



APPROVED

PLANNING BOARD
REGULAR MEETING
November 13, 2024

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, November 13, 2024.

Present: Chair Marc Murray, Vice Chair Bob Wetzels, Joe Blakaitis, James Cofield, Bob Webb, and Council Liaison Sandy Whitman.

Absent: None

Also present: Director of Community Development Joe Heard, Planner Jim Gould and Deputy Town Clerk Christy Hanks.

CALL TO ORDER

Chair Murray called to order the Regular Meeting of the Planning Board for November 13, 2024 at 4:02 p.m.

PUBLIC COMMENTS

Micheal Rollin from 149 Plover Drive, a permanent resident of Duck with his wife, would like to encourage the panel to oppose the text amendment to allow amusement arcades in the Town. He believes the Town of Duck has a unique feel compared to the other towns of the Outer Banks and that if we try to change the character of the Town by allowing amusements it will change Duck's unique character. He urged the board to oppose the text amendment to allow Duck to keep its special qualities.

Joe Heard reminded Chairmen Marc Murry to let the public know that they should wait for their comment once the Amendment is being addressed. Murray let the room know that the public comment section is for general public comments. Any comments on the amendments that are being proposed need to be addressed during the discussion of those items.

TEXT AMENDMENT

A. Text Amendment: Keith Bliss (Owner of Duck Commons Shopping Center) has Submitted a Text Amendment Application to Sections 156.002, 156.036, 156.040 & 156.094 to Allow Amusement Arcades in the Village Commercial District, Subject to Certain Conditions

Director of Community Development Joe Heard presented the Board with the staff's findings on the proposed wording of the text amendment that would require changes to 4 different sections. Section 156.002 would add a definition for "Amusement Arcade". Section 156.036 would require the addition of Amusement Arcade to be allowed in the Village Commercial District. Section 156.040 would allow Amusement Arcades as a permitted use "P" table. Section 156.094 would

require the addition of “No Additional Parking Required if Amusement Arcade Space is Placed Within Existing Facilities”.

Heard continued that previously there was a similar request for indoor entertainment facilities, a broader category of uses, in 2021. The Board recommended approval of this proposal by 3-2 vote. However, the applicant withdrew prior to the Council public hearing. Heard also gave the Board packets with other Towns similar proposed amendments. Staff feels that the applicant’s proposal is consistent with permitted uses in the majority of other communities of the Outer Banks. Heard noted that staff is concerned with the parking proposal and asked that the Board give some consideration to that portion of the amendment proposal. In the description of the similar proposal two years ago, the parking requirement the Board and applicant compromised upon was one space for every 200 square feet, in line with retail use. If an appropriate compromise can be found regarding the parking issues, the staff has found that the proposal is otherwise consistent with the Town’s uses that are allowed presently in Village Commercial. But as proposed with the parking requirements the staff is recommending denial of the changes.

Murray asked the Board for questions and comments after Heard’s presentation. Bob Wetzel verified that there are currently no arcade games allowed in the Village Commercial district. Heard clarified that no place is classified as an arcade. However, if a business had a few machines for entertainment and not as primary use, it is allowed. Wetzel also asked for clarification on being a P (permitted use) or an S (special permit use) and what is the criteria to be placed in one category or another. Heard informed him that it is not a decision made by staff, but by the Board recommending it to the Town Council who adopt the standards. Generally, uses that require an SUP are uses that could have the potential to be allowed in certain circumstances but not allowed in others. The Council looks at SUPs on an individual basis and requires a public hearing. A permitted use can be approved by the Community Development staff. Wetzel questioned the definition of the amusement arcade in the V-C district that would allow any establishment to place five or more arcade games in their business regardless of the establishment at their discretion because it is a permitted use with no change to parking. Heard confirmed that it is correct. Murray wanted to clarify that the staff’s reason for recommending denial is solely in the parking clause in the text amendment. Heard confirmed this and said that he didn’t find any difference in the use considering what uses are already allowed in the V-C district.

