

**FINAL**



## **Town of Southern Shores**

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**Planning Board Meeting**

**December 21, 2015**

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

### **MEETING MINUTES**

#### **I. CALL TO ORDER:**

Chairperson Sam Williams called the meeting to order at 5:30 pm. Planning Board Members Gray Berryman, Elizabeth Morey, Jay Russell, Sam Williams, alternate member Karen Sykes, and ETJ Representative John Finelli were present. Planning Board member David Neal was absent with excuse.

#### **II. PLEDGE OF ALLEGIANCE:**

Chairperson Sam Williams led the Pledge of Allegiance.

#### **III. APPROVAL OF AGENDA:**

Gray Berryman motioned to approve the agenda. Elizabeth Morey seconded the motion. The motion passed unanimously (6-0).

#### **IV. APPROVAL OF MINUTES:**

Chairperson Williams noted that minor changes had been made to the draft minutes. Jay Russell motioned to approve the minutes of the October 19, 2015 Planning Board Meeting as amended. Elizabeth Morey seconded the motion. The motion passed unanimously.

#### **V. PUBLIC COMMENT:**

None.

#### **VI. OLD BUSINESS:**

None.

#### **VII. NEW BUSINESS:**

##### **A. ZTA-15-03: Drive Through Facilities**

Chairperson Williams introduced the application and called on the applicant to present the application. The applicant did not wish to make a presentation at the time. Chairperson Williams called on Wes Haskett to present the Staff Report (see attached).

##### **PUBLIC COMMENT**

Robin Morgan stated that drive through facilities would create traffic and safety issues at the Marketplace and that she opposed the proposed ZTA.

Chairperson Williams closed Public Comment.

The applicant, Karen Partee, stated that Aston Properties is the owner of the Marketplace shopping center. Starbucks and CVS informed them that they are no longer competitive without a drive through and both had given them a deadline for providing drive throughs or they would relocate. The proposed ZTA wouldn't allow your typical drive through fast food operation since they usually require greater than 2,500 sq. ft. buildings.

John Finelli asked if any of the property would be subdivided. Karen Partee stated that the shopping center is currently one parcel and it would remain one parcel.

Karen Sykes asked if a drive through could be added to the existing Starbucks location. Karen Partee stated that the adjacent grade would not accommodate it.

The Board discussed the number of banks in the Commercial Zoning District that have multiple outdoor teller windows.

John Finelli suggested that the proposed ZTA be amended to include a minimum lot size requirement of 2.5 acres which would allow drive throughs at the Marketplace or Southern Shores Crossing but not smaller lots located off of Juniper Trail and Martins Point. Chairperson Williams asked for a motion to amend the proposed ZTA.

John Finelli motioned to amend the proposed ZTA to include a minimum lot size requirement of 2.5 acres. Elizabeth Morey seconded the motion. The motion passed unanimously.

John Finelli asked why Town Staff found the proposed ZTA to be inconsistent with the currently adopted Land Use Plan. Wes Haskett stated that it was Town Staff's opinion that the proposed ZTA was inconsistent with Goal 2 because it refers to promoting land uses that are compatible with surrounding land uses and drive through restaurants are not existing surrounding land uses.

Gray Berryman motioned to recommend approval of the proposed ZTA to the Town Council as amended. Elizabeth Morey seconded the motion. The motion passed 5-1 with Jay Russell opposed.

Elizabeth Morey motioned to adopt the Statement of Consistency found in Article IV of the proposed ZTA. Gray Berryman seconded the motion. The motion passed unanimously.

#### **B. ZTA-15-04: Group Developments**

Chairperson Williams introduced the application and called on the applicant to present the application.

Karen Partee stated that the proposed language would allow an updated building to be placed near Highway 158 that would not have to be connected to the existing building. The additional language refers to group developments being on lots that are less than 10 acres and the proposed language would bring the Marketplace into compliance with that requirement since it is 18 acres.

