



# Town of Southern Shores

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Southern Shores Town Council  
Town of Southern Shores, North Carolina  
Regular Meeting  
April 5, 2005  
7:00 p.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on April 5, 2005, at the Pitts Center.

The following members were present: Mayor Hal Denny, Council Members: Jodi Hess, Dan Shields, David Sanders, and Brian McDonald

Others present included: Carl Classen, Town Manager; Carrie Gordin, Town Clerk; and Ike McRee, Town Attorney

### **OPENING**

Mayor Denny called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Mayor Denny held a moment of silence for the Lemnios family because of the loss of Charles Lemnios, a long time resident of Southern Shores.

### **APPROVAL OF AGENDA**

Mayor Denny moved to approve the agenda with the addition of an item under New Business Item G. Resolution-Channel Markers. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

### **APPROVAL OF MINUTES**

Mayor Denny moved to delay the approval of the minutes of the March 1 and March 15, 2005 minutes until the April 19<sup>th</sup> Council meeting. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

**PUBLIC COMMENT**

Terry Frank, attorney from the firm of Vandeventer Black and representing Southern Shores Realty, addressed Council on the issue of the proposed moratorium regarding Planned Unit Developments. Ms. Frank asked Council not to approve the moratorium and she stated that if approved in only affects one major property owner. She stated that a one-year moratorium for this kind of matter is excessive and asked Council to consider a shorter time frame.

Don Smith, 189 Wax Myrtle Trail, addressed Council stating that the citizens should have the right to vote on the beach nourishment issue; that the commissioner's snubbed the citizen's request and voted to approve the 1% sales tax increase. He urged Council to take a stand on the beach nourishment issue.

Ray Midgett, 154 Duck Woods Drive, remarked that Southern Shores has never taken a stand on beach nourishment. He asked Council to take a stand-yes or no-regarding beach nourishment.

Ginger Candolero, Interfaith Community Outreach, Inc. (ICO), described ICO as a church based non-profit outreach program that offers services to those in the community who are in crisis and have no other means to satisfy their immediate need. She stated that the ICO works with Dare County Social Services and Hotline as well as with government agencies, local businesses and civic groups. She stated that the ICO provides aid to the towns such as the building of needed handicap ramps. She asked Council to consider contributions, but that waiver of fees as applicable would also be beneficial.

Whitney Harrison, 164 Beech Tree Trail, addressed Council regarding the Spring Road Project proposal on Beech Tree Trail. She stated that she and her neighbors were surprised to learn that the Town was improving their road and that she, as well as her neighbors, would like to be informed directly when something is going on outside their front door.

**REPORTS**

**Planning Board**

Planning Board Chairman Groff reviewed the items presented at the March 21, 2005 Planning Board meeting stating that he was absent from that meeting due to a medical reason and that Jay Russell chaired the meeting. The Planning Board report as submitted by Jay Russell, Vice Chairman, is attached hereto as Exhibit A and made part of these minutes.

Mr. Groff reported that the Planning Board will be reviewing a draft ordinance regarding commercial businesses at its April 18 meeting and submit to Council at their April 19 meeting.

Mr. Groff reported that the Planning Board recommended placing a one year moratorium on the application for any Planned Unit Developments and asked the Town Manager to provide a draft of the moratorium for Council's consideration.

The Planning Board recommends that Town Council approve site plan application LDA2004-12-03 submitted by Outer Banks Cosmetic & Family Dentistry, located at 1 S. Dogwood Trail, with conditions and modifications.

Mayor Denny moved that Council approve the site plan application LDA2004-12-03 from Outer Banks Cosmetic and Family Dentistry, including the Findings of Fact, as recommended by the Planning Board. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Book 15

A copy of the Findings of Fact and approval with conditions and modifications is attached here to as Exhibit B and made part of these minutes.

Mid-Currituck Sound Bridge Campaign Update

Bob Palombo reported that representatives of the BB-PR board met with Representative Culpepper and that he is working to amend the current transportation bill to include a toll bridge. He reported that the Currituck County Commissioner’s passed a resolution (5-0) supporting the private/public funding study of the Mid-Currituck bridge. He stated that the annual meeting of the BB-PR is scheduled for April 21 at 7:00 p.m. in the Pitts Center.

Southern Shores Volunteer Fire Department

Fire Chief Bakken submitted the monthly report. He also urged Council to do whatever is necessary to prohibit the use of cell phones while driving.

Canal Dredging Project

Mr. Classen reported that the survey for the Hillcrest spoil site has been completed and that he is in receipt of the list of required CAMA documents for review. Property owners regarding the project are under discussion. He stated that he is waiting for confirmation from the Army Corp of Engineers on a multi-phase procedure for the use of the Duck Woods Country Club (DWCC) spoil site.

Mayor Denny encouraged the Town Manager to continue to push forward on this project.

Council Member McDonald asked if the project would be slowed down if the DWCC site was not approved. Mayor Denny stated that the Hillcrest spoil site is adequate to contain the spoils for the first year of dredging.

Mr. Classen asked the citizens to contact their legislators and ask them to support the grants needed for our canal dredging.

**OLD BUSINESS**

Audit Contract

Mr. Classen submitted two audit proposals in response to the Town’s Request for Proposals to provide Town audit services for three fiscal years, beginning with FY2004-05.

Johnson, Burgess, Mizelle & Straub

FY2004-05	\$10,000
FY2005-06	\$10,500 (estimate)
FY2006-07	\$10,725 (estimate)

Pickerel McGinnis & Dowdy, LLP

FY2004-05	\$9,500
FY2005-06	\$9,500 (estimate)
FY2006-07	\$9,500 (estimate)

Council Member Shields moved to authorize and direct the Town Manager to accept the proposal submitted by Pickerel, McGinnis, & Dowdy, LLP and that the manager prepare, sign, and execute all documents and other materials necessary to implement the decision of the Town Council. Council

Book 15

Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

### **NEW BUSINESS**

#### **Ordinance #2005-04-01 Relating to Planned Unit Development (PUD)**

Mayor Denny stated that, as recommended by Planning Board, this ordinance requires a public hearing before approval. Mr. Classen, Mr. Mike Hejduk (Code Enforcement Administrator), and Mr. McRee offered background regarding issues surrounding existing Planned Unit Development (PUD) language in the Zoning Ordinance and the practical difficulties of implementing and enforcing the existing law.

In response to questions about the duration of the moratorium, Mr. McRee advised that the moratorium can be repealed earlier than the time frame approved or can be extended, if necessary

Council Member Hess asked if PUD's could be a conditional use. Mr. McRee stated they could and that it would increase Council control.

Council Member McDonald asked if it would be better to make PUD's a conditional use rather than impose a moratorium. Mr. McRee stated that it would be better to take the time to review the issues and choose the right approval process. He further stated that a piecemeal approach is not advisable.

Mike Stone, 8 Sandfiddler Court, asked Council to not approve the moratorium due to the possible impact upon discussions on-going among Sandy Ridge Shopping Center, the Goodwill store, and the abutting property owners to both of those properties.

Council Member Shields moved to introduce and set for public hearing in conjunction with the May 3, 2005 Council meeting, Ordinance 2005-04-01 relating to Planned Unit Developments. He further moved to amend the Ordinance to reduce the moratorium timeframe from one year to six months. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

#### **Ordinance 2005-04-02-Zoning Map Amendment - Removal of Parcel from ETJ and for Commercial District Boundary Line Change.**

Mayor Denny explained that the parcel of land at 6505 N. Croatan Highway has been annexed by the Town of Kitty Hawk and no longer needs to be shown on the Town's zoning map. He stated that the other part of the Ordinance is to correct a problem with property located at 6195 N. Croatan Highway. The zoning map shows the boundary line as within RS-1 and needs to be corrected to be in the Commercial zone.

Council Member Hess moved to introduce and set for public hearing in conjunction with the May 3, 2005 Council meeting Ordinance 2005-04-02. Council Member McDonald seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

#### **Resolution -NCDOT Reimbursable Agreement for Pavement Crack Sealing on Town Bridges.**

Mr. Classen submitted a copy of the agreement as well as a Resolution allowing the Town to have NCDOT perform work (crack sealing - \$2,000) on the Town's bridges as per the State-required engineering report completed last summer. Mr. Classen stated that approval of the agreement is needed

Book 15

and that the language in the Resolution would authorize completion of all work recommended in the 2004 Bridge Condition Report.

Council Member Shields moved to approve the contract with NCDOT and to authorize the Town Manager and Town Clerk to execute agreement WBS-36249.2286. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Mayor Denny moved to approve Resolution NCDOT Reimbursable Agreement for Pavement Crack Sealing on Town bridges and to authorize the Town clerk to sign all resolutions on behalf of the Town Council so as to execute reimbursable agreements with NCDOT for work to be completed within the Town for work recommended in the 2004 Bridge Condition Report. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

#### 2005 Spring Road Improvement Project (Beech Tree Trail/E. Holly)

Mr. Classen reported that on March 28, a second round of bids was scheduled to be opened on the 2005 Spring Improvement Project (Beech Tree/East Holly). No bids were received. He stated that in follow-up discussions with the contractors, who typically bid on Town projects, one was found too busy to prepare a bid and the other was too busy to commit to beginning the work within 60 days of the Notice to Proceed. He stated that another round of bidding may produce the needed bid(s) if the start date requirement is relaxed by a month. This makes the Project more of a fall construction project, though it would be accounted for as an expense on the FY2004-05 books.

Council Member Shields moved to authorize the Town Manager to start a second round of bidding with timing changes as recommended by the Town Manager. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

#### Sister City Program

Mr. Classen provided information regarding the "Sister City" program, which is typically an economic and/or social/cultural agreement between two cities in different countries that share some historical heritage or other tie. He reported on the Town of Kitty Hawk's recent affiliation with a city in France. Discussion by Council revealed that there was no interest at this time. No action was taken.

#### Long Range Planning Advisory Committee Members

Mayor Denny stated that he is recommending Mr. Bruce Green, 121 Crooked Back Loop, and Mr. Joe Boldiga, 70 Duck Woods Drive, as additional members to the Long Range Planning Advisory Committee.

Council Member McDonald moved to approve Bruce Green and Joe Boldiga to the Long Range Planning Advisory Committee as recommended by Mayor Denny. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

#### Resolution 2005-04-01 Funding and Maintenance of Channel Markers

Mr. Classen stated Resolution 2005-04-01 Funding and Maintenance of Channel Markers was drafted in response to a request from the Southern Shores Boat Club to reimburse the Boat Club for repair to

Book 15

channel markers outside the canal system. Mr. Classen stated although the Town had reimbursed for channel marker expenses in the past, he could find no Council action authorizing such payments.

Council Member Shields moved to approve Resolution 2005-04-01. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

A copy of Resolution 2005-04-01 as approved by the Town Council is attached hereto as Exhibit C and is made part of these minutes.

## **OTHER ITEMS**

### Council Members' Items

Council Member Hess stated that at the February Council workshop a resident asked Council to consider a way to help fixed income residents regarding the County's re-evaluation of property. She asked if there is anything that can be done. Mr. McRee stated that Council has no legal authority to abate a property owner's tax assessment. He stated that the Homestead Exemption Act may be helpful, plus the property owner has the right to appeal the appraisal to the County.

Hearing no objection, that Mayor was directed to reply by letter to the individual stating that by law Council has no authority in this issue and referencing the suggestions made by the Town Attorney.

Council Member Shields announced that the Outer Banks Chamber of Commerce and SCORE are sponsoring a Disaster Conference at the Ramada Inn on April 8.

Council Member Shields asked that Council discuss the process of implementing a Town business license. Mayor Denny directed the Town Manager to prepare ordinance language regarding a town business license and to provide the ordinance to the Planning Board. Hearing no objection, so ordered.

### Mayor's Items

Mayor Denny stated that he is in receipt of letter from Sarah Tyler, Chairman of the former Animal Control Policy Advisory Committee relating, to unleashed dogs. If there are any questions the Mayor directed people to contact the Town manager.

Mayor Denny stated that Neal Blinken presented an offer to give the SSVFD and the Town Public Works building permission to tap onto the Ginguite Woods Wastewater Reclamation plant. Mayor Denny stated that he would respond to Mr. Blinken.

Mayor Denny stated that Joe Walter, Chairman of the Long Range Planning Committee, has requested that Council consider appointing a committee devoted to absentee property owner/second homeowner issues. Mr. Walter told Mayor Denny that, upon reading the Long Range Planning Committee surveys, the non-resident homeowners feel they are not getting sufficient Town information. Hearing no objection, Mayor Denny directed that this matter be discussed further at the April 19 Council meeting.

Mayor Denny updated the Council on the matter of the communications repeater being removed from the tower in Kitty Hawk that caused adverse effects on EMS, Police Department, and Fire Department calls within the Town and in the Town of Duck. He urged the SSVFD to continue to provide him hard data on a weekly basis until the problem has been rectified.

Mayor Denny reported that he attended NCLM Energy, Environment and Natural Resources Policy Committee meeting in Raleigh. One NCDENR initiative would result in an increase in tipping fees of \$1

## Book 15

per ton to pay for clean up old landfill sites and that this fee could have a significant impact on the Town's budget. He will keep Council informed.

Mayor Denny stated that the Mallard Cove Homeowner's Association has renewed their request that the Town take over its street and to do so the road must meet a standard set by Council. Hearing no objection, Mayor Denny directed the Town Manager to work on language. Hearing no objection so ordered.

### Town Manager's Items

Mr. Classen provided an update on 2005 Council Retreat Goals and Manager's To-Do List.

Mr. Classen stated that, pursuant to a Cemetery Committee recommendation, he is reviewing the cemetery landscaping contract with Grass Roots Landscaping to increase services provided from quarterly to once a month. He will submit information to Council at a later date.

Mr. Classen reported that he authorized Sprint to install an emergency temporary communication tower on their site behind the E. Dogwood Fire Station. He explained that Sprint and Alltel lost service due to the last storm as the tower located in the Town of Kitty Hawk collapsed and the Town employees use Sprint for wireless telecommunication services. The permit for the temporary tower ends in ninety days (mid-June).

Mr. Classen presented the Tax Report "Pick Up and Releases" for approval. Council Member Hess moved to approve the Tax Report as submitted. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Mike Hejduk, Code Enforcement Administrator, displayed photos of the current Duck Woods Country Club construction. He also reported that there are 2215 homes in Town.

He stated that the enforcement of the "trash can" ordinance is in effect and he recommends continued education to the citizens on the importance of pulling cans back.

Glenn Alexander, Public Works Supervisor, reported that in spite of the weather the annual Town Clean Up was held. He thanked the volunteers for a great job and stated that they helped the Public Works Department as well as the Town.

Mr. Alexander reported that NCDOT performed the needed crack sealing of the Town bridges in accordance with the recommendations made in the 2004 Bridge Report. Mr. Alexander stated that the Tyrrell County Inmate Program is still in place and that the Town has now requested four inmates. Council Member Hess asked whether NCDOT would be restoring the Hillcrest and E. Dogwood intersections after installing the traffic lights. Mr. Alexander said they will and that he will look into it.

Thad Pledger, Police Chief, presented the monthly crime report.

### Town Attorney's Agenda

Mr. McRee reported that after 4 ½ years, the Franchi litigation finally has been resolved. The Court ruled in favor of the Town and upheld the Town's personal watercraft ordinance.

### **PUBLIC COMMENT**

Book 15

Mayor Denny called for additional comments from the public. No additional comments were received.

Hearing no other business Mayor Denny moved to adjourn the meeting at 9:25 p.m. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Attest:

Respectfully submitted:

\_\_\_\_\_  
Mayor Denny

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit A

Planning Board Meeting Report,  
March 21, 2005

Submitted by Jay Russell, Vice chairman.

**Organization:** Vice Chairman Russell called the meeting to order at 7:00 PM. Planning Board members present Alternate G. Poisell sitting for excused member J. Groff, J. Walter, G. Kowalski and M. McDanel sitting for excused member D. Peckens. ETJ Member K. Halloran was present. Also present were Town Manager C. Classen, Code Enforcement Administrator M. Hejduk and Administrative Support Assistant C. Gabrys.

**Public Comment:** There were three members of the public who offered comments during the public comment time. Neal Blinken commenting on the proposed Zoning map correction to include a correction to his property line (The Cove). Jim Evans commenting on the application submitted for The Cove and requesting it be added to the agenda for review. Mike Stone commenting on proposed changes to the acreage requirement for Planned Unit Developments.

**Committee Reports:** Reports were given by the Long Range Planning and Stormwater Management advisory committees.

**Applications:** The Board reviewed one Site Plan application.

1. **LDA 2004-12-03, Outer Banks Cosmetic & Family Dentistry**, located at 1 S. Dogwood Trail. Mr. John DeLucia, representing Dr. Bobrow, addressed all recommendations presented in the Summary of Facts.

**Policy:** The Board reviewed draft Ordinance 2005-03-PB4 and recommends Council approve the Ordinance removing a parcel from the extra-territorial jurisdiction of the town and moving of the zoning line. Town Manager Classen will prepare the final Ordinance for presentation to Council.

**Future Meetings:** A Planning Board work shop will be held March 31 at 9:00 AM to discuss Ordinance 2005-01-PB1 and liquor by the drink. The next regular Planning Board meeting will be held April 18 at 7:00 PM.

**Adjournment:** The Planning Board adjourned its meeting at 8:10 PM.

Exhibit B

Resolution No. 2005-04-01

**A RESOLUTION OF THE  
SOUTHERN SHORES TOWN COUNCIL  
RELATING TO CHANNEL MARKERS**

**WHEREAS**, Southern Shores boaters utilize a channel extending from Ginguite Creek to Currituck Sound; and

**WHEREAS**, this channel serves pleasure boaters, commercial fisherman and emergency response boaters such as Southern Shores Police, North Carolina Wildlife Commission and the United States Coast Guard Auxiliary; and

**WHEREAS**, proper marking of this channel is important to the safety of the boating public and to public safety personnel;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Southern Shores meeting this 5<sup>th</sup> day of April 2005 hereby:

- 1) Authorizes the Town Manager to cooperate with the Southern Shores Boat Club, the Martin's Point Yacht Club and such other organizations as may be appropriate for the maintenance and upkeep of the Ginguite Creek - Currituck Sound channel markers; and,
- 2) Authorizes the Town Manager to expend such funds as are necessary to maintain such channel markers

\_\_\_\_\_  
Hal Denny, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

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Exhibit C

Summary of Facts

Project No. **LDA 2004-12-03**  
 Project Name: **Outer Banks Cosmetic & Family Dentistry**  
 Application for: **Permitted Use**  
 Documentation:

1. Name of Applicant(s): **Scott Edward Bobrow & Danyea Michelle Bobrow**
2. Address of Applicant: **2204 Cape Arbor Drive, Virginia Beach, Virginia 23451**
3. Agent for Applicant: **Albemarle & Associates, Ltd.**
4. File Reference: **LDA 2004-12-03**
5. Property Identification Number (PIN): **986606498666**
6. Street Address of Property: **1 S. Dogwood Trail**
7. Location of Property: **Northwest Corner of US 158 and S. Dogwood Trail**
8. Flood Zone: **AE(8') plus 2' local freeboard**
9. Zoning District(s) per Zoning Map dated 4/4/2000: **C - Commercial**
10. Is a Zoning Change Required for the Proposed Use? **No**
11. General Description of the Proposal: **Construct single story professional office building for Dentist with parking and sewer service by GWWRA.**
12. Land Use Plan Classification: **Developed**
13. Date Application Received by Town: **12/20/04**
14. Received by: **Pat Forrester**
15. Application Fee Paid: **Check # 012163, Amount \$ 1,504.80**
16. Completeness of Application: **Generally complete**
17. Proposal to be completed in phases? **No**
  - A. If yes, are phases shown on site plan(s)? **N/A**
18. Documents Received Upon Filing Application or otherwise received and made part of this application – List of Exhibits:

