saw a great value in consolidating some of the development regulations to make sure they are consistent from one adopted regulation to another. He stated that after much review, these amendments were adopted by the legislature this past year into one cohesive set of standards known as Chapter 160-D.

Director Heard stated that the training modules are intended to show why certain standards were adopted, so the Board can have a better understanding as they review Duck's zoning ordinance and development regulations over the upcoming months. He noted that one positive is that the legislative amendments do not result in substantive changes to the Town's rules.

Chair Blakaitis asked how many modules are available to be viewed at this meeting. Director Heard stated that there approximately 1.5 hours of modules for the Board to watch. The Planning Board and audience went to view the modules.

Director Heard stated that one of the modules that the Board just viewed dealt with swearing in new Board members following an appointment, which is something that the Board has not done in the past but will be required to do. He stated that there two other take-aways from the modules – one is that the Board will have to combine the processes for conditional use permits, which no longer exist, and the special exceptions, which also no longer exist, into a special use permit. He explained that there will be challenges for the Board to figure out the best way to approach some of those things.

Director Heard stated that there was also mention in the modules regarding conditional zoning. He explained that conditional zoning is something authorized by the State legislation but is not something that the Town of Duck's ordinance presently allows. Chair Blakaitis inquired if the amendments will take effect in January 2021. Director Heard stated that as a result of COVID-19, the new adoption date has been extended from January 1, 2021 to August 1, 2021, but he doesn't see any reason for needing the additional months as the Board can move ahead with the necessary amendments in a more timely manner. Chair Blakaitis asked if proposals will come before the Board gradually. Director Heard stated that he will begin putting things together and communicating with the Town attorneys for their feedback. The Planning Board and audience continued viewing additional training modules.

Director Heard stated that in the one session regarding permanent choice and vested rights, it was an important change that was made and he has to consult with the Town attorneys as he isn't sure if the Board has to make changes in the ordinance to accomplish the amendments. He added that it is a law and the Town has to abide by it but doesn't think it is necessarily something that has to be put in an ordinance.

Vice Chair Cofield stated that in the module regarding administrative reviews as opposed to Board reviews, there was a discussion of development approvals and who has to sign the application. He asked if that is the same for the Planning Board as it is for the administrative review. He noted that concern wasn't discussed in the module. Director Heard stated that when the Board is making a decision and recommendation, they have a defined role and it is clear how those decisions are made. He stated that for an administrative decision, there needs to be clarity as far as who has the responsibility for making that decision, interpretation, or determination. Vice Chair Cofield noted that the application, under administrative review, could be signed by

the property owner, lessee, or some other party that has an interest in the property. He added that under the Town's procedures that the Board has been following, the application has to be signed by the property owner only and not a lessee. Director Heard explained that it can be any of the above. He added that as a matter of practice, Town staff prefers property owners to sign the application. He stated that a property owner can also allow someone else to act on their behalf. He stated that Town staff does accept valid releases, adding that for many of the projects such as conditional use permits, oftentimes there is a lessee that renting one space in a shopping center. He explained that, technically, that lessee can be the applicant, but some of the issues the Town deals with may involve the entire development. In these instances, it is a good thing to have the owner involved as they may be the only ones who can address certain issues that may arise.

APPROVAL OF MINUTES

Minutes from May 13, 2020, Regular Meeting

Vice Chair Cofield moved to approve the May 13, 2020 minutes as presented. Chair Blakaitis seconded.

Motion carried via roll call 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Summary of June 3, 2020 Town Council Meeting

Director Heard gave a short overview of the June 3, 2020 Council meeting.

Project Updates

Director Heard gave a short overview on various projects going on in Town.

BOARD COMMENTS

Chair Blakaitis thanked Director Heard for putting everything together with regard to the modules that the Board viewed. He thought it was interesting will involve comprehensive changes for the Town.

ADJOURNMENT

Vice Chair Cofield moved to adjourn the meeting. Member Morton seconded.

Motion carried via roll call 5-0.

The time was 8:15p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman