

FINAL



Town of Southern Shores

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Planning Board Meeting

January 22, 2019

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Vice Chairperson Elizabeth Morey called the meeting to order at 5:30 pm. Planning Board Members Vice-Chair Elizabeth Morey, Joe McGraw, David Neal, Andy Ward, Ed Lawler, Town Attorney Ben Gallop, Deputy Town Manager/Planning Director Wes Haskett and Permit Officer Dabni Shelton were present.

II. PLEDGE OF ALLEGIANCE:

Vice Chairperson Elizabeth Morey led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Joe McGraw motioned to approve the agenda. Andy Ward seconded the motion. The motion passed unanimously (5-0). Elizabeth Morey welcomed new board member Ed Lawler.

IV. APPROVAL OF MINUTES:

Andy Ward asked to remove reference to his comment on "bedrooms" on page 4 and David Neal asked to remove reference to his comment of "capitalization" on page 3. Andy Ward motioned to approve the minutes from the December 17, 2018 Planning Board meeting as amended. Joe McGraw seconded the motion. The motion passed unanimously (5-0).

V. PUBLIC COMMENT:

Ann Sjordsma, 69 Hickory Trl – She stated that she had some confusion about the agenda and would like clarification on ZTA -19-09 particular to the revision and that it does not appear that there will be a public hearing on this item. Wes Haskett informed her that the Planning Board does not hold public hearings and that would be the Town Council and that there would be a public comment period later for that item. Ann Sjordsma asked if there would be a decision prior to public comment. Wes Haskett informed her that there is a general public comment period at the beginning and end of the meeting and for each item being heard there would be an opportunity for public comment prior to the decision by the board.

VI. NEW BUSINESS:

A. Election of Officers

Joe McGraw made a motion to nominate Elizabeth Morey as Chairperson. Andy Ward seconded the motion. The motion passed unanimously (5-0). Andy Ward made a

motion to nominate Joe McGraw as Vice-Chair. David Neal seconded the motion. The motion passed unanimously (5-0).

B. Approval of 2019 Meeting Schedule

David Neal made a motion to approve. Joe McGraw seconded the motion. The motion passed unanimously (5-0).

C. CUP-19-01, an application from American Towers LLC/Verizon Wireless to amend an existing Conditional Use Permit to extend the height of the existing wireless facility located at 148A Ocean Blvd.

Wes informed the Board that the applicant requested the item be tabled to February or March or a future time. David Neal made a motion to table until further notice by the applicant. Joe McGraw seconded the motion. The motion passed unanimously (5-0).

VII. OLD BUSINESS:

A. ZTA-18-09: Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132. Regulation of Structures and Uses Nonconforming

Wes Haskett presented the text amendment as written.

Andy Ward stated he has three different versions of 18-09 and asked how the versions are different.

Ben Gallop explained that he was asked by staff to explain procedural questions. He stated there was the original 18-09 version that Council sent to the Planning Board as part of the process. The Board made changes to Council's version and what is before the Board in this meeting is what came back to Planning Board from Council. It probably should be called ZTA-18-09PB since this is your version coming back to you. Are you going to vote on the 18-09 from Council or are you going to vote on the 18-09 with Council changes or are you going to vote to recommend nothing or something different. Ben Gallop went on to explain the changes in tonight's version – last time (a) (1) basically had (i) and (ii) (a). The only thing new in (a) (1) is the addition of (ii) (b). The addition also of the underlined sentence. The only real substantive difference is that anything that can be built on in (a) (1) you can also sell.

Andy Ward asked where did the January 1, 2015 date in (a) (ii) (b) come from.

Ben answered by explaining that that was sufficient time to take in the lots when recent changes to the nonconforming section began that Town Staff was aware of.

Andy Ward asked if this covers the outliers that have been identified.

Ben answered yes and it covers the Love property too.

Andy Ward asked if this has language to cover someone getting creative to get around this in some way.

Ben stated that that can always happen.

Andy Ward asked if an owner of 4 nonconforming lots could put them in 4 different entities to get around this ZTA.

Ben Gallop responded by saying the two lots in the middle could be recombined which would make the two outside nonconforming lots buildable and that this provision only applies when you have a nonconforming lot next to a conforming lot. He stated the Board could add language to (b) stating a single conforming lot not adjacent to any land under the same ownership that was created after January 1, 2015.

Andy Ward asked Ben Gallop if you could split out two 50 foot wide lots out of four lots. He said he was trying to figure out how to shut the loop hole down in every situation possible. He remarked that previously on June 5, 2018 an unnamed real estate agent got crafty in splitting out four 50 ft wide nonconforming lots and he wants to prevent that from happening again.

Ben Gallop stated that the date was prior to 07 being adopted and probably would not have been allowed under 07. He said that 07 shuts the door for each one of these things on the list and the Board can recommend changing the language to bring conformity but you are always going to have some of these issues come up with the concept of ownership. He further stated that it is almost impossible to take in every issue that may occur, even in 07, however this additional language may help to define ownership but at some point you have to realize that you can write language non-stop and never take care of every scenario that may occur.

Chairperson Morey asked if the Board should go ahead and write that language that Ben Gallop just explained.

Ben Gallop offered that if someone from the Board wanted to approve it, you could make a motion to approve 09 as presented tonight with the changes the Planning Board previously recommended along with the changes that (ii)(b) would state a single conforming lot not adjacent to any other land under the same ownership that was created after January 1, 2015 due to a recombination of two previously nonconforming lots.

Chairperson Morey opened Public Comment for ZTA 18-09.

Craig Hurd Sea Oats Trail – He stated that 21 years ago he purchased a lot next to their home. He stated he previously asked Wes Haskett a month prior if this affects him and it was suggested that he attend this meeting. Mr. Hurd said he didn't know where he stood and how does he find out if he is nonconforming.

Wes Haskett answered Mr. Hurd by informing him that they spoke a few weeks prior and that his lot is nonconforming in respect to lot width and this is the lot adjacent to the lot with the single family dwelling.

Mr. Hurd stated the lot is 90 feet wide and 225 feet long and 20,000 square feet and asked what that means.

Wes Haskett answered by stating that with respect to what is in effect now, like a lot of other nonconforming lots because it is adjacent to land that is in the same ownership, Mr. Hurd would not be able to sell or develop that property.

Mr. Hurd's response was to say if by what he just heard he can now just throw \$150,000 away. He asked if that was what he was just told.

Mr. Hurd asked if the \$150,000 lot and the taxes he has paid for 21 years would be gone and he did not agree that the Board could do this.

Andy Ward asked Ben Gallop to address this situation. Andy Ward addressed Mr. Hurd by saying that the Board is trying to cover the "outliers" and that Mr. Hurd was certainly worthy of an outlier he thought just as Mr. Love is an outlier.

Mr. Hurd asked what an outlier meant.

Andy Ward answered by explaining that Mr. Hurd has a peculiar situation in that one size doesn't fit all and we as a Board, in his opinion, can certainly help his situation just as the Board has been trying to be fair with Mr. Love in his situation. Additionally, he told Mr. Hurd that he didn't think he would tell Mr. Hurd that a 90 foot wide lot with 20,000 square feet could not be developed.

Mr. Hurd stated that he needed to know because he does not want to continue paying taxes.

Wes Haskett gave an overview to Ben Gallop of Mr. Hurd's current situation. Mr. Hurd has a conforming lot with the house on it and the adjacent vacant lot is about 90 feet wide and 20,000 square feet under the same ownership.

Ben Gallop asked Wes Haskett if the conforming lot was ever created out of 2 nonconforming lots. Wes Haskett did not believe it was and Mr. Hurd stated he bought the lots as is. Ben Gallop discussed the previous history of the lots and what is currently in effect and what is being proposed at this meeting.

David Neal commented that if the lot with the house on it does not have lines through it then it is a conforming lot and that the Board is trying to address 50 foot wide lots and stated that Mr. Hurd's lot is an exception and that the Board is trying to address small 50 foot wide lots.

Ben Gallop corrected David Neal in saying that 50 foot wide lots are the primary problem or issue however, nonconforming lots is anything that is not conforming. What we are looking at is if there is a way to make an exception for this that doesn't open it up to the main problem which is people demoing large swaths of land that have nonconforming lots underneath and selling them. Going back to the language that is there, you are going to have to add a third exception or loosen that exception that is there.

Alan Hutton spoke from the audience – He suggested that Mr. Hurd consider several options regarding reconfiguring his lot lines to possibly create 2 conforming lots.

After additional discussion the summary from Ben Gallop was that Mr. Hurd's options would be more of a subdivision issue.

Andy Ward suggested that Mr. Hurd might be better served seeking a variance for his particular situation.

Ben Gallop summarized the discussion to say that with no disrespect to Mr. Hurd, the Board could not deal with this situation tonight but deal with what they have and come back and make another recommendation in the future.

Andy Ward stated that 07 slammed the door on Mr. Hurds situation and a lot of other situations and the Board is not slamming the door anymore tonight, but they will try their best to help Mr. Hurd's situation.

Ben Gallop recommended to Mr. Hurd that he also has the option to make an application for a text amendment that specifically addresses his situation.

Chairperson Morey commented that there are many more people out there that 07 slammed the door on.

There were several outbursts from the audience and the Chairperson, Elizabeth Morey asked that everyone get back to a semblance of order.

Ben Gallop stated that the easy answer is that you don't want a lot of people breaking up large parcels and selling a bunch of smaller parcels and you don't want the person with a single lot next to them to not be able to sell it. You are going to keep running into these overlapping issues and you will need to inch your way toward this as you move forward in your recommendations.

Ann Sjoerdsma – 69 Hickory Trail – She spoke on the provision of a single conforming lot created after January 1, 2015 due to a recombination with 2 previously nonconforming lots which has been ultimately referred to as an exception to enable Mr. Love and his builder Mr. Hutton to get what they want at 64 Ocean Boulevard.

Allan Hutton spoke from the audience to say that he wanted to correct that statement that he was not the builder yet and if Ms. Sjoerdsma was going to talk then it needed to be the truth.

Ann Sjoerdsma asked Mr. Hutton if he was the builder of the house on 62 Ocean Boulevard of which Mr. Hutton said he was. She then went on to say that there is a major distinction between Mr. Love and others that you are hearing about. At one time 64 Ocean Boulevard, which is the nonconforming 50 foot wide lot, and the adjacent property at 62 Ocean Boulevard which are now conforming, were vacant. That whole tract of land was vacant at one time because a flat top was demolished. So unlike Mr. Hurd's case, where he bought the house and subsequently bought the lot, at no time were those two properties vacant. To her that was an important distinction because of the way the ordinance previously read. She stated that she maintains that there was a disregard of that ordinance back in 2016 when Mr. Love purchased his property and then proceeded to build on 62 Ocean Boulevard. Ms. Sjoerdsma provided the Board some materials she prepared showing a timeline. Ms. Sjoerdsma stated that the reason for Ben Gallop's January 1, 2016 date is because on January 22, 2016, Mr. Love bought 64 Ocean Boulevard from SAGA. He bought it on the very day that Town Council decided to enact a maximum house size ordinance. She stated that she did not think that it was a coincidence that Mr. Gallop decided to use the date January 1, 2016. She continued reading the events that occurred according to her timeline including the application of a variance submitted by Love/Gorman on May 16, 2016 for a side setback variance on 64 Ocean Boulevard. Ms. Sjoerdsma goes on to insist that the properties were required to be recombined according to the ordinance at that time. She stated that she believed the law was not applied and the Board of Adjustment was not informed properly. She further stated that Mr. Love was compelled to recombine his lots once he committed to build and Mr. White was not. She stated that the Board of Adjustment did not have sufficient information when they granted the variance.

Ben Gallop responded to Ms. Sjoerdsma's comments by correcting her submission. First it was 2015 not January 1, 2016. It wasn't right when they were buying the second lot. Second, they recombined the lots in July or August or whenever they bought it in 2015 so they recombined the first two before they proposed the construction and before they bought the third lot. Mr. Gallop went on to state that the allegation that he used this January 2016 to do something strange, he stated he merely pushed it back to where the conforming lot was created within the timeframe as the ordinance exception asked for. To the point of whether or not they had to recombine the lots when they built on 62 Ocean Boulevard; they didn't because there was not any proposed construction across lot lines because they already recombined into one lot and the proposed construction on 62 Ocean Boulevard was all on that one lot. So, neither of the provisions applied. Mr. Gallop went on to commend Ms. Sjoerdsma for digging, reading and looking but he stated she is wrong.

Steve Love – He commented that he heard a lot of inaccuracies during the meeting. He stated that he bought the lot, 64 Ocean Boulevard so that SAGA would not build a 16 bedroom house. He stated that he feels that there is a personal vendetta against him for whatever reason and he personally doesn't care. He said there was only one reason why he bought the lot. He didn't want the lot but he bought it for the good of the community to avoid a 16 bedroom house.

Ann Sjoerdsma – She asked to respond to Mr. Love. She stated she has no personal animus even though Mr. Love falsely reported her for trespassing on his property.

Steve Love – Commented from the audience in response to Ms. Sjoerdsma's statement. Words were exchanged between Mr. Love and Ms. Sjoerdsma.

Wes Haskett asked the Chairperson, Elizabeth Morey to call for order of the meeting.

Ann Sjoerdsma continued to comment by stating that Mr. Love bought the lot on January 22, 2016 the same day the Town Council took ample action to prevent SAGA from building its wedding destination home. She stated that we did not need Mr. Love to fall on his sword to save us from the wedding destination home.

Allan Hutton – He stated that there has been a lot of discussion about saving the flat tops. The flat top Mr. Love demoed was unsafe and in Mr. Hutton's opinion is that although the flat tops are nice and desired to remain, in reality they require a lot of maintenance and that was the case for Mr. Love.

Ursula Bateman – She asked when the Board was going to address the 5,000-6,000 square foot houses.

Chairperson Morey responded that that item was next on the agenda and she would have an opportunity for public comment at that time.

Chairperson Morey closed the public comment period for ZTA 18-09.

Chairperson Morey asked if there was a feeling from the board to move forward with the suggested language to the revision that they have addressed tonight and address the other situations that may come up on a case by case basis.

David Neal – Stated Mr. Hurd's situation is unique and should be dealt with uniquely and probably should be handled by a variance. He further stated that he understood that the Board was trying to address the oceanfront in a monolithic and uniformed situation

where 100 foot lots were turned into 50 footers which is what we the Board nor the Town didn't want. He stated that we, the Board, were not talking about Sea Oats, Wax Myrtle where these lots are already there and that he thought the Board was talking about.

oceanfront lots and treat the other unique lots that may become unbuildable and not in the oceanfront by a variance. He stated he wasn't sure how to put that into language.

Joe McGraw concurred with David Neal.

Andy Ward stated he had a question for Ben Gallop. Prior to September 17, 2018, when 18-07 was adopted by Town Council. Prior to that 36-132 which regulates structures and uses nonconforming, how long had that been in effect.

Ben Gallop response was that 36-132 was in effect at least since the 80's and his expectation is that the provision under (2)(a) was there since July 7, 1981 or there about because that is why it references that date. And since that date was in there the rest of the section was probably in there since the adoption of the zoning ordinance. It is very similar language like Nags Head because Southern Shores adopted their zoning ordinance based on the language of Nags Head's.

Andy Ward asked how would that language, prior to September 17, 2018, apply to their situation.

Ben Gallop stated that prior to that date they could sell a 50 foot wide lot and build on them.

Ed Lawler had no comment.

Elizabeth Morey asked if the Board was ready to make a motion.

David Neal stated he wanted to talk about no mini hotels. He further stated that what this would do is that it would not allow the oceanfront to be chopped up into 50 foot wide lots. He then asked Wes Haskett if he would have denied a building permit if there was a request for a building permit on an 87 foot wide lot.

Wes Haskett asked which situation he was referring to and David Neal clarified it was the Sea Oats lot of Mr. Hurds. He went on to ask if Mr. Hurd or someone brought in a project for a building permit on his lot would it be denied it because it was only 87 feet.

Wes Haskett replied by saying that if Mr. Hurd came in today for a building permit and zoning application on the vacant lot for a single-family dwelling, 18-07, which is currently in effect, would not allow for the sale or development of that lot.

David Neal asked that if anyone has a 90 wide lot can they sell it. Wes Haskett replied that it would depend on the circumstances. Mr. Neal went on to state that there are too many of these situations within the Town that could possibly be like that and they couldn't build or they would have to combine with something. We are trying to stop the cutting up of 100 foot wide lots into 50 foot wide lots.

Andy Ward commented that this was not just for the oceanfront. Chairperson Morey concurred that this would be everywhere. Andy Ward went on to state that there are many parcels made up of multiple 50 foot wide lots owned by the same entity and we want to force them to recombine them into conforming lots. He said he thinks that 18-09

does that with the exception and that he would be willing to vote on this and send it to Town Council. Elizabeth Morey said she would second that.

Ben Gallop clarified that 08-09 version is what is before the Board with the amended exception.

Chairperson Morey stated that there was a motion and second and the Board should vote.

Wes Haskett asked to make clear what is being voted on as it pertains to Mr. Hurds situation.

Ben Gallop explained that the exception as amended would not address Mr. Hurds situation and that the Planning Board or Town Staff could address that in a later meeting or Mr. Hurd could make an application to push it through.

Wes Haskett brought to the Boards attention that Mr. Gallop touched on this earlier and he can expound on it on the next agenda item. However, given the amount of ZTA's that have been considered and the recommended changes that have been given, the Town Council when they submit or ask the Planning Board to review and recommend a zoning text amendment in a situation such as this where you have reviewed it and you ask Town Staff to make further changes, that still goes to Town Council without the changes you've asked for so they could if you don't make a recommendation, they could adopt something without your recommendations. To be clear in the future we need to make sure we do recommend approval of something and what we want to have included; or that you don't recommend approval of something and why you don't want it included. For example, ZTA 18-09 as it was presented, the Town Council is holding a public hearing for it on February 5th as well as ZTA 18-10. So, in order to catch things up we need to be more mindful on what the Council has asked for and what the Planning Board is trying to accomplish. We appreciate and understand wanting to get things done correctly however, the zoning ordinance as it is written says that if a certain amount of time elapses after the Planning Board has received a ZTA from Town Council as directed, then it goes forward as no recommendation and they can take action on it.

Ben Gallop reiterated that the key thing to keep in mind is that if this Board wants their recommendations to be considered you need to make that recommendation before the Council makes a decision. The ordinance provision states that the Planning Board has to have something for 30 days before making a recommendation and his recommendation would be that that be taking out sometime in the future. It currently does limit the Council in an emergency to take action.

Chairperson Morey asked for a vote on the motion. The motion passed (4-1) with David Neal opposed.

OLD BUSINESS - CONTINUED

B. Continued discussion of potential regulations to address large single-family dwellings

Chairperson Morey opened the discussion by stating that the Board has language on occupancy and septic capacity and now we can discuss those options.

Wes Haskett reported to the Board that during the last Planning Board meeting you recommended 3-2 to have Town Staff to draft a ZTA in accordance with the 11-19-18

language. Mr. Haskett stated he was bringing this up to explain how the Board got here. The 11-19-18 language was provided by Professor David Owens. Town staff is in the process of drafting that ZTA.

So procedurally this is where we stand. As mentioned earlier, ZTA 18-10 is going to be considered by the Town Council at their February 5th Town Council meeting which is the motion that they directed originally. He acknowledged there was a lot of information being considered and it is quite a handful. Procedurally, that's where we are and you as a Board have made a recommendation for Town Staff to come back to you with those revisions. Planning Board members brought up putting this item back on this agenda; so that's why we have it back for you on the agenda for further discussion.

Chairperson Morey asked what ZTA-18-10 involved.