Chairperson Williams called on Wes Haskett to present the Staff Report (see attached). Gray Berryman asked if they could subdivide a lot for the freestanding building. Wes Haskett stated that they could subdivide to create a new lot or lots for freestanding buildings.

PUBLIC COMMENT

Robin Morgan stated that the proposed ZTA was not an effort to clean up existing language, it was an effort to change the ordinance for the applicant's benefit. Karen Partee stated that removing the 10 acres requirement was an effort to clean up existing language and being able to have freestanding buildings closer to Highway 158 was the intent of the proposed ZTA.

Robin Morgan asked about the proposed requirement for buildings that are closer than 35 feet. Karen Partee stated that CVS would like to be front and center closer to Highway 158 and it would be farther than 35 feet away from the existing building. A portion of the existing building would be demolished and CVS would take up that space with a drive through in the rear between the two buildings.

Chairperson Williams closed Public Comment.

Gray Berryman stated that he would like to see the Marketplace viable and able to provide services to Southern Shores.

Chairperson Williams stated that the proposed ZTA would bring the Marketplace into compliance by removing the 10 acre requirement and the Southern Shores Crossing shopping center would not be affected.

Elizabeth Morey motioned to recommend approval of the proposed ZTA to the Town Council. Jay Russell seconded the motion. The motion passed 5-1 with Karen Sykes opposed.

Gray Berryman motioned to adopt the Statement of Consistency found in Article IV of the proposed ZTA. Elizabeth Morey seconded the motion. The motion passed unanimously.

C. ZTA-15-05: Pervious Pavement and Lot Coverage

Chairperson Williams introduced the application and called on the applicant to present the application.

Karen Partee stated that they would not be able to develop without finding a way to create additional pervious area. The proposed language would allow for pervious pavement that followed guidelines established in the NCDENR Stormwater Manual. Depending on the soil, the manual allows lots that use pervious pavement a credit of 75% impervious and 25% pervious. If pervious pavement is used, then the currently allowed 60% in the zoning ordinance would jump to 70%. This would require us to invest additional cost to the shopping center but it would allow cleaner water to reenter the water table following filtration.

PUBLIC COMMENT

None.

The Board discussed the 75% credit and whether or not it would allow for more than 70% maximum lot coverage. Karen Partee stated that the shopping center is currently at 67% lot coverage and what they are proposing would not exceed that percentage.

The Board discussed other municipalities that may have a lot coverage requirement greater than 60%.

Gray Berryman suggested that language be added to require a minimum amount of pervious pavement and the Board discussed the NCDENR Stormwater Manual as it relates to pervious pavement and whether or not it should be used.

Gray Berryman suggested that the proposed ZTA be amended to require a minimum of 5% of pervious pavement.

Elizabeth Morey motioned to recommend approval of the proposed ZTA to the Town Council as written. Gray Berryman seconded the motion. The motion passed 4-2 with Chairperson Williams and John Finelli opposed.

Chairperson Williams stated that the language doesn't address the concern for requiring a minimum amount of pervious pavement.

Gray Berryman motioned to amend the proposed ZTA by adding in excess of 5% of the total lot coverage to (b) on line 14, page 2 of the proposed ZTA. Jay Russell seconded the motion. The motion passed 4-2 with Elizabeth Morey and John Finelli opposed.

Elizabeth Morey motioned to adopt the Statement of Consistency found in Article IV of the proposed ZTA. Gray Berryman seconded the motion. The motion passed unanimously.

**VIII. Public Comment**

None.

**IX. PLANNING BOARD MEMBER COMMENTS:**

None.

**X. ANNOUNCEMENTS:**

Chairperson Williams announced that the next Planning Board meeting date is January 20, 2016 at 3:00 p.m. Currently, the agenda consists of a ZTA that addresses parking requirements in the Commercial Zoning District and another that addresses large homes that was sent by the Town Council.

**XI. ADJOURNMENT:**

Jay Russell motioned to adjourn. Gray Berryman seconded the motion. The motion passed unanimously and the meeting adjourned at 7:10 p.m.