Exhibit	Document Description	Date Rec'd	Other Description
A	Application Form	12/20/2004	
B	Site Plan Transmittal ltr dtd 12/20/04	12/20/2004	Jared Madewell, PE Albemarle & Assoc.
C	Fee \$1,504.80 Cashier's Check # 012163	12/20/2004	Scott Bobrow
D	Stormwater Narrative dtd 12/20/04 (3 shts)	12/20/2004	Albemarle & Assoc.
E	not used		
F	Lighting Plan	12/20/2004	Albemarle & Assoc.
G	Luminaire Specifications (2 Sheets)	12/20/2004	Albemarle & Assoc.
H	Exterior Elevations Sheet A400 dtd 12/16/04	12/20/2004	PF&A
I	Site Plan stamped 12/20/04 (Sht 1 of 1)	12/20/2004	Albemarle & Assoc.
J	Town Engineer Site Plan Review Checklist	12/22/2004	Quible & Assoc.
K	20' Sanitary Sewer Easement Stub Out	7/6/1999	Coastal Engineering & Surveying

## Book 15

L	Foundation Survey Units # 30 & 31 and Groundwater Review and Compliance Boundary	12/7/2004	Coastal Engineering & Surveying
M	Transmittal ltr dtd 1/11/05 re: compliance boundary	1/11/2005	Quible & Assoc.
N	Ltr dtd 2/10/05 to GWWRA re: sewer service	Town	Town
O	Transmittal ltr dtd 2/8/05 for Site Plan dtd 2/8/05	1/8/2005	Quible & Assoc.
P	Site Plan stamped 2/8/05	1/8/2005	Quible & Assoc.
Q	Letter of Commitment to service operations sewer needs dtd 2/13/05	2/14/2005	Neal Blinken Ginguite Woods H2O Reclamation Assoc
R	Letter of Commitment to furnish water	2/17/2005	Dare County Water
S	Site Plan Clarification Ltr dtd 3/2/05 to Mike	3/7/2005	Albemarle & Assoc.
T	Letter to GWWRA re: Sewer Service Connection	3/7/2005	Albemarle & Assoc.
U	Transmittal ltr dtd 3/7/05 addressing Staff Recommendations	3/7/2005	Albemarle & Assoc.
V	Ltr dtd 3/7/05 clarifying GWWRA tap on to Albemarle	3/7/2005	Neal Blinken Ginguite Woods H2O Reclamation Assoc
W	Ltr dtd 3/8/05 GWWRA to Albemarle Engineering	3/8/2005	Neal Blinken GWWRA
X	Site Plan Revision 1 dated 3/7/05	3/7/2005	Albemarle & Assoc., LTD
Y	Email dtd 2/13/05 from Blinken to Hejduk regarding sewer service to Bobrow.	2/13/2005	Neal Blinken (GWWRA)
Z	Ltr dtd 2/28/05 from Albemarle to GWWRA re: Sewer Service Connection	3/2/2005	Albemarle & Assoc., LTD
AA	Ltr dtd 2/27/05 from GWWRA to Hejduk	2/27/2005	Neal Blinken GWWRA
BB	Ltr dtd 2/27/05 from GWWRA to NCDENR (May)	2/27/2005	Neal Blinken GWWRA
CC	Buffer Waiver Form (BWF 09-02) dtd 2/26/05	2/27/2005	Scott Bobrow
DD	Hejduk ltr to DeLucia - Summary of Facts	3/11/2005	TOSS
EE	Ltr dtd 3/16/05 resubmission of site plan	3/16/2005	Albemarle & Assoc.
FF	Stormwater Narrative dtd 3/16/05 (3 shts)	3/16/2005	Albemarle & Assoc.
GG	Improvement Permit-Septic Tank Sewage Disposal	3/16/2005	County of Dare
HH	Water Service Tap Application	3/16/2005	County of Dare
II	A/T ScanX Imaging system spec sheets	3/16/2005	