Wes Haskett stated that ZTA-18-10 was the zoning text amendment that is based on the motion that Councilman Connors made and Council approved to ask the Planning Board to review which included the overlay district and the other language.

Andy Ward asked if the two ZTA's, 18-09 and 18-10 going to public hearing are results of the Planning Board not making recommendations.

Wes Haskett responded by saying that his recollection was that 18-10 was either no recommendation given or that the Board did not recommend approval.

Ben Gallop explained that you usually get an amendment that comes to you to review or you get some direction to look at a number of options to come up with the best option and what you have in this Town Council motion is both. The Council sent you 18-10 along with a number of options and what the Board did was discuss the options, but you didn't actually take a vote and make a recommendation. He stated that to be clear to Council; the Board can discuss 18-10 and make a recommendation. He also apologized for not having additional information for the Board to consider at this meeting however, once that comes before the Board that is when the time will start for Council to consider.

Andy Ward made a motion not to recommend ZTA-18-10 to be passed by Council. Chairperson Morey seconded the motion.

Ben Gallop gave an overview of ZTA 18-10 for new Planning Board member Ed Lawler.

Chairperson Morey called for a vote. Motion passed (4-0) with Ed Lawler recusing himself from the vote.

Ben Gallop explained the procedural process of the consistency statement and directed the Board to vote on the statement since they recommended denial.

Andy Ward made a motion of consistency and Chairperson Morey seconded the motion. Motion passed (4-0) approved.

Chairperson Morey opened the discussion once again and Ben Gallop told the Board that he did not have language from Town Staff for them to consider at this meeting however, he would have it before the March 18th Planning Board meeting.

Andy Ward asked Ben Gallop if a recommendation came out of tonight's meeting, could he work that into the staff language he is working on. Ben agreed that he could.

Andy Ward went on to state that he felt that the David Owens information was hastily put out to consider and the Board was not prepared. He talked to David Owens at length about the vacation cottage concept that was passed. And then he was surprised that the septic language was not included in there as well. David Owens commented that you can definitely do both and described it in not so legal terms, that it is like pants and suspenders; one holds the other up. Mr. Ward said that David Owens feels very confident that the septic language that he has put forth will work in conjunction with what we voted on in the last meeting which was the vacation cottage concept. Mr. Ward believed that what happened in the last meeting was kind of a battle between one or the other and the ideas being considered were working against each other and David Owens said that we could do both.

Ben Gallop agreed that the Board could ask him to consider including what they want into the language he is preparing.

Andy Ward stated that he and David Owens both agree that it is a lot more regulated on the front end using the septic language because of going to get a septic permit and then bringing it to the Town to get a building permit and if you are exceeding 14 sleeping persons it would trigger Mr. Haskett not issuing approval for the construction of the house.

Chairperson Morey asked if it was appropriate at this time to take public comments.

Andy Ward interjected that he felt that the Board needed to make a motion because it was time sensitive.

Wes Haskett answered by saying that it is at the Boards pleasure to accept public comment or not; this is not a zoning text amendment application before the board tonight and it is going to come back to you, but you can certainly take public comment.

Public Comment:

Greg Frucci – 21 Fox Grape Ln – He stated that he is a designer and has a client not building a vacation home or mini hotel and has a home and land and wants to build more than a 5,000 square foot home. He wants to know if he is safe because they have put a lot in the design and he is scared. Southern Shores is beautiful and the Town has done a good job with lot coverage, height, setbacks but when you max out how much square footage someone can build is just not fair. He feels bad for Mr. Hurd having bought something and now he may not be able to build. So, his question was if there was going to be a vote to pass at the next meeting.

Chairperson Morey thanked Mr. Frucci and closed public comment.

Andy Ward asked again if he could make a motion of which Chairperson Morey agreed. Andy Ward motioned to direct Town Staff to incorporate the septic language (Owens concept), along with the previously approved high occupancy limit language (Owens concept), as a means to create a comprehensive ZTA to control high occupancy dwellings and density of population in Southern Shores.

Chairperson Morey seconded the motion and asked for any further discussion.

