Agenda
Town of Duck Planning Board – Regular Meeting
Paul F. Keller Meeting Hall
Wednesday, July 12, 2017 – 6:30 p.m.

1. Call to Order
2. Public Comments
3. New Business
   a. Conditional Use Permit 17-002: Application by Jonathan E. Britt for four conditional use permits: (1) to construct a commercial structure greater than 5,000 square feet, but less than 10,000 square feet; (2) to add a restaurant (eating establishment); (3) to alter the layout of the existing sailing and watersports business (boat launching and rental facilities); and (4) approve the Village Commercial Development Option to allow gravel parking and bring existing parking encroachments into compliance at 1314 Duck Road.
   b. Discussion of Dune Walkovers: Discussion of dune walkover designs to address beach access for people with mobility challenges.
4. Approval of Minutes
   a. Minutes from June 14, 2017 Regular Meeting
5. Staff Comments
   a. Summary of July 5, 2017 Town Council Meeting
   b. Project Updates
6. Board Comments
7. Adjournment
TO: Chairman Blakaitis & Members of the Duck Planning Board

FROM: Joe Heard, AICP, Director of Community Development

DATE: July 12, 2017

RE: Staff Report for CUP 17-002, Nor’Banks Watersports/Restaurant, 1314 Duck Road

Application Information
Application #: CUP 17-002
Project Location: 1314 Duck Road
Zoning: Village Commercial (V-C)
Dare County PINs: 995015620790, 995015621631 & portion of 995019621468
Property Owners: 1312 & 1314 Duck Road – Nor’Banks, Inc.
1310 Duck Road – Jonathan E. Britt
Applicant: Jonathan E. Britt, President & Owner

Proposal
As outlined in the application materials for the proposed project (Attachments B, C, D, and E), the applicant is requesting four conditional use permits: (1) to construct a commercial structure greater than 5,000 square feet, but less than 10,000 square feet; (2) to add a restaurant (eating establishment); (3) to alter the layout of the existing sailing and watersports business (boat launching and rental facilities); and (4) approve the Village Commercial Development Option to allow gravel parking and bring existing parking encroachments into compliance at 1314 Duck Road. The proposed redevelopment project will include:

- Combination of two adjoining parcels and a portion of a third parcel to create a 1.62 acre property for the development.
- Demolition of the existing watersports building and removal of a large wooden deck surrounding the building.
- Removal of a section of gravel parking area and raised landscaped bed to the east of the existing building.
- Construction of a new, two-story building housing a restaurant and watersports business.
- Establishment of a restaurant with 4,420 square feet of indoor dining on the upper floor, 600 square feet of outdoor dining on the upper floor porch, and 970 square feet of outdoor seating/entertainment on the ground floor.
• Provision of a 2,678 square foot service area and separate bathrooms (an additional 605 square feet) for the watersports business on the ground floor of the building.
• Expansion of the existing gravel parking area by approximately 13 additional parking spaces.
• Landscaping, including the removal of some existing trees, use of some existing trees, and additional vegetation to be planted around the new parking areas.
• Utility improvements supporting the proposed development.

**Property Information**
The area proposed for redevelopment presently consists of two entire parcels, plus a portion of a third parcel, all of which is zoned Village Commercial (V-C). Although technically separate parcels, the properties at 1312 and 1314 Duck Road currently function together as Nor’Banks Sailing and Watersports. The property at 1314 Duck Road is presently 33,698 square feet (0.77 acre) in size and contains the driveway entrance, some parking, and a customer service building for Nor’Banks Sailing and Watersports. The adjoining property at 1312 Duck Road is presently 34,827 square feet (0.80 acre) in size and contains some parking, a boat ramp, and a garage/service building for Nor’Banks Sailing and Watersports. The entire property at 1310 Duck Road is approximately 55,619 square feet (1.28 acre) and contains the applicant’s residence. A strip of this property 20 feet in width will be combined with the other two parcels to create the development parcel.

The subject property adjoins the Currituck Sound to the west. The adjoining property to the south will be the remaining portion of the parcel at 1310 Duck Road. This property is zoned Village Commercial (V-C) and contains. The abutting property to the north at 1316 Duck Road is 0.86 acre in size, zoned Neighborhood Commercial (C-1), and contains an approximately 3,300 square foot office building for Sun Realty. To the east of the project area across Duck Road are two properties zoned Single-Family Residential (RS-1), each of which contains a single-family residence.

**Prior Approval History**
The sailing and watersports business was established on the subject property in 1979.

On May 2, 1994, the applicant received approval for a conditional use permit from Dare County to extend the existing sailing and watersports business 50 feet south into an RS-1 zoned property.

While under the jurisdiction of unincorporated Dare County, the subject property and two parcels to the south were rezoned from the Single-Family Residential (RS-1) district to the Village Commercial (V-C) district on February 4, 2002. The Sun Realty and Portside Condominiums properties to the north were already zoned Neighborhood Commercial (C-1) at that time.
On November 10, 2005, a plan of development was approved by the Director of Community Development to pave an asphalt driveway entrance approximately 75 feet into the subject property.

**Staff Analysis**

A technical review committee consisting of the Community Development Director, Permit Coordinator, Building Inspector, Fire Chief, Police Chief, Town Engineer, and Dare County Water Department met with the applicant’s engineer and contractor to conduct an initial review the development proposal on June 22, 2017. The Dare County Environmental Health Department and N.C. Department of Transportation were also sent copies of the development proposal and asked to review and comment on the project. The applicant’s engineer submitted the attached, revised site plans addressing many of the comments received at the meeting.

Staff has compiled the following comments:

**Lot Combination – 155.01(E):**

In order to eliminate issues with setback lines and provide adequate area for the proposed development, the applicant plans to combine two adjoining parcels and a twenty foot (20’) wide strip of a third parcel to create a 1.62 acre property for the development.

The process for combining the parcels is for a surveyor to prepare a plat that abandons and adjusts the property lines to create one larger commercial parcel addressed as 1314 Duck Road (the subject property) and one smaller residential parcel at 1310 Duck Road. Under State and Town regulations, this plat is defined as an exempt plat as it decreases the number of parcels. Therefore, the Director of Community Development will sign an exemption certificate on the plat and it may then be recorded at the Dare County Register of Deeds Office. As a portion of the parcel at 1310 Duck Road will be transferred to the larger parcel, a deed must also be recorded documenting the transfer of land.

**Proposed Use – 156.036(C):** Sheet 1, Notes 6 & 7 of the Site Plan & Redevelopment Summary

The proposed uses include the construction of a new restaurant featuring indoor and outdoor seating areas and redevelopment of the existing sailing and watersports rental business. Both these uses are listed as conditional uses in the Village Commercial (V-C) zoning district.

**Building Size – 156.036(D)(7):** Sheet 1, Note 7 of the Site Plan & Floor Plans

The proposed building is two stories in height. The upper floor contains a restaurant 4,420 square feet in size with an additional 1,950 square feet of porches. The eastern side of the ground floor (associated with the restaurant) contains an open bar/entertainment area with small enclosures for a walk-in cooler, storage, and bathrooms. The western portion of the ground floor is also mostly open and contains bathrooms and activity areas associated with the watersports business.
Measurements for the enclosed areas are as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant (indoor seating)</td>
<td>4,420 s.f.</td>
</tr>
<tr>
<td>Bathrooms (watersports)</td>
<td>605 s.f.</td>
</tr>
<tr>
<td>Bathrooms (restaurant outdoor)</td>
<td>125 s.f.</td>
</tr>
<tr>
<td>Walk-In Cooler</td>
<td>120 s.f.</td>
</tr>
<tr>
<td>Storage</td>
<td>49 s.f.</td>
</tr>
<tr>
<td>Total Enclosed Area</td>
<td>5,319 s.f.</td>
</tr>
</tbody>
</table>

The proposed building exceeds the maximum building size standard of 5,000 square feet in the V-C district, but is being considered for approval as a conditional use for commercial structures greater than 5,000 square feet, but less than 10,000 square feet in size – Section 156.036(C)(9).

Additional open areas covered by a roof or building include the following areas:

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watersports Activity Area (ground floor)</td>
<td>2,678 s.f.</td>
</tr>
<tr>
<td>Porches (upper floor, including outdoor seating)</td>
<td>1,950 s.f.</td>
</tr>
<tr>
<td>Outdoor Entertainment Area (ground floor)</td>
<td>970 s.f.</td>
</tr>
</tbody>
</table>

Building Height – 156.036(D)(6): Building Elevation Drawings
The maximum height allowed in the V-C district is thirty-five feet (35’) from the finished grade to the tallest roofline of a building. The building elevations show a height of 34.1 feet, in compliance with the maximum height standard.

Building Setbacks - 156.036(D)(2), (3) & (4): Sheet 3 of the Site Plan
The proposed building has the following setbacks from property lines:

<table>
<thead>
<tr>
<th></th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>164 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>40 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>South Side</td>
<td>122 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>North Side</td>
<td>12 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

The proposed building complies with the minimum building setback standards.

An existing garage/service building on the property does not conform with current setback standards as it appears to be located directly on the southern property line. With the recombination of the lots as part of the proposed project, this structure will be brought into compliance with minimum setback standards as it will be located 20 feet from the southern side property line.
Lot Area – 156.036(D)(1): Sheet 1, Note 4 of the Site Plan
As part of this redevelopment project, the applicant proposes to combine the two existing parcels at 1312 and 1314 Duck Road, plus a portion of the property at 1310 Duck Road to the south.

The combined area of these properties will result in a single parcel 1.62 acre in size, which exceeds the minimum lot size of 20,000 square feet for the V-C district.

Lot Coverage – 156.036(D)(5): Sheet 1, Note 9 of the Site Plan
The new building, parking area expansion, and other improvements will increase the amount of lot coverage by 8,338 square feet on the subject property. With this increase, the total amount of lot coverage will be 33,878 square feet or 47.9% of the property. The proposed expansion complies with the maximum lot coverage requirement of 60% in the V-C zoning district.