ATTEST:

  
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Sam Williams, Chairperson

RESPECTFULLY SUBMITTED:

  
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Wes Haskett, Town Planner

**STAFF REPORT**

**To:** Southern Shores Planning Board  
**Date:** December 15, 2015  
**Case:** ZTA-15-03  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

**GENERAL INFORMATION**

**Applicant:** Aston Properties  
610 E. Morehead St., Suite 100  
Charlotte, NC 28202

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definitions of Specific Terms and Words; and Section 36-207, C, General Commercial District.

**ANALYSIS**

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to allow drive-through facilities in the C, General Commercial zoning district. The proposed ZTA defines a drive-through facility or establishment as a customer service facility located in the principal structure, which is intended to enable the customer to transact business with a customer service person located within the principal structure without exiting the motor vehicle. The proposed ZTA would allow pharmacies, restaurants, or fast casual restaurants to have drive-through facilities or establishments. Restaurants or fast casual restaurants with a drive-through facility would not be able to exceed 2,500 square feet, the location of the drive-through facility would be a minimum of 100 feet from any residentially zoned property, and would allow for stacking of a minimum of six cars. Currently, banks are allowed to provide indoor and outdoor teller windows.

The Town's currently adopted Land Use Plan contains the following Goal and Policy that are applicable to the proposed ZTA:

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1–3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

**RECOMMENDATION**

Town Staff has determined that the proposed amendment is inconsistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider the inconsistency when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the

public interest. That statement is not subject to judicial review. A finding of inconsistency with the currently adopted Land Use Plan does not preclude a recommendation of approval.

**STAFF REPORT**

**To:** Southern Shores Planning Board  
**Date:** December 15, 2015  
**Case:** ZTA-15-04  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

**GENERAL INFORMATION**

**Applicant:** Aston Properties  
610 E. Morehead St., Suite 100  
Charlotte, NC 28202

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definition of Specific Words and Terms; and Section 36-207, C, General Commercial District to amend the current requirements for group developments.

**ANALYSIS**

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to amend the group development requirements in the C, General Commercial zoning district. The proposed ZTA would allow for buildings within a group development more than 35 feet away from another building to be detached and all buildings within 35 feet of another building within the development are to be connected by a breezeway or covered walkway. The proposed ZTA would also remove the lot size restriction of less than 10 acres for group developments which would bring the Marketplace into compliance given the current lot size of approximately 18 acres.

The Town's currently adopted Land Use Plan contains the following Goal and Policy that are applicable to the proposed ZTA:

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

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**STAFF REPORT**

**To:** Southern Shores Planning Board  
**Date:** December 15, 2015  
**Case:** ZTA-15-05  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

**GENERAL INFORMATION**

**Applicant:** Aston Properties  
610 E. Morehead St., Suite 100  
Charlotte, NC 28202

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-207, C General Commercial District.

**ANALYSIS**

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-207 to amend the current requirements for lot coverage in the C, General Commercial zoning district. The proposed ZTA would allow for exceptions for commercial lots that use permeable pavement as defined by the NCDENR Stormwater BMP Manual which would be granted the Built Upon Area (BUA) Credit as specified in the manual. Commercial lots that incorporate the use of permeable pavement would be allowed a maximum lot coverage by principal use and all accessory structures of no greater than 70 percent.

The Town's currently adopted Land Use Plan contains the following Goal, Policy, and Action Items that are applicable to the proposed ZTA:

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.
- **Action Item 2-b:** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling, and redevelopment within Southern Shores.
- **Policy 7:** Support stormwater management programs that reduce flooding and improve coastal water quality.
- **Action Item 7-b:** Encourage the use of Low Impact Development (LID), vegetative buffers to filter stormwater, impervious surface limits, and innovative stormwater management alternatives to reduce runoff and to improve water quality.
- **Action Item 7-d:** Implement engineering design standards for stormwater management and infrastructure.

**RECOMMENDATION**

Town Staff has determined that the proposed amendment is consistent with the Town's currently

adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.