David Neal asked to better understand what was being sent to Town Staff and Andy Ward said that this was his motion and Chairperson Morey explained to him that this

was being suggested to Town Staff to take the Board's suggestions and bring back to the Board as a ZTA.

David Neal asked again to better understand what was going to Town Staff and what tools they were using and not for this to get lost in the weeds. He went on to state that he assumed what Andy Ward was essentially doing was taking the Owens high occupancy suggestion that goes all the way back to November 19th, that was sent to the Board where he defined vacation cottage. This was a use concept where he added to the use regulations that vacation cottages permitted use provided that the maximum high occupancy of a vacation cottage (or mini-hotel), is 14 persons or less. David Neal went on to state the wording was the same or the same point with the addition of septic. David Neal commented that this was what the Homebuilders Association wanted which was a use regulation as a conditional use.

Andy Ward responded to say that what David Owens is suggesting, and that he is the author of both of these, is that they should mesh together into a comprehensive ZTA and that is his motion.

There being no more discussion, Chairperson Morey asked for a vote on the motion.

The motion passed unanimously (5-0).

Andy Ward also asked to make another motion. He motioned to recommend that the Town maintain the 6,000 square feet house size limit currently in place in the R-1 and RS-1 residential districts.

David Neal seconded the motion. Chairperson Morey asked for any discussion.

David Neal asked to amend the motion to apply to larger than normal lots. He said that David Owens tried to address that in a vacation cottage by the number of people and that's a people regulation not a square footage issue. David Neal stated that if you have a huge lot and you want your family and your grandkids in there sometimes it takes more than 6,000 square feet or it takes more than 5,000.

Andy Ward stated that at the last Board meeting the Board voted 3-2 to recommend changing the maximum square footage to 5,000 square feet. He said that he is moving to keep the current maximum 6,000 square feet that has been in place for nearly three years now and before that there was no limit. He went on to state that the 30% lot coverage was the driver for large houses.

Ed Lawler commented that the 30% lot coverage works and as long as you have the septic in there then the square footage really isn't that big of a deal if you can't have no more than 14.

Joe McGraw commented that if what the Board is trying to address is density and the 6,000 square feet construction on 69 or 89 Ocean Boulevard; which is 6,000 square feet or right about that; and they are going to be as everyone says "mini-hotels", so if we are trying to address density, I like the 5,000 but that doesn't fit everyone's needs. He stated that he thought the septic is a great idea and the other control we have in place is the 30% lot coverage and we have been good stewards of Southern Shores with following that language throughout Southern Shores. He also stated that he would like to somehow discourage further development from people looking for a return on their investment only. They don't share the same love of the Town that the rest of us do.

Andy Ward commented that if density in population can be controlled, then Mr. Fucci can help his client out and build to scale; scale is everything. You can have a giant lot and build a little teeny house and it will look funny or you can have a little teeny lot and put a giant house on it and that looks funny too. He further stated that to deny someone 30% lot coverage because they simply own a bigger lot is really not fair. If this language that Mr. Gallop is going to put forth, and hopefully the Town Council will agree to accept, is going to control density and it will take the incentive out of what has been started here in Southern Shores that we don't like.

Chairperson Morey commented by saying that she is not passionate about the 5,000 and the only reason why she voted for it in the last meeting was looking at the comparative house sizes that are already existing in Southern Shores and you take that square footage house size and add 50% to it and that's where you come up with the 5,000 square feet. She further stated that she didn't think there really wasn't a difference between 5,000 and 6,000 square feet. Council already attempted to address the density issue with the 6,000 square feet and it didn't work, so she believed that talking about square footage was not an effective way to get to density and that has already proven to be incorrect.

Gerri Sullivan interjected from the audience and asked if the Chairperson would entertain a public comment. She proceeded to say that when they voted on the 6,000 square feet; they were also entertaining some other options like septic. The Council said the overwhelming noise they were getting from the people in the Town was that they did not like large homes. She stated that that is why Leo Holland came over and voted with the other two to set the limit at 6,000. Ms. Sullivan said that she thought graduating the square footage on lot size would make sense because she does not think 6,000 square feet on a tiny lot looks right in the neighborhood.