CAMA Lot Coverage: Sheet 1, Note 10 of the Site Plan
In addition to the Town’s standards for lot coverage for the entire parcel, the proposed development is subject to a 30% maximum lot coverage standard within the CAMA Area of Environmental Concern. The proposed building, porches, walkways, and stairways will increase the amount of lot coverage in the CAMA AEC by 2,038 square feet. With this increase, the total amount of lot coverage in the CAMA AEC will be 4,496 square feet or 27.0% of the area within the CAMA AEC, under the 30% threshold.

Access – 156.093(G) & 156.112: Sheet 3 of the Site Plan
The current watersports business at 1314 Duck Road presently gains access to Duck Road from an existing asphalt drive approximately 18 feet in width. The applicant proposes to maintain access from the existing drive with no improvements being proposed. The driveway widens to a width of approximately 26 feet at the property line, which complies with the maximum width standard of 30 feet at the property line.

The distance between the existing access drive on the subject property and the access drive into the adjoining Sun Realty property to the north is approximately 69 feet. This layout does not comply with the Town’s current standards requiring a minimum of 80 feet between driveways. However, as both entrances have existed in this configuration for many years, this is considered a legal, nonconforming situation.

Internal Traffic Circulation (156.093 & 156.112): Sheet 4 of the Site Plan
Nearly all of the parking spaces are accessed via a drive aisle 24 feet in width, which exceeds the Town’s minimum standard of 20 feet and is wider than found in most parking areas. Two parking spaces (#61 & #62) have a narrower maneuvering area of only 20 feet, which is adequate and more typical for standard parking lots.
Parking Spaces (156.093, 156.094 & 156.112): Sheet 1, Note 7 & Sheet 3 of the Site Plan
The existing parking area does not contain many designated parking spaces, but the applicant’s engineer estimates that there is presently parking for approximately 50 vehicles on site. To accommodate the proposed redevelopment, the applicant has proposed the expansion of the existing gravel parking area in two places and the construction of three concrete ADA handicap parking spaces adjoining the new building.

The minimum number of parking spaces for the site (including the expansion) is calculated below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Size</th>
<th>Ratio</th>
<th># Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Recreation (existing)</td>
<td>1,711 s.f.</td>
<td>1/200 s.f.</td>
<td>8.56 spaces</td>
</tr>
<tr>
<td>Outdoor Recreation (proposed)</td>
<td>3,283 s.f.</td>
<td>1/200 s.f.</td>
<td>16.42 spaces</td>
</tr>
<tr>
<td>Outdoor Recreation</td>
<td>4 employees</td>
<td>1/2 employees</td>
<td>2.00 spaces</td>
</tr>
<tr>
<td>Restaurant (indoor)</td>
<td>60 seats</td>
<td>1/3 seats</td>
<td>20.00 spaces</td>
</tr>
<tr>
<td>Restaurant (outdoor)</td>
<td>1,570 s.f.</td>
<td>1/150 s.f. – 1st 150 s.f.</td>
<td>9.47 spaces</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12 employees</td>
<td>1/3 employees</td>
<td>4.00 spaces</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td><strong>60.45 spaces</strong></td>
</tr>
</tbody>
</table>

**The minimum parking requirement rounds down to 60 parking spaces.**

With the additional gravel parking being proposed, the site is designed to contain a total of 63 parking spaces, which exceeds the minimum parking requirements for the site.

Standards of the Americans with Disabilities Act (ADA) require a minimum of three handicap accessible parking spaces on the site. Three ADA parking spaces are provided in close proximity to the handicap access ramp for the new building. ADA compliant walkways are provided to connect the parking spaces to the ramp.

Parking Location: Sheet 3 of the Site Plan
Found in the definition of the term “Yard”, Town standards require a minimum setback of five feet from side property lines. The subject property has existing nonconformities with parking spaces encroaching into the five foot setback along the northern (Spaces 1-6) and southern (Spaces 57-62) property lines.

All of the newly proposed parking spaces comply with the minimum setback standard. However, the applicant is seeking approval under the Village Commercial Development Option to maintain the existing, nonconforming parking spaces in their current locations and bring these existing parking encroachments into compliance.

Parking Surface (156.093 & 156.112): Sheet 3 of the Site Plan
Town standards for commercial parking surfaces state, “all parking lots shall be improved with asphalt, concrete, pavers, porous pavement, or similar dust proof surface.”

The current drive aisle and parking spaces for the Nor’Banks Sailing & Watersports business are
surfaced entirely with gravel. As this condition existed long before the Town of Duck’s incorporation, the gravel parking area is considered to be a legal, nonconforming situation.

At this time, the applicant is proposing to expand the existing, nonconforming parking area with additional gravel parking. As a gravel parking surface does not comply with the Town’s current standards, the applicant is seeking approval of this parking surface through the Village Commercial Development Option in the V-C zoning district.

**Loading Zone (156.095): Sheet 3 of the Site Plan**
The property is required to have a loading zone at least 12’ x 25’ in size to serve the proposed businesses. In compliance with this standard, a 12’ x 25’ loading zone is being provided northeast of the existing garage/service building.

**Landscaping (156.115 & 156.137): Sheets 2 & 6 of the Site Plan**
The location and construction of the proposed buildings will require the removal of an existing tree (17” multi-stem) and dozens of existing shrubs (see Sheet 2) to the northeast of the existing watersports building. The applicant is proposing to save a mature pine tree located near the same area, but notes that it may be subject to removal if necessary during construction. A section of tall hedge near the garage/service building will also be removed to accommodate a parking area.

The landscaping plan (Sheet 6) shows new landscaping in landscaped beds around the eastern edges of the area where the parking lot is being expanded. The proposed landscaping abutting the southern side of the parking area expansion also doubles as a landscape buffer between the commercial activities on the subject property and the residential use on the adjoining property to the south. As the adjacent parcel to the north is zoned Neighborhood Commercial (C-1) and used commercially, there are no requirements for buffering the subject property from this property. The number and location of the trees and shrubs complies with the Town’s landscaping standards.

As a commercial development, the parcel is also required to install and maintain vegetation equally or exceeding 10% canopy coverage. Based on the amount of large trees, small trees, and shrubs being kept or planted in the landscape plan, the proposed redevelopment will comply with the 10% standard.

**Waste Management (156.113): Sheet 3 of the Site Plan**
The applicant has provided two dumpsters located at the eastern end of the drive aisle in the southern parking area. The dumpsters on the site plan are screened from Duck Road per the Town’s standards.

**Lighting (156.133):**
The submitted plans and information do not contain any information about proposed lighting for the site. Additional information will need to be provided to determine if exterior lighting for the proposed building and parking area will comply with the Town’s lighting standards.
Signs (156.130):
A freestanding sign is shown in the same location as the existing sign on the property. Any new signs, sign faces, or sign lighting will be reviewed and approved under a separate permit by the Community Development Department.

Water Service (156.125): Sheet 5 of the Site Plan
Existing 8” and 12” water mains are located on the east side of Duck Road. So, any new lines would have to be bored underneath Duck Road to the subject property. There is an existing water line on the subject property that serves the watersports business.

A note on the utility plan states, “The water service to the existing building shall be field located. Its adequacy to serve the proposed development is to be determined. Coordinate with plumber, engineer, Water Department, and Health Department for continued use or modifications relative to proposed site improvements.”

An additional water line serving the sprinkler system in the proposed building will be installed parallel to the northern side property line.

Wastewater Disposal (156.125): Sheet 1, Note 8 and Sheet 5 of the Site Plan
As part of the proposed redevelopment, the existing septic system serving the sailing and watersports business will be removed. The site plan shows the proposed location of the septic field in the center near the eastern boundary of the property. The repair area is proposed further to the south of the septic field.

Jack Flythe, Supervisor of the Dare County Environmental Health Department, has conducted an initial evaluation and found the site and soil to be suitable for on-site wastewater disposal. The applicant must obtain a permit from the Dare County Environmental 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.

Land Disturbance (156.128): Sheet 4 of the Site Plan
Certain areas of the existing site have a rolling terrain. Much of the proposed grading work involves levelling the topography in areas of development. The area within the building footprint will be lowered by as much as five feet in one area and raised approximately 1-2 feet in other areas to create a level building pad. The easternmost area of the parking lot along the southern side of the property will be levelled by removing several feet from the side of an existing dune. The proposed septic field will be levelled (higher in some areas, lower in others).

The applicant must obtain a land disturbance permit from the Community Development Department prior to engaging in any tree removal, fill, or grading activity on site.
Stormwater Management (156.113): Sheet 4 of the Site Plan
As the proposed redevelopment project does not increase the impervious coverage by more than 10,000 square feet, the applicant is not required to obtain a stormwater management permit from the NCDENR – Division of Energy, Mineral & Land Resources.

However, Town standards require the applicant to accommodate the stormwater runoff generated by a 1.5” design storm. The applicant has designed a stormwater management system that includes a system of gutters and two 2,500 gallon cisterns that will collect rainwater to be reused on-site for irrigation and/or washing boats.

Town engineering consultant Mike Robinson has provided the following comments:
“...I have reviewed the revised stormwater submittal package from David Klebitz P.E. and in my opinion it meets the intent of the Town’s Stormwater Management Ordinance. Dave and I discussed the reuse of the cistern-stored water for irrigation and/or boat wash-down. It is an excellent use of the resource, but there is still some uncertainty as to how this will be handled and we may want require an operational plan and maintenance plan prior to placing the system in service. I would also ask that the cisterns and hose bib connected to the cisterns be clearly labeled ‘non-potable’.”

