

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
November 10, 2021**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, November 10, 2021.

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

Absent: None.

Also present were: Council Liaison Sandy Whitman, Director of Community Development Joe Heard, Senior Planner Sandy Cross and Deputy Town Clerk Kay Nickens.

Others Present: Dave Klebitz of Bissell Professional Group, Jim Braithwaite, and Matt Price.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for November 10, 2021 at 6:30 p.m.

PUBLIC COMMENTS

None.

NEW BUSINESS

Text Amendment: Indoor Entertainment Facilities in Village Commercial District

Director Heard advised that the applicant has proposed amendments to several sections of the Duck Town Code to accommodate the addition of *Indoor Entertainment Facilities* as a permitted use in the Village Commercial (V-C) zoning district and associated changes.

Director Heard explained that the proposed definition for “indoor entertainment facilities” is derived from that of the Nags Head ordinance so the Board can review the definition and curtail it in such a manner that best suits the Town. The applicants have drafted this request so that indoor entertainment facilities are permitted uses, allowing Town staff to administratively handle permitting as long as it complies with Town development regulations.

Director Heard further explained that the applicant has also proposed amendments to the minimum parking requirements and explained a chart in the staff report that lays out the current requirements, applicant’s proposed requirements, and a potential compromise standard developed by the staff.

SCENARIOS	CURRENT	PROPOSED	COMPROMISE
1,000 sf gfa, 100 sf storage, 2 employees	11	4 (64% reduction)	7
2,000 sf gfa, 500 sf storage/ employee area, 4 employees	22	7 (68% reduction)	12
5,000 sf gfa, 500 sf storage/ employee area, 6 employees	53	18 (66% reduction)	25.5

Director Heard stated his agreement with the applicant that the current parking requirement is relatively strict and warrants consideration to reduce the requirements. He suggested consideration of a more moderate compromise somewhere in the range of 1 space per 200 square feet gross floor area, plus 1 space per 2 employees. He also expressed staff's concern about defining minimum parking requirements according to occupancy or customer use area.

Member McKeithan questioned the criteria used in determining what qualifies as "indoor entertainment". Director Heard explained that was a question best suited for the applicant as he has proposed a definition of the term. He noted that the applicant evaluated definitions from other communities and appeared to have used a definition consistent with Nags Head. Director Heard reminded the Board that this amendment is ultimately a legislative decision for the Town Council and the Council members can define and regulate the use in any way they see fit.

Dave Klebitz from Bissell Professional Group introduced himself as the engineer hired on behalf of the applicants. He drafted the definition that was submitted and reviewed by staff. He confirmed that the definition is from the Town of Nags Head. Mr. Klebitz explained that the intent is to be as inclusive as possible because this is something that future applicants may or may not want to do that would fall under the premise of "indoor entertainment". The intent is to assist future applicants so they would not need to request an amendment to the definition. Mr. Klebitz explained that the applicant is willing to modify the definition and removing types of uses that do not suit the Town. Mr. Klebitz and Mr. Braithwaite clarified that the applicant is looking to add an arcade and potentially laser-tag as it is not currently listed as a permitted use in the Town standards. Chair Blakaitis stated that the definition should be specific to include permitted uses. Director Heard asked the Board members to consider all potentially acceptable indoor entertainment uses so text amendments are not needed every time a different use is proposed.

Member Murray summarized that the main points of discussion include whether to permit indoor entertainment uses, the definition of those uses, and minimum parking requirements. The Board discussed the appropriateness of indoor entertainment and potential implications caused by the new, permitted uses as well as applicability to the Town's Land Use Plan. Member Murray pointed out that it is prudent to have a definition of something in an ordinance as it is not permitting a particular use but rather defining such uses so the Town can be better- equipped to regulate potential uses.

Mr. Braithwaite was recognized to speak and pointed out that permitting indoor entertainment can alleviate traffic flow due to entertainment options that would keep visitors from leaving the Town as well as helping to make the Town a more family-friendly destination. Mr. Price explained that

indoor entertainment accommodates younger families and creates an environment that serves and accommodates every visitor.

Chair Blakaitis reminded the Board that the first question is if the Board finds it appropriate to permit indoor entertainment facilities. Vice-Chair Cofield stressed the importance of maintaining the Town's standards. He commented that the proposed use is not consistent with current uses in Duck Village and expressed his opinion that the proposal does not comply with the Town's Comprehensive & Land Use Plan. Chairman Blakaitis stated that he felt the proposed uses would be incompatible with the existing character of Duck Village. The remaining Board members agreed that such uses could be compatible and permitted with appropriate limitations on the types of uses.

The Board next discussed that the list of uses in the definition would need to be narrowed down to make it suitable for approval. The Board members expressed concerns that certain types of uses including billiard rooms, bowling alleys, paintball facilities, skating rinks, supervised amusement rides including ferris wheels, spinners, carousels and the like, and go-kart tracks using electric karts can have greater impacts than other uses included in the initial definition. After discussion of these concerns, the applicant agreed to remove these uses with potentially significant impacts, greatly narrowing the list of permitted uses in the proposed definition.

Lastly, the Planning Board considered the initially proposed parking standards of 1 space per 300 square feet of customer use area. After reviewing standards from other communities in the staff report, a majority of the Board members agreed that the Town's current minimum parking standard of 1 space per 100 square feet is on the more burdensome end of the spectrum. However, they also felt that the applicant's proposed standards were on the more lenient end of the spectrum. After discussion, the Board and applicant agreed to recommend increasing the proposed minimum parking standards to 1 space per 200 square feet gross floor area, consistent with retail uses.

Chairman Blakaitis entertained a motion for the revised text amendment proposal. Member Murray made a motion to recommend approval of the text amendment with the noted amendments to uses in the definition and parking requirements. Member Morton seconded the motion. Member McKeithan, Member Morton, and Member Murray voted in favor of the motion. Chair Blakaitis and Vice-Chair Cofield voted against the motion. Motion passed 3-2.

APPROVAL OF MINUTES

Minutes from the September 8, 2021, Regular Meeting

Member Murray moved to approve the minutes as presented. Member McKeithan seconded.

Motion carried 5-0.

STAFF COMMENTS

Summary of Upcoming November 17, 2021 Mid-Month Town Council Meeting

Director Heard gave a short summary of the traffic study presentation to be made by VHB at the upcoming Mid-Month Council Meeting to be held on November 17, 2021.

Project Updates

Director Heard and Senior Planner Cross gave a short overview on various projects going on in Town.

BOARD COMMENTS

Chair Blakaitis pointed out that this was the first time in a while he has seen a motion pass 3-2. Vice Chair Cofield added that Duck residents have expressed views and it is important to recognize the problems that exist as they continue to increase as projects are voted on by the Board.

Video: *The Town of Duck: Then and Now: A Brief History*

Director Heard introduced a recently produced video on the Town's history and played the video for the Board.

ADJOURNMENT

Chair Blakaitis moved to adjourn the meeting. Member McKeithan seconded.

The meeting was adjourned by consensus of the Board members.

The time was 8:41 p.m.

Approved: _____

/s/ Joe Blakaitis, Chairman