Keith Bliss, property owner of a residence at 140 Schooner Ridge Drive and owner of the Duck Commons shopping center at 1211 Duck Road, presented a zoning text amendment that would allow the opportunity to benefit multiple business in the V-C district. He noted that when he originally bought the building two years ago, discussions had already begun about arcade space in the building. He would like the option to have the opportunity to bring arcade games in the future into the location. Bliss asked Heard if he was currently allowed to use up to 400 square feet to have video games in the current building. Heard informed him that no only allowance is presently permitted except a few machines as a secondary use, not as the main entertainment. Bliss explained that he understands he could have gone the route of attempting to get a SUP for his individual property. However, he would like to see this be an option for other properties or future businesses in the area. Bliss ended his presentation by stating that this proposal would benefit the attraction of entertainment for Duck Village.

Bob Webb asked if Bliss would have staff during operational hours. Bliss explained that if the use is permitted, he would come back with a business plan. However, his initial thought was for the arcade to be unstaffed but open to the public or for functions for visitors and residents. James Cofield asked Heard about a discussion or survey that was conducted several years ago concerning indoor entertainment that the staff conducted for the Town. Heard did not recall this survey. Bliss stated that the previous proposal in which the survey was conducted was based on a larger scale business plan before the applicant withdrew. The wording of the new amendment proposal would prevent large-scale entertainment areas and multiple businesses in the same area of property. Cofield mentioned that the community survey strongly opposed the proposal of arcade-like businesses. Cofield read a description from the Comprehensive & CAMA Land Use Plan and stated his opinion that the proposal is inconsistent with the plan. Bliss pointed out that as a parent, many kids don't want to come into the Town in the evening as the recreation activities are not offered for kids. The proposal would offer an evening activity for kids and more options for tourism instead of visitors leaving Duck to go to other towns for the entertainment that they offer. Murray reminded the Board and those in the public that this conversation is for the text amendment being proposed in the V-C district, not possibilities and "what if" situations. Murray also pointed out that there are not any square footage requirements or restrictions in the definition of amusement arcade. He is not opposed to the proposal and is unsure how well reflected the previous survey was of the broader community. Murray's concern is the parking requirements that the staff has pointed out to be an issue.

Bliss pointed out that his narrative did place a square foot limit. However, that limitation was not in the proposed text amendment. He added that if approved, a limit on the amount of space of an amusement arcade could be added. Bob Wetzel asked about the age limit of 14 years old and up as if that is the idea of the entertainment provided. Bliss stated that the age mentioned was based on game suppliers of what demographic and what games pertain to that range. Wetzel commented on the parking amendment and how hosting events would possibly bring in a large quantity of cars. Depending on timing, there is not a surplus amount of parking currently there. Bliss commented that he feels he can work on the parking situation to accommodate more vehicles. Bliss stated that he believes the events would be mostly in the off season and parking standards in the off season wouldn't be an issue. Murray asked if Bliss would consider adding the adding the text in the staff report increasing the proposed minimum parking standards to one space per 200 square feet gross floor area for entertainment uses. The Board closed questions to the applicant.

Wetzel stated that it seems that staff is saying that arcades should be permitted use in the V-C district and would like the Board to discuss their perspectives on it as well. Heard reminded the Board of the public comment earlier and that additional public comments could be provided for the Board to take into consideration. Micheal Rollin stood up to speak and remind the Board to add in his previous comments before and believes that at a minimum, the proposed use should be an SUP. He worries that other businesses may take the change away from what the idea should be, and it would change the character of the Town. After listening to Bliss's proposal, Rollin commented that it seems the arcade may be largely unsupervised and could be a public nuisance as well. Heard also stated that it would require a text amendment to allow a special use permit as well. Rob Mooney, resident at 102 Pelican Way, wanted to echo what Rollin said in opposition to this amendment. Mooney believes that the proposal opens the door to many issues, and being unsupervised could present many nuisances.

