

**FINAL**



## **Town of Southern Shores**

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**Planning Board Meeting**

**July 15, 2019**

**5:30 p.m., Pitts Center**

### **MEETING MINUTES**

**I. CALL TO ORDER:**

Deputy Town Manager/Planning Director Wes Haskett called the meeting to order at 5:30 p.m. Planning Board Members Ed Lawler, Elizabeth Morey, David Neal, Don Sowder, Andy Ward, and ETJ Representative John Finelli were present.

**II. PLEDGE OF ALLEGIANCE:**

Deputy Town Manager/Planning Director Wes Haskett led the Pledge of Allegiance.

**III. APPROVAL OF AGENDA:**

David Neal motioned to approve the agenda. Ed Lawler seconded the motion. The motion passed unanimously (5-0).

**IV. ELECTION OF OFFICERS:**

Andy Ward motioned to elect Elizabeth Morey as Chairperson. David Neal seconded the motion. The motion passed unanimously.

David Neal motioned to elect Andy Ward as Vice Chairperson. Chairperson Morey seconded the motion. The motion passed unanimously.

**V. PUBLIC COMMENT:**

None.

**VI. OLD BUSINESS:**

Discussion of the Town's current requirements for building height and fill.

Chairperson Morey explained that this was a task that was sent back to the Board by the Town Council after a Zoning Text Amendment (ZTA) request that was tabled by the Board. The Applicant chose to go forward with his request to the Town Council which they sent back to the Board. It is not our intent to discuss the height requirement. Sea levels are rising, and severe storms are increasing. Stormwater is not going to be a part of this discussion since it is related to the street conditions and how they were built.

Wes Haskett explained how the current building height and fill requirements were interpreted and applied. One of Town Staff's main concerns with the current requirements is that they can penalize builders/property owners by preventing them from meeting the Town's current flood requirements. In an AE flood zone, they are restricted

from using fill or redistributing fill to establish a building pad above 7 ft. mean sea level (msl.).

Andy Ward asked where the 7 ft. restriction came from.

John Finelli explained that it came from the current base flood maps that include the AE 7 flood zone. Preliminary flood maps show some areas going to an AE 4. Wes Haskett stated that the Planners from all of the local jurisdictions have been meeting monthly for several years to discuss the preliminary maps. Locally, there is unanimous disagreement at the staff level with the preliminary maps due to removing historically flood-prone properties from flood zones or by establishing a lower base flood elevation. To offset that, the Planners have been discussing the possibility of suggesting adoption of higher regulatory standards that would hopefully help to minimize flooding in historically flood-prone areas which would include establishing a Town-wide base flood elevation of 8 ft. asl.

The Board questioned the need for a reference to flood zones in the building height and fill requirements.

Andy Ward stated that the current language in Section 36-202 is much better than it was two years ago. The starting point used to be the lowest corner of a structure and going with the average of the corners was a big step forward. We do not want to adversely affect adjacent properties with respect to stormwater and aesthetics.

Chairperson Morey asked Wes Haskett to explain the Lot Disturbance Permit process. Wes Haskett explained that that is the first step in moving forward with development. The applicant must submit a survey of the property with the proposed structure shown along with the existing grade elevations shown at the corners, which are then used for establishing a maximum building height.

The Board discussed the Town's current 3:1 slope for fill placed in side setback areas and how engineered stormwater plans may be required by the Zoning Administrator. Andy Ward suggested adding rear setback areas to the current requirements.

Chairperson Morey stated that the floor was open for an open discussion.

Jim Conners, Mark Martin, Matt Neal, and Ann Sjoerdsma provided comments regarding building height and fill.

Chairperson Morey asked Andy Ward and David Neal to meet with stakeholders to further discuss suggested amendments to the Town's current building height and fill requirements. The Board agreed that the requirements should apply consistently in all zoning districts.

**VII. NEW BUSINESS:**

None.

**VIII. PUBLIC COMMENT:**

Matt Neal stated that Chip Burden and three other property owners cannot develop their nonconforming lots. This is a budding class-action lawsuit. He implored the Board to narrow the scope of limiting the sale and development of nonconforming lots.

Ann Sjoerdsma also addressed the restriction on developing and selling nonconforming lots. She also thanked Chairperson Morey, Andy Ward, and Wes Haskett for continuing to work on an ordinance that addresses special events.

Joe McGraw thanked the Board for their work and agreed that careful consideration should be given to nonconforming lots. He also agreed that it is important to look at building height and fill requirements.

**IX. PLANNING BOARD MEMBER COMMENTS:**

Chairperson Morey welcomed new members Don Sowder and Tony DiBernardo.

Don Sowder stated that he had learned a lot at his first meeting. There are current issues to be concerned about. Stating a purpose is always a good start. Taking topography into consideration is important.

David Neal agreed with Don Sowder and addressed nonconforming lots.

Andy Ward stated that he agreed with the others and that he would like for the Board to revisit the special events issue and bring in all of the stakeholders. He also agreed that the nonconforming lots situation is a mess and needs more work.

John Finelli addressed fill and stormwater and suggested not allowing decorative cupolas, or a height of 50 ft., for banks or other buildings in the Martins Point area.

**X. ANNOUNCEMENTS:**

Wes Haskett stated that the next scheduled meeting is August 19, 2019.

**XI. ADJOURNMENT:**

David Neal motioned to adjourn. Andy Ward seconded the motion and the meeting adjourned at 7:25 p.m.

ATTEST:

  
Elizabeth Morey, Chairperson

RESPECTFULLY SUBMITTED:

  
Wes Haskett, Deputy Town  
Manager/Planning Director