Flood Zone (Chapter 150): Sheet 3 of the Site Plan
The subject property is presently located within two different flood zones. A portion of the property abutting Currituck Sound is in an AE flood zone with a regulatory flood protection elevation (RFPE) of eight feet (including the freeboard requirement in the Town’s flood damage protection ordinance). The existing garage/service building is located within the AE flood zone.

A majority of the property, including the area proposed for the new building, is located in an X flood zone. The X zone does not have any building elevation requirements for construction.

CAMA: Sheet 3 of the Site Plan
The boundaries of the CAMA buffer and area of environmental concern (AEC) are shown toward the western side of the site plan. As a significant portion of the proposed building is located within the CAMA AEC, a CAMA minor permit must be obtained from the N.C. Division of Coastal Management for this development. None of the proposed improvements are located within the required CAMA buffer.

Building/Fire Codes: Sheet 5 of the Site Plan
The provision of a sprinkler system within the proposed building satisfies many of the requirements under the N.C. Fire Code. A water line serving the sprinkler system in the proposed building will be installed parallel to the northern side property line.
An existing fire hydrant is located on the east side of Duck Road. Per the request of the Duck Fire Department, the site plan shows the installation of a new hydrant on the western side of the highway to serve the proposed businesses.

**Duck CAMA Land Use Plan**
The Future Land Use Map in the Town of Duck’s adopted CAMA Land Use Plan designates the subject property as a General Commercial Area. The General Commercial Area is defined as “General commercial areas include areas that primarily encourage the concentration of commercial facilities in clusters or group developments and to provide readily accessible shopping facilities and will provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents and the general public. Group developments are envisioned and should be encouraged in these areas.”

The proposed restaurant and watersports business appear to be consistent with the type of uses allowed in a General Commercial Area. As part of its recommendation, the Planning Board is asked to determine if the proposed text amendment is or is not consistent with the Town’s adopted CAMA Land Use Plan.

**Staff Recommendation**
Staff recommends APPROVAL of the conditional use permit to redevelop the property at 1314 Duck Road with a new watersports/restaurant building and associated site improvements, subject to the following conditions:

1. A plat and deed combining parcels 995015620790 (1314 Duck Road), 995015621631 (1312 Duck Road), and a portion of 995019621468 (1310 Duck Road) per the proposed plans must be approved and recorded at the Dare County Register of Deeds Office.
2. All parking spaces must be delineated through the use of curb stops or other acceptable markings.
3. An operational and maintenance plan must be provided to the Community Development Department prior to placing the system for reuse of the cistern-stored water into service.
4. A site lighting plan must be submitted and approved by the Community Development Department to ensure compliance with the Town’s lighting standards.
5. Approval must be obtained from the Dare County Water and Health departments to authorize use of the existing water line or upgrade the water service to accommodate the proposed uses.
6. An encroachment permit must be obtained from the N.C. Department of Transportation for the installation of the water lines and fire hydrant within the State right-of-way.
7. A permit must be obtained from the Dare County Environmental Health Department for the design and installation of the proposed wastewater treatment system prior to the issuance of a land disturbance or building permit.
8. A CAMA minor permit must be obtained from the N.C. Division of Coastal Management prior to the issuance of a land disturbance or building permit.
9. The applicant must obtain a land disturbance permit from the Community Development Department prior to engaging in any tree removal, fill, or grading activity on site.
10. The buildings must be constructed in substantial conformance with the elevation drawings and floor plans submitted with the CUP application, as prepared by Finch & Company and dated June 12, 2017.
11. Any new signs, sign faces, or sign lighting must be reviewed and approved under a separate permit by the Community Development Department.
12. The applicant must submit the final site plan and site plan review fees as provided for in the Town’s adopted fee schedule concurrent with final engineer-stamped site plan drawings, 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.
13. 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.

ATTACHMENTS
Attachment A  Location Map and Property Information
Attachment B  Conditional Use Application
Attachment C  Development Summary
Attachment D  Site Plan (8 Sheets)
Attachment E  Building Elevations and Floor Plans
Attachment F  Comments from Dare County Environmental Health Department
County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 07 2017*

**Primary (100%) Owner Information:**
NOR BANKS INC  
1310 DUCK RD  
KITTY HAWK NC 27949

**Parcel Information:**
Parcel: 009778000 PIN: 995015620790  
District: 21- DUCK  
Subdivision: SUBDIVISION - NONE  
LotBlkSect: LOT: BLK: SEC:  
Multiple Lots: -  
PlatCabSlide: PL: SL: Units: 0  
Deed Date: 11/16/1999  
BkPg: 1306/0005  
Parcel Status: ACTIVE

**Property Use:** RECREATIONAL

**BUILDING USE & FEATURES**  
**Tax Year Bldg Value:** $0  
**Next Year Bldg Value:** $0  
**Actual Year Built:**  
**Finished sqft for building 1:**  
**Total Finished SqFt for all bldgs:** 0

**Exterior Walls:**  
**Full Baths:**  
**Half Baths:**  
**Bedrooms:**  
**Heat-Fuel:**  
**Heat-Type:**  
**Air Conditioning:**

**MISCELLANEOUS USE**  
**Tax Year Misc Value:** $23,600  
**Next Year Misc Value:** $23,600

Misc Bldg a: (RD2) MED. WD. DOCK WD. GIRDER S BOLT Year Built: 2012 sqft: 1020  
Misc Bldg b: (RS1) FRAME UTILITY SHED Year Built: 1980 sqft: 80  
Misc Bldg c: (LDG) LANDING - ATCHD TO MH OR OTHER Year Built: 1980 sqft: 12  
Misc Bldg d: (LDG) LANDING - ATCHD TO MH OR OTHER Year Built: 1980 sqft: 384  
Misc Bldg e: (LDG) LANDING - ATCHD TO MH OR OTHER Year Built: 1980 sqft: 472

**LAND USE**  
**Tax Year Land Value:** $399,100  
**Next Year Land Value:** $399,100

Land Description: 21-Commercial Sound Front

**TOTAL LAND AREA:** 31000 square feet

**Tax Year Total Value:** $422,700  
**Next Year Total Value:** $422,700

*Values shown are on file as of July 07 2017*
County of Dare, North Carolina
*Owner and Parcel Information is based on current data on file and was last updated on July 07 2017

**Primary (100%) Owner Information:**
NOR BANKS INC
1310 DUCK RD
KITTY HAWK NC 27949

**Parcel Information:**
Parcel: 009675002 PIN: 995015621631
District: 21- DUCK
Subdivision: SUBDIVISION - NONE
LotBlkSect: LOT: BLK: SEC: 
Multiple Lots: -
PlatCabSlide: PI:B SL:294 Units: 0
Deed Date: 05/24/2017
BkPg: 2170/0765
Parcel Status: ACTIVE

**Property Use:** WAREHOUSE

**BUILDING USE & FEATURES**

- **Tax Year Bldg Value:** $31,800
- **Next Year Bldg Value:** $31,800
- **Building Use:** WAREHOUSE
- **Actual Year Built:** 2002
- **Finished sqft for building 1:** 1120
- **Total Finished SqFt for all bldgs:** 1120

**MISCELLANEOUS USE**

- **Tax Year Misc Value:** $3,900
- **Next Year Misc Value:** $3,900
- **Misc Bldg a:** (BK1) BULKHEAD Year Built: 1989 sqft: 101

**LAND USE**

- **Tax Year Land Value:** $399,100
- **Next Year Land Value:** $399,100
- **Land Description:** 21-Commercial Sound Front

**TOTAL LAND AREA:** 31000 square feet

- **Tax Year Total Value:** $434,800
- **Next Year Total Value:** $434,800

*Values shown are on file as of July 07 2017*
County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 07 2017

**Primary (100%) Owner Information:**
BRITT, JONATHAN EDWARD SOL
1310 DUCK RD
KITY HAWK NC 27949

**Parcel Information:**
Parcel: 009675001 PIN: 995019621468
District: 21- DUCK
Subdivision: SUBDIVISION - NONE
LotBlkSect: LOT: BLK: SEC:
Multiple Lots: -
PlatCabSlide: PL: SL: Units: 1
Deed Date: 12/20/2012
BkPg: 1916/0337
Parcel Status: ACTIVE

**Property Use:** RESIDENTIAL

**BUILDING USE & FEATURES**

<table>
<thead>
<tr>
<th>Building Use:</th>
<th>TRADITIONAL</th>
<th>Next Year Bldg Value: $258,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior Walls:</td>
<td>MODERN FRAME</td>
<td>Actual Year Built: 1992</td>
</tr>
<tr>
<td>Full Baths:</td>
<td>2 Half Baths: 1</td>
<td>Finished sqft for building 1: 2485</td>
</tr>
<tr>
<td>Bedrooms:</td>
<td>3</td>
<td>Total Finished SqFt for all bldgs: 2485</td>
</tr>
<tr>
<td>Heat-Fuel:</td>
<td>3 - ELECTRIC</td>
<td></td>
</tr>
<tr>
<td>Heat-Type:</td>
<td>2 - FORCED AIR</td>
<td></td>
</tr>
<tr>
<td>Air Conditioning:</td>
<td>4 -CENTRAL W/AC</td>
<td></td>
</tr>
</tbody>
</table>

**MISCELLANEOUS USE**

| Tax Year Misc Value: $0 | Next Year Misc Value: $0 |

**LAND USE**

| Tax Year Land Value: $438,300 | Next Year Land Value: $438,300 |

Land Description : 21-Commercial Sound Front

**TOTAL LAND AREA:** 50000 square feet

| Tax Year Total Value: $697,200 | Next Year Total Value: $697,200 |

*Values shown are on file as of July 07 2017*
CONDITIONAL USE/SPECIAL EXCEPTION GROUP DEVELOPMENT PERMIT APPLICATION

APPLICATION IS HEREBY made to the Town of Duck for consideration of a Conditional Use Permit/Special Exception Permit/Group Development Permit (circle one) in accordance with the provisions of the Town of Duck Zoning Ordinance, Section(s): 156.036, 156.090, 156.110, 156.29, 156.155

Date: 6/12/17 Application No. CUP 17-002

Property Address: 1310, 1312 & 1314 Duck Road, Duck, NC 27949

Zoning Classification: VC - Village Commercial Pin No. 9950-1562-1468; 9950-1562-1631; 9950-1562-0790

Legal Description (Attach additional sheet if necessary):

Lot: Block: Subdivision: Community: N/A

Property Owner: Nor' Banks, Inc. and Jonathan E. Britt

Street Address: 1310 Duck Road

City/State/Zip: Duck, NC 27949 Telephone: (252) 202-6860

Project Representative: Jonathan E. Britt, President & Owner

Project Representative Address: 1310 Duck Road, Duck, NC 27949

Project Representative Phone: (252) 202-6860 Fax No:

Project Description: Commercial redevelopment to include removal of existing Nor' Banks rental building and the construction of a new elevated building that will house a proposed restaurant w/ground level storage, restrooms and service areas to support a proposed outdoor entertainment area and the existing sailing and watersports operation.