Murray asked the Board to deliberate on the proposed amendments. Wetzel stated that he is not opposed to arcades in the V-C district, arcades aren't what they used to be, and the Town lacks evening activities for young children. Wetzel is in support of this idea, as the Town is not short of locations of outdoor venues for adults to enjoy but doesn't have many options to improve the quality of enjoyment for children. Joe Blakaitis is dead set against this proposal as he believes that once it starts it won't stop and will not be good. Murray agreed with Wetzel and takes the public comments to heart. Murray believed that a SUP may be the better way to go about it as to keep better control. Murray also points out that while the Council conducted a survey in the past, that is not a procedure for consideration of a text amendment. Cofield read the subject of recreation from the Comprehensive & CAMA Land Use Plan again and nowhere was there a suggestion for something like this included to improve Duck. Cofield believes that there is something special about Duck and that we should not tamper with that. If people want other recreational activities, they can travel to those locations and leave the character of Duck alone. Cofield also believed that there should be more public input on this idea due to previous strong opposition that this is not a need in the Town of Duck. Webb agreed with the public comments and what Cofield stated. Webb felt that his family came to Duck for its uniqueness of not offering these extra entertainment ideas and he is opposed to the change.

Marc Murray asked the Board if there was a motion after hearing all the Boards thoughts on the proposal. Cofield motioned to recommend denial of the text amendment as submitted by the applicant. Blakitis seconded the motion of denial. The motion was approved to recommend denial of the application by a 3-2 vote, with Webb/Cofield/Blakaitis approving the motion and Murray/Wetzel denying.

B. Text Amendment: Correct References in 156.116 Design Standards for Lighting and 156.155(B)(1) Special Use Permits

Heard updated the Board members that the Council had authorized all their text amendment proposals. He presented that the first of these are text amendment changes for the wording in the ordinance as it relates to lighting and review of special use permits. Murray asked if the change of lighting ordinance amendment is just the wording and not the list of lights yet. Heard confirmed it is just changing an ordinance reference for now, but a more comprehensive review of the outdoor lighting standards would be upcoming.

Wetzel motioned to recommend approval of the changes presented by staff for text amendments to Sections 156.116 and 156.155. Cofield seconded the motion, and the motion was passed with approval 5-0.

APPROVAL OF MINUTES

Minutes from the October 9, 2024, Meeting

Cofield motioned to approve the minutes from the October 9, 2024 meeting as presented. Wetzel seconded. Motion carried 5-0.

STAFF COMMENTS

- a. Summary of November 6, 2024 Town Council Meeting*
- b. Project Updates*

Heard informed the Board that the Town Council held an SUP public hearing and approved the proposal to expand the restaurant seating for NC Coast restaurant, with the extra parking located at Twiddy Realty. Murray asked if there are any other shared parking areas in Duck. Heard informed him that there is an existing parking arrangement between Duck Church and Duck Commons. He noted that Red Sky and Carolina Designs have an approved shared parking arrangement with different hours of operation on the same property.

Heard also let the Board know that an SUP for a retaining wall at 146 Cook Drive was also approved. They were only requesting to use a retaining wall to maintain the allowed fill depth of 2.8 feet. He added that the applicant agreed to reduce the length of the retaining wall.

Heard stated that Town Council did not approve the proposal for the Planning Board for lot coverage. The Council would like more details on how the Town plans to implement the standards of maintenance for the lot coverage proposal. These details will be brought back to the Board at its next meeting in December.

As previously noted in the meeting, Heard said that Town Council authorized the Board and staff to look into the proposed text amendments that will be brought to the Board over the next few months.

Heard updated the Board that they will start to see some activity on Teresa Court with surveys and they don't anticipate construction work on this stormwater management project to begin until next year. Work will also begin this week on replacing the retaining wall north of the Tuckahoe neighborhood and should be completed within the month.

ADJOURNMENT

Blakaitis moved to adjourn the meeting. Murray second the motion.

The meeting was adjourned by consensus of five Board members at 5:08 p.m.

Approved: _____

Marc Murray, Chairman