Chairperson Morey asked for a vote or did Andy Ward want to amend his motion.

Andy Ward stated that he wanted to keep his motion the same. Motion passed (3-2) with Chairperson Morey and Joe McGraw opposed.

VIII. PUBLIC COMMENT:

Chairperson Morey opened the floor for public comment.

Ann Sjoerdsma – 69 Hickory Trail – She stated that she felt the Board had been very confusing in the meeting and that her focus is more of a procedural matter. She stated she does not have a horse in the race for square footage, septic or anything else but had to say that it is a little distressing to be undoing what the Board did just two weeks ago. She commented that she thinks it does not send a good message and it shows that we don't have Michael sitting in this seat anymore; we have Ed so let's undo what we did two weeks ago when Michael was there. She asked why there couldn't be multiple ZTA's and do them all instead of undoing each one. She went on to say that there was a majority sentiment for 5,000 square feet just two weeks ago and now that one person has changed on the Planning Board there is no longer a majority. She stated that procedurally she thinks that it doesn't look proper. She stated again she doesn't have a sentiment one way or another, but she thinks there is something to be said about propriety in terms of the Board's decision making.

David Neal interjected a comment to say that he thought Ms. Sjoerdsma does have a sentiment because she is in favor of the 5,000 square feet or maybe he just misunderstood. Ms. Sjoerdsma responded by saying that she merely suggested it as an option and that she believes there are multiple options to do what the Board is trying to

do and 5,000 square feet is one of them. She concluded by saying that at some point you have to let things ride and Town Council will be making the final decision.

Ursula Bateman – She expressed that she was just happy that the Board went for both options with the septic idea and was happy with the 6,000 square feet. She stated that she personally feels that if you have a very large lot you should be able to build a 10,000 square foot house as long as it is large enough and nice enough. She continued by saying that she does not want mini-hotels but she is not for restricting peoples' rights to build on their property.

IX. PLANNING BOARD MEMBER COMMENTS:

Ed Lawler commented to say that this meeting has been interesting and he will try to keep up with the documents and ZTA's and do the best he can.

Andy Ward stated that he was thankful because he has been beating on this septic idea for a long time and he appreciates the Board's support for the 5-0 vote to include that in to what was voted on and it was a split Board at the last meeting and he thinks this gives direction to the Town and Ben Gallop to try and move this forward. Lastly, he stated that maybe we can block some of this development that we deem not suitable in Southern Shores.

Joe McGraw – no comment.

David Neal stated that he appreciates some of the ideas about graduated square footage for the size of the lots. Related to the SAGA house and the mini-hotel that we are all upset about, maybe not all of us he said, but a lot of people are upset because he has seen a lot of the signs around saying no mini-hotel apparently in reference to that house. He said that it is a large house and it is actually a very attractive house in his opinion. If it was a single-family home, of which he said it is, with only four bedrooms; like Andy builds that are 5,900 square foot houses with four bedrooms that is on a 100 foot lot. It looks like a large building on that lot and if it was a 200 foot wide it would look better or more proportioned. He stated that he would like to see the Board go forward with a graduated square footage to the size of the lots.

Ed Lawler commented by saying that the oceanfront was predominately where there was going to be the move for more of the bigger houses that usually goes with more people so he feels the septic moves to address that.

Chairperson Morey commented by saying that she would like to apologize for her lack of getting it done as the Chair during the meeting and it got a little bit off the rails. She stated that she will just have to try and do a better job and you will just have to be patient with her because she is new to this and she appreciates everyone's patience. She appreciates the passion that the Planning Board members have and are trying to do the best they can to make this the best place to live because we all love it so much.

X. ANNOUNCEMENTS:

Chairperson Morey announced that the next scheduled Planning Board meeting is February 19, 2019.

XI. ADJOURNMENT:

Joe McGraw motioned to adjourn. David Neal seconded the motion. The motion passed unanimously and the meeting adjourned at 7:40 p.m.

ATTEST:



Elizabeth Morey, Chairperson

RESPECTFULLY SUBMITTED:



Dabni Shelton, Permit Officer