A complete application shall be submitted to the Town of Duck Planning Office no later than the twentieth day of the month preceding the next regular monthly meeting of the Planning Board and shall include eighteen (18) copies of a site plan or sketch plan, depending upon the use proposed, a copy of this application with the review fee, and a check made payable to the Town of Duck.
Proposed Use of the Property:  
Mixed use development to include boat-launching and rental facility, indoor eating establishment and outdoor entertainment area.

Site Information:

Total Acreage 1.62_
Ex. 2,164 SF/

Total Building Area Prop. 9,028 SF_

Total No. Units 1_
Ex. 25,540 SF/

Lot Coverage Prop. 33,878 SF_

Building Height <35’_

Area--Proposed Roadways 0_

No. Parking Spaces 63_

Loading Area/Spaces 1_

Buffer Area Existing Describe Existing trees, shrubs, hedge & other landscaping to remain around perimeter for buffering_

Lighting To be determined at site plan approval_

Signs To be determined at site plan approval_

(Note: Placement of signs and light poles shall be located in landscaped areas)

Utilities: Water: Well ______ County _______

Sewer: Septic ______ Community ______ Wastewater Facility _______

Is this an amendment to an existing Conditional Use Permit? ______

If yes, permit No. _______

<WebElement type="paragraph" offset="298" length="176" text="Fees are published in the Adopted Fee Schedule and are subject to change."

Conditional Use/Special Exception Permit $400.00
Conditional Use Permit—Home Occupation $200.00
Conditional Use Permit—Amendment $200.00–250.00
Group Development $500.00
Group Development Amendment $250.00"/>
I understand that the Planning Board shall review the application at its regularly scheduled meeting on the second Wednesday of each month, and then submit its recommendation as to approval or disapproval along with conditions as it may deem necessary to the Town of Duck Council. The owner of the property for which the permit is sought, or his agent, shall be notified by mail. Notice of such hearing shall be posted on the property for at least fifteen (15) days prior to the hearing. Any party may appear at such hearing, in person, by agent or by attorney. Any party desiring to speak at the meeting shall include their request by written letter to the Chairman of the Town of Duck Planning Board, P. O. Box 8369, Duck, N.C. 27949.

The Town of Duck Council may impose reasonable and appropriate conditions and safeguards to insure that the spirit and intent of this ordinance is preserved and that an approved conditional use will not adversely affect the public interest.

Notice of the application shall be sent to adjoining property owners as a courtesy so that any party may respond. Submit the names and addresses of current abutting property owners in the space provided below:

<table>
<thead>
<tr>
<th>Property Owner Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Breaux, Jr.</td>
<td>P.O. Box 1630, Kill Devil Hills, NC 27948</td>
</tr>
<tr>
<td>Joseph Britt</td>
<td>1308 Duck Road, Duck, NC 27949</td>
</tr>
<tr>
<td>Marc, Deanna, Lynn &amp; Harvey Murray</td>
<td>1269 Duck Road, Duck, NC 27949</td>
</tr>
</tbody>
</table>

The Following MUST Be Completed by the Property Owner

[Signature]

I/We Jonathan E. Britt hereby certify that the applicant named above has the authority vested by me to make this application.

[Signature of Property Owner or Authorized Agent]  
(Title or Relationship)

Address 1310 Duck Rd.  
Phone 252-207-6880

FOR OFFICE USE ONLY

Proposed received 6/15/2017  
Received by Joe Heard  
Fee Paid $400.00  
Receipt No. Ck#1566
BACKGROUND
Nor' Banks Sailing & Watersports is an existing commercial development located at 1314 Duck Road in the Town of Duck. From north to south, the development currently spans three adjoining parcels, 1314, 1312 and a portion of 1310 Duck Road (NC-12) that are all zoned Village Commercial (V-C). Upon approval of the project, the applicant and owner, Nor' Banks, Inc. and Jonathan E. Britt, plan to recombine the properties to create a single 1.62 acre northern parcel that encompasses the entire project site and a residual southern adjoining parcel that will remain residential in use.

The sailing and watersports operation began in the late 70's under the jurisdiction of then Dare County. Existing site improvements include a rental building, boat ramp, pier, maintenance garage, gravel parking and other miscellaneous facilities needed to support the operation.

Adjoining properties include an existing commercial use to the North zoned C-1, existing residential uses to the East across Duck Rd. zoned RS-1, an existing residential use to the South zoned V-C and the Currituck Sound to the West.

CONDITIONAL USE REQUEST
The project proposes to redevelop the property by removing the existing Nor' Banks Watersports rental building and constructing a new elevated building that will house a proposed Restaurant with ground level storage, restrooms and service areas to support a proposed Outdoor Entertainment Area and the existing Sailing and Watersports operation. The existing Sailing and Watersports operation is best described in the Town's Code of Ordinances as a "Boat-Launching and Rental Facility." Chapter 156.036 of the Ordinance lists both the Boat-Launching and Rental Facilities use and the Eating Establishment use as Conditional Uses within the Village Commercial District. It also lists commercial structures greater than 5,000, but less than 10,000 gross square feet and applications seeking the Village Commercial Development Option as Conditional Uses. In consideration of the above, the Applicant hereby requests a Conditional Use Permit for the proposed redevelopment activities as further outlined by the following:

- Establishment of 4,994 sf of outdoor recreation area associated with the Boat-Launching and Rental Facility use. Included in this dedicated area are the existing maintenance garage, existing outdoor service area on the north side of the garage, proposed restrooms and an open air service area under the proposed elevated building.
- Construction of a building to house the proposed (60) indoor seat Eating Establishment use with a 600 sf Outdoor Dining Area on the west facing porch.
- Establishment of a 970 sf Outdoor Entertainment Area under the proposed elevated building. Included in this dedicated area are a beverage stand, stage and the surrounding open air use area. Food service will not be permitted in this area.
- Associative parking, grading, stormwater, accessibility, utility, wastewater and landscaping improvements.

(Also reference Conditional Use Notes on Cover Sheet and Use Area Delineations on Sheet 3 of Site Plans)
PARKING SUMMARY

Existing

Existing off-street parking areas should be considered within the existing gravel areas illustrated on the Existing Conditions Map provided on Sheet 2 of the enclosed site development plans. Presently, spaces are not physically demarcated so an official count is not provided, however, approximately (50) spaces could be estimated based on a comparison to proposed parking conditions.

Proposed

Proposed on-site off-street parking arrangements are illustrated on the General Site Development Plan provided on Sheet 3. Supporting calculations are also included in Note 7 found on the Cover Sheet 1. According to these calculations, a total of (60) parking spaces are required to accommodate the proposed mixed use development, (33) for the proposed Eating Establishment uses and (27) for the Boat-Launch and Rental Facility use. Approximately (51) of these spaces are located within the limits of the site's existing gravel parking area. An additional (12) spaces are proposed over two proposed parking area expansion located in the NE corner and along the south boundary. This brings the total provided parking to (63) spaces, including two accessible spaces near the accessible ramp to the restaurant and a 3rd accessible space adjacent to the outdoor recreation service area below. Parking spaces measure a minimum of 9'x18', except the accessible space, and are surfaced with gravel or concrete and include parking blocks.

PRELIMINARY TRAFFIC ANALYSIS

Anticipated Trip Generation
(Based ITE Common Trip Generation Rates, Trip Generation Manual, 9th Edition, for P.M. Peak Hour)

<table>
<thead>
<tr>
<th>Code</th>
<th>Use</th>
<th>Unit of Measure (sf)</th>
<th>Trips/Unit</th>
<th>Use Area (sf)</th>
<th>No. of Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>495</td>
<td>Recreational Community Center</td>
<td>1,000</td>
<td>1.45</td>
<td>3,700 +/-</td>
<td>5.4</td>
</tr>
<tr>
<td></td>
<td><strong>Total Existing:</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>5.4</strong></td>
</tr>
</tbody>
</table>

Proposed Trip Calculation

<table>
<thead>
<tr>
<th>Code</th>
<th>Use</th>
<th>Unit of Measure (sf)</th>
<th>Trips/Unit</th>
<th>Use Area (sf)</th>
<th>No. of Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>495</td>
<td>Recreational Community Center</td>
<td>1,000</td>
<td>1.45</td>
<td>4,994</td>
<td>7.2</td>
</tr>
<tr>
<td>931</td>
<td>Quality Restaurant*</td>
<td>1,000</td>
<td>7.49</td>
<td>4,420</td>
<td>33.1</td>
</tr>
<tr>
<td>932</td>
<td>High-Turnover Restaurant**</td>
<td>1,000</td>
<td>11.15</td>
<td>970</td>
<td>10.8</td>
</tr>
<tr>
<td></td>
<td><strong>Total Proposed:</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>51.1</strong></td>
</tr>
</tbody>
</table>

*For Indoor Restaurant Use, **For Outdoor Entertainment Area Use

Anticipated Impact Summary

The anticipated increase in peak trips related to the Boat-Launch and Rental use is less than 2 trips/hours, which is relatively insignificant. Nearly all of the increase is related to the proposed Restaurant and Outdoor Entertainment additions, which total approximately 44 additional peak trips/hour. While this may be a considerable increase relative to current conditions, the anticipated peak rate seems reasonable when compared to other eating establishments within the Town of Duck that are directly accessed from Duck Road, like this development. The project also proposes to continue to use the site's
existing commercial driveway located at the northern most end of property. No additional driveway connections to NC12 are being proposed.

OUTDOOR ENTERTAINMENT SUMMARY
This project proposes to provide an Outdoor Entertainment Area located in a open area beneath the southwest corner of the proposed elevated restaurant building. Food service within this area is not included in this application and shall not be provided unless otherwise approved by the Dare County Health Department and Town. The active entertainment area shall be limited to 970 sf as delineated on the General Site Development Plan Sheet 3 and will include a typical beverage stand and stage. Adjoining the entertainment area will be two restrooms, a storage closet and a walk-in cooler. In accordance with Chapter 156.129 of the Town's Ordinance, operation of the Outdoor Entertainment Area shall not extend beyond 10:00p.m. See Conditional Use Notes on Cover Sheet 1 for additional conditions being prescribed for this proposed use.

LANDSCAPING & BUFFER SUMMARY
A proposed Landscaping Plan can be found on Sheet 6 that includes calculations, schedules and details for existing and proposed landscaping located around the new parking areas and perimeter of the project. Also enclosed is a Demolition Plan (Sheet 2) that identifies a single existing tree in the northwest corner of the property that is to be removed. All other existing trees on the site are anticipated to remain and shall be protected during construction. The following is a summary of the landscaping and buffering being proposed:

Parking Lot Landscaping
In accordance with Chapter 156.115(C), parking lot landscaping is calculated based only on the areas being expanded and that include (12) or more spaces. The project proposes to add (12) parking spaces to the site and, therefore, perimeter plantings and end row landscape islands are being proposed along the two expanded parking areas as specified on the Landscape Plan.

Landscape Buffers
In accordance with Chapter 156.115(D), buffers shall be required as prescribed in the zoning district regulations. Furthermore, according to 156.036(C)(6)(f)(4), projects seeking approval under the Village Commercial Development Option designation shall provide appropriate buffering to adjacent properties as determined by the Town Council. Unless otherwise prescribed by the Town Council, the following buffers are being proposed around the site:
North - Existing landscaping features found between the two existing commercial parking areas will be maintained as a buffer.
East - Existing trees and landscape beds are to be maintained along Duck Rd. Multiple landscape islands are being proposed to help soften the parking improvements and buffer areas to the east. The relocated dumpster site will also be screened with a opaque enclosure. Note that the existing and proposed landscape islands adjacent to the site entrance shall be limited in height so as not to inhibit sight lines.
South - A combination of existing topography, trees and a hedge row will be maintained as a buffer. Proposed landscaping trees and shrubs along the expanded parking perimeter in this area will help to supplement the existing buffer.

West - No buffer required to Currituck Sound.

STORMWATER MANAGEMENT SUMMARY
The redevelopment project proposes a total additional Built-upon Area of less than 10,000 sf and an area of land disturbance less than 1.0 acre and, therefore, does not require a Coastal County Stormwater Management Permit from NCDEQ. Management of the Town required 1.5” design storm event will be achieved through the use of a perimeter roof guttering system on the proposed building that will connect to (2) proposed 2,500 gallon cisterns located under the porch on the north side of the building. Dewatering of the cistern’s between storm events will occur through active and passive measures. Active measures will include connections to a gravity or pump distribution system that will feed landscape irrigation and hose bids for use in boat wash down, etc. The cisterns and final use fixtures must be labeled non-potable for safety. Passive dewatering will be provided through a ball valve connection that can be partially opened to slowly drip during times of low or no active use. An overflow is also provided for excess events that is piped to grade to allow infiltration into the sandy soils of the site. The passive outlet will act in the same way. Calculations for the design capacity of the Cisterns are attached.
Rainfall Event

Design Rainfall Depth ($R_D$): 1.5 in. (Per Town of Duck)

Drainage Area Calculation

Total Additional Coverage Area: 8,338 ft$^2$ (Per Coverage for Town, See Calculation on Drawing Cover Sheet)

Total Exempt Gravel Built-Upon Area: 3,009 ft$^2$ (See green areas on attached exhibit, Exempt per G.S. 143-214.7 (b2))

Total Area Required for Management: 5,329 ft$^2$  \( A = 0.122 \text{ Acres} \)

Runoff Volume Calculation [NCDEQ Approved Simple Method]

Percent Impervious ($I_A$) = Impervious Area/Drainage Area: 1.000  \[ \text{[Based on all Impervious Roof Area]} \]

Runoff Coefficient ($R_v$) = 0.05 + 0.9($I_A$): 0.950

Required Runoff to be Controlled ($V$) = 3630*$R_D$*$R_v$*$A$: 633 ft$^3$ or 4,734 gal.

Management Provisions

1. Roof Gutter Collection System with (2) down spouts each serving an equal half of the building

2. (2) 2,500 gal. cisterns receiving gutter down spouts, 5,000 gal. volume total

3. Each Cistern shall have the following minimum:
   a. screened top inlet for downspout connection
   b. overflow outlet plumbed to grade. Direct discharge away from building
   c. an intermediate outlet w/ ball valve for passive drawdown control. Close in-season or open for 2-5 day drip off-season
   d. a bottom outlet w/ spigot for active on demand drawdown. Discharge via gravity or pumping system by others
   e. Non-potable signage on cistern and all end use fixtures

4. Recommend owner contracting with experienced landscaper to operate and maintain gutter collection and cistern system
COMMERCIAL SITE DEVELOPMENT PLAN FOR
NOR' BANKS SAILING & WATERSPORTS
FACILITY EXPANSION & RESTAURANT ADDITION
DUCK TOWNSHIP
DARE COUNTY
NORTH CAROLINA

SHEET
DESCRIPTION
1. COVER SHEET
2. EXISTING SITE CONDITIONS MAP AND DEMOLITION PLAN
3. GENERAL SITE DEVELOPMENT PLAN
4. GRADING AND EROSION CONTROL PLAN
5. WASTEWATER SYSTEM AND UTILITY PLAN
6. LANDSCAPING PLAN
7. WASTEWATER SYSTEM CONSTRUCTION DETAILS
8. TYPICAL EROSION CONTROL AND CONSTRUCTION DETAILS

North Carolina
One-Call Center Inc.
811
Know what's below
Call before you dig.

PLAN LEGEND

SURVEY LEGEND

NOTE

DATE

DRAWN

CHECKED
Joe,
Thanks for sharing the information for the Nor'banks project.

My comments are as follows: I evaluated the site and found the site and soil conditions suitable for on-site wastewater disposal. The proposed wastewater system shown on the plans is a Type IV low pressure pipe wastewater treatment and disposal systems. The system is designed for less than 3,000 gpd so it will be reviewed and permitted locally. The daily flow rates listed on the wastewater plans comply with the State's .1900 wastewater rules. The long-term acceptance rate for the system will be 0.5 gpd/sqft so at least 1192' of drainfield will be required. (1200' is shown on the wastewater layout). There is also adequate repair area.

We will continue our review of the wastewater system when the plans are formerly submitted.

In addition, a plan review will be done locally when the food service application and plans are also formerly submitted.

Sincerely,
Jack

--
Jack Flythe
Environmental Health Supervisor
Department of Health & Human Services – Public Health Division
P.O. Box 1000, Manteo, NC 27954
252.475.5054 phone
252.441.6921 fax
www.darenc.com

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TO:               Chairman Blakaitis and Members of the Town of Duck Planning Board
FROM:            Joe Heard, AICP, Director of Community Development
DATE:            July 12, 2017
RE:              Discussion of Dune Walkovers & Access for Limited Mobility

Background Information
During its annual retreat on February 14-15, 2017, the Duck Town Council authorized the Planning Board and Community Development staff to develop the necessary text amendments to address changes and issues associated with the Town’s beach nourishment project.

The Duck Planning Board previously reviewed and recommended amendments relating to the establishment of a static vegetation line, limitations on beach pushes, and standards for dune walkovers. Immediately following the public hearings, the Duck Town Council adopted the standards recommended by the Planning Board (with a couple of changes) at its meeting on July 5, 2017.

During the Town Council’s consideration of the standards for dune walkovers, there was a good deal of discussion about the challenges of accessing the beach for people with physical handicaps or limited mobility. The Council members discussed several different alternatives (such as allowing post and rope barriers, railings, or wooden walkways down the eastern side of the dune), but decided to adopt the gentler approach recommended by the Planning Board (beach access matting) as an initial step. However, the Town Council requested that the Community Development Department work with the Planning Board to evaluate options for providing better access for people with limited mobility.

Subsection 156.124(C)(1)
With the recent adoption of the standards for dune walkovers within the beach nourishment area, the current standards in Section 156.124(C)(1) of the Zoning Ordinance now read as follows:

(1) **Dune walkover structures.** Dune walkover structures shall be constructed to entail negligible alteration of the dune. The following construction standards shall apply:

(a) Dune walkover structures for residential use shall be no wider than 4 feet and shall be constructed on raised posts or pilings embedded no less than 4 feet and no greater than 5 feet below grade. Walkover structures for commercial or public use may be constructed up to 6 feet in width and shall utilize piling embedment criteria consistent with the North Carolina Building Code.
(b) The underside of the dune walkover structure across the frontal or primary dune shall be a minimum of 18 inches and a maximum of 30 inches above grade.

(c) Dune walkover structures shall be located such that the first step down to the beach is placed no farther seaward than the beginning of the downward slope of the dune.

(d) Dune walkover structures shall be constructed so that the staircase turns parallel to the dune if there is more than a 12-foot-vertical rise in the staircase required to provide access to the surface of the beach. The requirement to turn the stairs shall not apply in instances where it would preclude the placement of the stairs entirely within the subject property.

(e) Within the beach nourishment project area, dune walkover structures must be constructed to meet the following standards:

1. A dune walkover structure on the western side of the dune may consist of a hardened structure (ramp/stairway), beach access matting, or any material consistent with the standards of this chapter.

2. A dune walkover extending over the top of a dune may only be constructed of beach access matting.

3. A dune walkover is permitted to extend down to the toe of the eastern side of the dune. This walkover may only be constructed of beach access matting."

(f) Where a lawful dune walkover structure exists on July 5, 2017 within the beach nourishment project area that could not be built under the terms of Subsection (e) above, the structure may be continued so long as it remains lawful, subject to the following provisions.

1. The non-conforming dune walkover structure may not be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2. Should the non-conforming portion of a dune walkover structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this chapter.

3. If located at an elevation higher than the top of the dune, an extension of the non-conforming dune walkover structure, not exceeding five feet in length, may be added to lower the walkover structure to the elevation at the top of the dune.
Applicable Definitions:

**DUNE SYSTEM, FRONTAL DUNE.** The first mound of sand located landward of the beach having sufficient vegetation, height, continuity, and configuration to offer protective value.

**DUNE SYSTEM, PRIMARY DUNE.** The first mounds of sand located landward of the beach having an elevation equal to the mean flood level for the area plus 6 feet. The primary dune extends landward to the lowest elevation in the depression behind the same mound of sand.

**DUNE WALKOVER STRUCTURE.** A raised walkway constructed for the purpose of providing access to the beach from points landward of the dune system.

Staff Analysis

The Town’s beach nourishment project has resulted in a relatively gentle 1:5 slope (five foot run for each one foot rise) on the east side of the constructed dune. The typical profile for the east side of the newly constructed dune runs 70 feet from the east side of the dune crest (elevation of 20 feet) to the ocean beach (elevation of 6 feet). The longer length of the eastern side of the dune and beach has created greater challenges for people with mobility limitations to access the beach and ocean.

At its meeting on June 14, 2017, the Planning Board had considerable discussion about accessibility concerns. Similar to the decision made by Town Council, the Board members recognized that there might be individual issues, but using a less obtrusive approach with beach access matting instead of hardened ramps or stairways was a better initial approach until the Town can observe how the dune and beach are shaped over time.

With the quick turnaround from the Town Council meeting, staff has not had the opportunity to explore the variety of beach access alternatives that may be used by other coastal communities. However, staff has identified the following list of issues that the Planning Board may wish to discuss. The Board members may have additional ideas for discussion as well.

**Issues for Discussion**

1. Access/viewing areas for ADA handicap access (ramps, decks).
2. Rest areas/viewing areas for individuals with mobility limitations (benches, decks).
3. Physical support for individuals with mobility limitations (railings, walkways).
4. Apply to neighborhood beach accesses differently than individual properties.
5. Apply town-wide or in beach nourishment area.
6. Enact as policies, standards, or incentives.
The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, June 14, 2017.

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

Absent: Sandy Whitman

Also present were: Director of Community Development Joe Heard, Permit Coordinator Sandy Cross, *Coastland Times* Reporter Philip Ruckle, Julien Devisse of Coastal Planning and Engineering, Henry Blaha, John Wander, Sharron Young and Jackie Orsulak.

Others Present: None.

Others Absent: Council Liaison Chuck Burdick.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for June 14, 2017 at 6:37 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

**Text Amendment Ordinance 17-06: Proposal to Amend Section 156.063 of the Town Code with Standards for Dune Walkover Structures within the Beach Nourishment Project Area**

Director Heard stated that during the Town Council’s annual retreat, Council authorized the Planning Board and Community Development staff to develop the necessary text amendments to address changes and issues associated with the Town’s beach nourishment project. He stated that the Board previously recommended amendments relating to the establishment of a static vegetation line and limitations on beach pushes. He added that the Board is now asked to consider developing a standard defining the type and characteristics of dune walkovers within the beach nourishment project area.

Director Heard stated that a key concern is the potential length of dune walkover structures. He noted that Subsection 156.063(D)(3)(a) permits dune walkovers to potentially extend 20 feet beyond the seaward toe of the frontal dune. He stated that the beach nourishment project will
result in a gentle slope of a five-foot run for each one foot rise on the east side of the constructed dune. He explained that the typical profile for the east side of the newly constructed dune will run 70 feet from the dune crest, which is at an elevation of 20 feet, to the ocean beach, with an elevation of six feet. He stated that if the Town’s current standards for dune walkovers are applied to the to the project area, a homeowner could potentially construct a dune walkover structure extending 60 feet down the east side of the dune (10 feet from the beach).

Director Heard stated that there were people who have more mobility limitations than others, but there was also interest in allowing the dunes to stabilize and minimize any issues with the vegetation. He stated that there were concerns about limiting the length of the access ways to encourage safe access for ocean safety and emergency vehicles and not to obstruct access along the beach. He noted that the Board should evaluate and consider the different perspectives in developing the standards.

Director Heard stated that there can be different things that occur over the next six to twelve months as the dune and beach settle and shape themselves. He stated that one of the main principles that staff is looking at are ways to use a light touch – rather than going in and allowing long, hardened structures to run all the way down the front of the dune. The Town can look at alternatives such as matting and evaluate the needs of beachgoers within the project area. He noted that staff’s suggestions are based on that thought process.

Director Heard pointed out that the staff report contains the Town’s current standards for dune walkover structures. He added that staff put in some information from The Dune Book, which the Board also had a copy. He stated that even though the book was written 14 years ago, it is still considered to be the gospel as far as how communities can deal with the care of dunes along the ocean. He explained that the book was put together by North Carolina Sea Grant and was meant to be a document that a layperson can read and understand. He highlighted out some key items regarding dune walkways in the staff report.

Director Heard stated that in looking at potential amendments to some of the Town standards, there are standards for limitations on the width of the walkways, which currently are four feet in width for individual residential properties and six feet in width for commercial or public dune walkovers. He stated that staff does not see any particular reason why the standards for width need to change as a result of the project and is not recommending any changes to the Board.

Director Heard stated that the second item staff reviewed was potential limitations on the length of dune walkovers. He stated that the current ordinance effectively limits the length of a dune walkover to 60 feet on the east side of a dune. He noted that when a 12-foot drop in elevation is reached, a dune walkover structure is required to turn sideways. Vice Chair Murray asked if this assumes that the walkway is completely level from the top of the dune. Director Heard stated that the walkway has to go down because it has to hug the dune.

Vice Chair Murray asked how far down the slope the sand fencing and beach planting will go. Permit Coordinator Cross stated that planting is only planned on the top of the dune at this point. Vice Chair Murray asked if there are no improvements allowed on the dune slope and an individual rolls something out on it, what will keep pedestrians, particularly those who don’t need the harder surface, from going off to the right or left. Chair Blakaitis stated that it could be
the sand fencing. Vice Chair Murray disagreed. Permit Coordinator Cross stated that it could be coastal vegetation. Chair Blakaitis pointed out that sand fencing was already put out down half the dune. He added that the Town doesn’t want people walking around the dune and, in addition, there will likely be additional signage put up on the dune fence until the planting takes hold. He added that in the Sanderling neighborhood, they paid the sand fence contractor an additional amount to put fencing on the slope. Member Cofield asked how far out it went. Chair Blakaitis stated that it goes all the way down.

Member McKeithan stated that he looked at the beach access matting at Jennette’s Pier and there are thousands of people walking on it. He added that it is not digging out an area or creating a path or trench. He added that it looks very effective. Vice Chair Murray clarified that the matting at Jennette’s is not at a 1:5 slope. Chair Blakaitis stated that part of it is. Member McKeithan didn’t think it is. Vice Chair Murray noted that the staff report notes the State is using the matting at Jennette’s Pier. He pointed out that the 1:5 slope of the dune in Duck will not be ADA compliant. Chair Blakaitis agreed.

Member Cofield asked what the matting is made from. Chair Blakaitis stated that it is made from recycled plastic with millions of holes to make it porous and bars going across with grab-holds for your feet. He added that it isn’t a perfect solution. Member McKeithan noted that the matting also has the effect of guiding pedestrians into a certain area instead of them choosing different access points.

Director Heard stated that the natural, west side of the dune typically rises at a steeper slope than the east side of the constructed dune. He noted that it may make more sense on that side of the dune to have a hardened structure for people to get up the steeper slope. He added that the gentler slope on the east side of the dune should be easier for pedestrians to traverse; however, at approximately 70 feet in length to the beach, it covers a significant distance. He stated that the top of the constructed dune is generally flat, approximately 20-30 feet in length, and will generally be the easiest part of the dune to cross.

Director Heard stated that staff proposed in the draft ordinance the following concepts:

- Allow a hardened structure (ramp/stairway), beach access matting, or nothing on the western side of the dune.

- Allow beach access matting or nothing across the flat top of the dune.

- Allow a short stretch of beach access matting or nothing down the eastern side of the dune.

Director Heard noted that even though the proposed amendment may prove to be a viable permanent solution, staff is also considering this concept as an important temporary measure. He added that following the completion of the beach nourishment project, sand fencing and planting will be installed to help stabilize the dune. However, the profile of the constructed dunes may adjust over time as wind, waves and other forces shape them. He noted that whatever beach access improvements the Town decides to allow, staff encourages further analysis of these options as conditions change in the future. He added that staff’s opinion is “less is better” as
beach matting can be easily rolled up and thrown away or reused. Whereas, hardened structures are more likely to become permanent fixtures on the dunes or beach.

Member McKeithan clarified that Spencer Rodgers is not recommending the beach matting at the 5:1 slope. Permit Coordinator Cross stated that she had asked him about and he thought it will be somewhat of a nuisance because of the potential of ocean overwash. She added that she didn’t think he truly grasped the size and scope of the dune when she spoke to him. Chair Blakaitis thought beach matting has been around a long time, but the newer matting is a better quality. Permit Coordinator Cross noted that the matting is very heavy. Chair Blakaitis agreed.

Chair Blakaitis asked what is the significance of staff’s recommendation for allowing matting 20 feet down the eastern side of the slope. Director Heard stated that it seems like a reasonable distance to begin guiding people down the slope. Chair Blakaitis asked if it is something that should put in the text amendment. Director Heard thought the challenge in going all the way down the slope is that there are still some concerns with people walking or emergency vehicles having to access that area. Chair Blakaitis noted that an emergency vehicle could drive across the matting. Director Heard stated that it would be easier for emergency vehicles to drive over it.

Vice Chair Murray asked if it is relevant. He added that when he looks at the finished dune in front of Ocean Pines, it levels off and drops down. He asked if that was correct since the 1:5 slope did not continue. Director Heard stated that the 1:5 slope continues to the toe of the beach, then flattens onto the beach. Vice Chair Murray clarified that the flat beach is where any emergency vehicles will generally operate. Director Heard stated that would be correct most of the time.

Member McKeithan stated that he is going to recommend that the beach matting be allowed to go to the bottom of the east side of the dune, because emergency vehicles should not be driving on the incline of the dune. Permit Coordinator Cross stated he is correct. She added that if the beach is crowded, there is the potential that emergency vehicles will not have access in an emergency situation. She noted that an ATV was driving up the slope earlier in the week. Member Cofield asked if the 70 feet measurement is from the top of the dune. Director Heard responded that he is correct.

Vice Chair Murray realized that the projection is that the Town will lose up to 40% of the constructed sand material. Director Heard stated that more will be lost the beach than the dune. CB&I engineer Julien Devisse stated that some of the dune could be lost. Vice Chair Murray understands the reasoning for using the matting, but the concerns the Board talked about are regarding stabilizing the slope. He added that, historically speaking, the Town has used a four-foot wide walkway to protect the dunes. He thought that a beach mat or hardened structure will be equally effective in keeping off the vegetation. Vice Chair Murray added that the obvious thing to put in the ordinance will be, if someone opts for a hardened structure, they will need in order to dismantle it in a timely fashion if conditions change. He added that he is curious since they’ve been effective for a very long time and met the goals of the Town to protect the dune and vegetation. Director Heard stated that it is the significant change in the slope of the dune. Vice Chair Murray understood, but asked how it will negatively affect things. He stated that it used to be that a roped off walkway would be the most effective option. He asked how that is any different. Permit Coordinator Cross explained that with erosion, the posts can wash away. She
added that there isn’t a set of stairs that are 50 feet long stuck in the ground with sand underneath. She stated that the Town would potentially have a situation where they will have to enforce hardened structures that are encroaching on the beach. Vice Chair Murray asked if that is a realistic possibility. He added that he isn’t saying that they have to be allowed to go 70 feet. Permit Coordinator Cross stated that a homeowner has already asked if it can be done. Vice Chair Murray stated that he isn’t saying that the Town should allow them to do something all the way down, he is just suggesting that people who use the beach have an expectation for access to the beach. He added that he doesn’t want to be insensitive to it by forcing them to do something that can be achieved otherwise. He added that if going all the way down the 70 feet with a hardened structure is bad, he understands. For people with accessibility issues, he wondered if there should be a caveat in the ordinance for homes that are ADA friendly. He noted that ADA compliance in a residential structure is very difficult to meet, but there are homes advertised as accessible homes. He asked why there can’t be something in the ordinance that will create an opportunity to make the beach more accessible in those situations.

Permit Coordinator Cross pointed out that ADA compliance typically involves getting someone to the beach dune and does not require getting a person down to the beach itself. Vice Chair Murray stated that he isn’t speaking about requirements. Chair Blakaitis noted that Sanderling’s beach turned out that way before the beach nourishment project. Even though they had a great dune, when a person got to the end of the boardwalk, all of the stairs were buried and there was a slope going down that exceeded the 1:5 ratio for at least 20 feet and people were complaining about it. He stated that the only advice he could give was that they had to walk over 10-15 feet of sand to get to the harder sand. Vice Chair Murray agreed, adding that the Town has given them 140 feet of sand before they see the ocean. Chair Blakaitis stated that there are a lot of associations all over the state that do not have constructed walkways, only a trail. He reminded the Board that one of the Board’s options is to do nothing.

Permit Coordinator Cross pointed out that the Town put regulations in place to deal with structures that were protruding onto the beach to bring them back to the dune face. She added that application of these standards may be more challenging due to the new slope. Vice Chair Murray clarified that the Board can alter those regulations in the event of erosion so that the walkways will have to be brought back. Permit Coordinator Cross stated he is correct, adding that the walkways must be pretty far out for the Town to do anything. Vice Chair Murray noted that, as the ordinance is currently written, the Board is tasked with writing an ordinance for the nourishment area. He thought the Board can consider ways to allow it under certain circumstances.

Vice Chair Murray asked the other Board members if they see a compelling interest in giving people that are visiting and have mobility issues a way to get closer to the beach. Member Cofield stated that he is struck by the thinking that the Board won’t know for a couple years out exactly what will happen; what kind of erosion will take place or what the beach will look like. He reiterated that one option is to do nothing for a couple of years. He saw the matting as a way to help. He added that he is reticent to allow hardened structures when the Town does not know what will happen for a couple of years. He stated that he doesn’t see it as reasonable to allow hardened structures post-holing down and then asking the property owners or homeowner associations to take them out due to a hurricane. Vice Chair Murray pointed out that it is that way presently. Chair Blakaitis noted that there is a limit on how far out the walkway can go and
this exceeds it, which means that the existing ordinance will have to change. Vice Chair Murray felt that, instead of a blanket statement that says that a rollout mat is required, the Board can write an ordinance that will allow wooden walkways, under certain circumstances, including requirements that it be altered or removed in the event that erosion occurs.

Chair Blakaitis asked what the special circumstances would be and how Vice Chair Murray would remove it. Vice Chair Murray stated that he is thinking of community walkways as one option and potentially making an exception for people who have ADA accommodations in the house where the permit is being sought. Chair Blakaitis asked about the community walkways. Vice Chair Murray stated that there are community walkways and they can have more lenient regulations or be allowed to apply for reasons of accessibility, not necessarily to go the entire 70 feet. Chair Blakaitis asked if he is proposing wooden walkways and stairs. Vice Chair Murray stated that stairs will not help in this case. Chair Blakaitis asked what would be put down. Vice Chair Murray explained that in a lot of the accessible houses, the dune deck on the west side of the dune starts from the second-floor deck so that there are no stairs on the west side of the dune. He added that someone in a wheelchair or with limited mobility can cross directly horizontal to the top of the dune. Permit Coordinator Cross described a situation in Four Seasons where an owner has a deck and a walkway coming off of the deck and took it down to the top of the dune.

Vice Chair Murray noted that there are some community walkways that do not have any stairs on the western slope as they go up gradually. Member Cofield asked if it changed anything on the west side. Chair Blakaitis stated that it does not. Vice Chair Murray stated that he is explaining how someone in a wheelchair may find themselves on top of the dune and want to get closer to the ocean. He added that the draft ordinance currently states that immediately on top of the dune, it will change to matting or nothing at all. He stated that he was in the Ocean Pines subdivision earlier in the day and standing on the beach. The ocean seemed very far away, walking down the slope was pretty hot, and he could see why people would be uncomfortable. He added that walking back up the slope was more intense. He stated that getting someone in a wheelchair down the slope is a possibility, but getting back up the slope with matting alone seems harder.

Chair Blakaitis stated that there isn’t anything the Town can do about ADA compliance or even getting close to ADA compliance. He added that it is what the Town has and it isn’t good. He wondered what can be done. He questioned why the Town had to worry about wheelchairs just because there was now a gentler slope. Vice Chair Murray stated that previously, someone could pass to the top of the dune and the ocean was closer. Chair Blakaitis reminded the Board that their objectives are stated pretty clearly – manage the strategy to avoid damaging the dunes where people come and go to the beach. He noted that it is a very good point about not doing too much. Vice Chair Murray stated that his point is if the four-foot-wide walkways are keeping people off the dunes and on the walkway, why can’t they not be part of the tool kit. Chair Blakaitis stated that in some cases, the Town does not have them out. He stated that the Sanderling subdivision has so much dune buildup, that their stairs are buried and the walkway ends before the top of the dune. He added that Sanderling elected to do nothing about it. He stated that it was a nice, sand path.

Vice Chair Murray understood that the wait and see approach is logical from a cost benefit perspective. Chair Blakaitis asked if the Board can take a look at the ordinance and some of the
other items to reach an agreement and then come back to this issue at the end. Vice Chair Murray was fine with that approach.

John Wander of 119 Sandcastle Court was recognized to speak. Mr. Wander asked if he wants to buy beach access matting, how long will it need it be. He added that many of the homes won’t want the top of the dune covered with sand. He wondered why a platform couldn’t exist over anything. Permit Coordinator Cross asked if Mr. Wander is referencing a platform or a walkway. Mr. Wander stated that he is talking about walkways. Permit Coordinator Cross clarified that under CAMA regulations, an owner cannot have anything but a walkway beyond the first line of stable natural vegetation and the static vegetation line.

Chair Blakaitis asked if the walkway is only covered by six or seven inches of sand, and it was swept off, if it was a grandfathered walkway. Director Heard stated that the removal of sand is discouraged. Mr. Wander stated that he is interested in the beach access matting and the instructions for installing the matting recommend attaching it to the end of a wooden walkway. He added that people will be guided in that way. Chair Blakaitis stated that it seems that every area has its own unique situation. He added that it has to be worked around in the guidelines that he hopes the Board will set forth.

Vice Chair Murray asked Mr. Wander what lengths are available. Chair Blakaitis responded that they are available in lengths of 10, 20, 30, 50 and 60 feet. Mr. Wander stated that he found three suppliers and thinks the matting will work well.

Member Cofield asked if the answer to the first part of Mr. Wander’s question was 70 feet. Permit Coordinator Cross stated that it would be 90 feet if he wants to take it across the top of the dune and down to the toe of the dune. Vice Chair Murray pointed out that, as the ordinance was written, Mr. Wander would only be allowed 20 feet plus 20 feet. Director Heard stated that it can be more than that because the top of the dune is wider than 20 feet in width in certain areas. Member McKeithan clarified that it would be 40 feet in most situations – 20 across the top and 20 feet down. Chair Blakaitis stated that it is open for discussion, adding that the Board doesn’t need to stop at 20 feet.

Vice Chair Murray asked if nesting turtles would be located at the 70-foot mark or if they stop at the flat beach. Jackie Orsulak of 104 South Snow Geese Drive was recognized to speak. Ms. Orsulak stated that it depends on what is done.

Chair Blakaitis thought Director Heard had some good points regarding what the Board is trying to do. He wondered if the Board can review at the three statements in Part I of the draft ordinance. He read the following from the draft ordinance: “A dune walkover structure on the western side of the dune may consist of a hardened structure (ramp/stairway), beach access matting, or any material consistent with the standards of this chapter.” He thought it was what is currently in place. Director Heard stated he is correct.

Chair Blakaitis read the second statement from the draft ordinance: “A dune walkover extending over the top of a dune may only be constructed of beach access matting.” He stated that if the Board approves the statement as written, he suggests adding “or nothing” at the end of the sentence. Vice Chair Murray thought it is implied. He asked if language has to be added that
states that one has to designate the walkover. Chair Blakaitis thought it is a good point. Member Cofield pointed out that it did not say dune walkover structure, but dune walkover. Permit Coordinator Cross pointed out that, with regard to a dune walkover structure, if nothing is constructed, then it will not be a structure. Vice Chair Murray clarified that if matting is put down, it is not a structure. Chair Blakaitis agreed. Director Heard pointed out that that is why the term “structure” is not in statement 2 and 3. Chair Blakaitis suggested striking “structure” for statement 1. Director Heard stated that the western side needs to say structure as it allows for the construction of ramps and stairways.

Member McKeithan asked if it is optional for a homeowner, whether or not they go on the west side, not to have anything and just climb up the dune. Permit Coordinator Cross stated that if there is more than a 1:3 slope, they do not have to have any structure at all. Vice Chair Murray corrected Permit Coordinator Cross, adding that it would be less than a 1:3 slope. Permit Coordinator Cross stated that if there is less than a 1:3 slope, it is defined as an escarpment and some kind of structure will needed to get over the dune. Member McKeithan stated that if the Board is not careful, they will be removing that requirement on the west side if “or nothing” is added to the draft ordinance. He noted that whatever the existing regulations are in Duck, he doesn’t think the Board is trying to loosen or reduce the requirements. Chair Blakaitis agreed. Member McKeithan stated that if the language “or nothing” is added to statement 1, it could be construed that all requirements are removed, even in the steep one that would normally require a hardened structure.

Chair Blakaitis asked the Board to come to an agreement on the three statements. Vice Chair Murray thought statement 1 is fine as it is written. Members Cofield and McKeithan agreed. Chair Blakaitis asked about statement 2. Vice Chair Murray stated that the only public comment received was to ask why it cannot be constructed in wood. He thought it could. He asked if staff received any other public comments. Permit Coordinator Cross stated that she has received a comment from the Osprey subdivision indicating that they would like to install a wooden walkway across the top of the dune. She added that the Carolina Dunes subdivision asked if they can have a walkway all the way down the eastern side of the dune. Vice Chair Murray asked if anything has been received from individual homeowners. Permit Coordinator Cross stated that they have been amenable to see how things pan out and are pleased with the idea of the matting due to the temporary nature of it.

Member Cofield asked what those neighborhoods currently have in place. Permit Coordinator Cross stated that they presently walk right out over the dune. Member Cofield asked what they have coming up to the dune. Permit Coordinator Cross stated that they have steps that start at the escarpment and go down to the beach. Member Cofield asked if they have anything on the western side of the dune. Permit Coordinator Cross stated that they have a walkway.

Vice Chair Murray stated that he raised the question about access because that was the sense he had walking over the access and what he’s heard from clients. He added that he heard more from clients in locations where the nourishment has not occurred yet, but will occur in the future and are getting worried. He stated that he also heard from rental companies that have to move their clients around. He thought those are the people that are getting the brunt of the complaints. He added that if staff is not receiving compelling comments, then there isn’t a big issue. Chair Blakaitis stated that he would like to keep statement 2 as it was written until it is seen how the
beach and dune equilibrates. Director Heard stated that staff plans to keep a close eye on what happens with the beach and will be proactive if issues arise. Member Cofield stated he is fine with adding “or do nothing” to statement 2.

Vice Chair Murray asked if nothing was done, would the Town’s sand fence and vegetation installation move across the front of a property in a uniform manner. Permit Coordinator Cross stated that it will not without leaving a path for access. Vice Chair Murray asked how staff determines where the path goes. Chair Blakaitis stated that it will be at the end of the present walkway to the beach. Permit Coordinator Cross agreed. It was the consensus of the Board to leave statement 2 as it was written.

Chair Blakaitis asked the Board for their thoughts on statement 3 in the draft ordinance: “A dune walkover is permitted to extend twenty feet down the eastern side of the dune. This walkover may only be constructed of beach access matting.” He stated that he would like to see it extended to at least twice what is proposed. He didn’t think it matters once one goes down the slope how much matting is put down as it can be taken out. Director Heard recommended that “toe of the dune” be used in the language in the place of a particular distance. It was the consensus of the Board to use the recommended change to the wording for statement 3.

Member Cofield moved to accept the staff recommendation with respect to Part I as written with the changes made. Chair Blakaitis seconded.

Director Heard stated that the change was to #3 and would read: “A dune walkover is permitted to extend down to the toe of the eastern side of the dune.”

Chair Blakaitis noted that the #3 has been lengthened down to the toe. He wondered about the wording, “a dune walkover”. He noted that the Board has been discussing that a dune walkover is nothing more than a path, mat, or some type of lumber to channel people down to the beach. Vice Chair Murray stated that in this instance, it may only be constructed at beach accesses. Chair Blakaitis asked if it implied that one must put access matting there. Member McKeithan noted that it said it is permitted and not that it has to be put in. Vice Chair Murray agreed.

Motion carried 4-0.

**Text Amendment Ordinance 17-07: Proposal to Amend Several Sections of the Town Code with Necessary Updates and Corrections**

Director Heard stated that the items being addressed are purely corrective. He added that in 2014, former Director Andy Garman had brought a proposal before the Planning Board to make some changes that the Town reduce the size of its required parking spaces to 9’ x 18’. However, there is one section of the ordinance, under the definition of Parking Space, where the former 10’ x 20’ standard is still referenced. He stated that the amendment will remove that statement so as not to cause confusion.

Director Heard stated that the second item is something that has to be done. He stated that back in 2013, there were some changes made to the Planning statutes in the North Carolina General Statutes. He stated that it took away the authority from Boards of Adjustment to be the
interpreter of zoning district boundaries. He stated that, based on the recommendation of the UNC School of Government, staff is proposing to give this authority to the Director of Community Development to make the initial decision. If someone feels that the Director has erred or wants to dispute his decision, the decision can be appealed to the Board of Adjustment.

Director Heard stated that the third item deals with a loophole that has come up recently with a development proposal that staff would like to close. He explained that the Town has structure setback standards that apply to pools and pool decking. He stated that the Town has standards for walkways where they are allowed to encroach into the setback. He stated that the issue is that someone chose to look at the standards and felt if they could run the walkway directly by the pool, the pool border could be pushed over to the setback line and then install the walkway into the setback. He stated that it is proposed to add a point of clarification that the walkway structure shall not be exempt from minimum yard requirements if it abuts a swimming pool deck or is located within three feet of a swimming pool.

Chair Blakaitis asked why this was brought to the Planning Board’s attention. He asked why staff can’t take care of it. Director Heard stated that it is a text amendment and requires a change to the ordinance standards.

Member McKeithan moved to recommend text amendment Ordinance 17-07 as presented. Member Cofield seconded.

Motion carried 4-0.

**APPROVAL OF MINUTES**

**Minutes from the May 10, 2017, Regular Meeting**

Member McKeithan moved to approve the May 10, 2017 minutes as presented. Member Cofield seconded.

Motion carried 4-0.

**OTHER BUSINESS**

None.

**STAFF COMMENTS**

**Summary of June 7, 2017 Town Council Meeting**

Director Heard gave an update on the June 7, 2017 Council meeting to the Board and audience.

**Project Updates**

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

Member Cofield asked for an update on 1166 Duck Road. Director Heard stated that their permit amendment with CAMA has been put on hold until they comply with the Town’s standards. He stated that the owners do not have a CAMA permit and he understands that they are looking at other alternatives to deal with the structural issues that would not involve this type of project. He stated that he has not spoken with anyone directly related to the project other than the Division of Coastal Management about the permit. He stated that staff has not been contacted, but he hopes they are heading in that direction. He added that he will let the Board know if there are any new updates.

ADJOURNMENT

Chair Blakaitis adjourned the meeting. There was no vote or second.

The time was 8:30 p.m.

Approved: ______________________________________________

Joe Blakaitis, Chairman