JJ	Site Plan	3/16/2005	Albemarle & Assoc.
KK	Email dtd 2/26/05 to M.Hejduk re: no info rec'd re: hookup to plant	2/26/2005	Neal Blinken GWWRA
BP1	Commercial Building Application Form	4/5/2005	W. Britt-Sussex Dev. Corp
BP2	Water Tap Receipt	3/14/2005	Dare Cty Water Dept
BP3	Water Tap Application	3/14/2005	Dare Cty Water Dept
BP4	Septic Tank Permit #10735	3/16/2005	Dare Cty Water Dept
BP5	Wastewater System Construction Permit #10735	3/16/2005	Dare Cty Water Dept
BP6	Septic Tank Permit #10735 Receipt	3/16/2005	Dare Cty Water Dept
BP7	Site Plan - Septic Layout Approval - DCHD	3/23/2005	Dare County Health Department

## 19. Adjacent Property Uses:

A. Predominant: ***Residential, single family PUD***B. Other: ***School, Wastewater Treatment plant***20. Existing Land Use: ***Vacant***

## 21. Utilities

A. Does the applicant propose the use of public sewage systems? ***Yes***(1). Is the application in compliance with Section 10.04 B3a – ***No sewer tap receipt has been submitted. Partial representation of 8” sewer line to GWWRA. Utility states that customer is financially responsible for engineering sewer line extension and submitting application for state permit.***B. Does the applicant propose the use of public water systems? ***Yes***(1). Is the application in compliance with Section 10.04 B3b – Dare County Regional Water System Approval? ***Letter of Commitment by Dare County Water [Exhibit R].***C. Is the area within a five-year proposal for the provision of public water? ***Existing***D. Is the area within a five-year proposal for the provision of public sewage? ***Existing***E. Overhead Utilities? ***Dominion NC Power overhead transmission lines easement. Overhead utilities Power and Phone along east side of S. Dogwood Trail.***F. Solid Waste Facilities: Solid waste collection and disposal will be supplied by Dare County. ***Roll out trash and recycle cans to be provided.***G. Security Lighting: ***Parking lot lights shown. No lights shown on building.***H. Natural Gas: ***No proposed service shown.***

## 22. Right-of-Way and Stormwater/Drainage Improvements

A. Are any Right-of-Way improvements required? ***Yes. Driveway entrance to S. Dogwood Trail.***B. Are any stormwater or drainage improvements required? ***Yes.***(1). If yes, are such improvements shown in the application? ***Driveway entrance sloped to divert runoff to shoulder.***C. Construction Parking and Mobilization: ***A temporary construction entrance in vicinity of permanent driveway shown may interfere with school traffic. Proximity of building to property lines leaves little room to maneuver on-site around building without***

***encroachment on Public Right of Way. Material staging area and construction vehicle parking may require purchase of a ROW Construction Encroachment Agreement.***

23. Landscaping

- A. Is any buffer required? ***Yes. Between building and road.***
- B. Is any landscaping described in application? ***Yes. But none adjacent residential Units # 41 & 43 Fox Wood Circle.***

24. Findings Regarding Additional Requirements:

25. Minimum requirements for approval:

- A. Is the application complete? ***No.***
  - (1). Is the application complete per Zoning Ordinance Section 10.04 B.2. (Site Plan Requirements) Checklist? ***No. All wastewater collection facilities not shown per 10.04 B.2.c.5 nor written approval for connection from any organization that will collect or dispose of wastewater.***
- B. Does the application fail to comply with one or more requirements of the Zoning Ordinance? ***Yes, 10.04 B.3.a. No proposed site plan shall be accepted by the Town as part of an application for approval or conditional approval by the Planning Board without written tentative approval of the proposed sewage treatment and disposal facilities by the NC State Dept. having jurisdiction.***

Planning Board Recommendations

Planning Board considered the application for ***LDA 2004-12-03, O.B. Cosmetic and Family Dentistry, as a Permitted Use in the Commercial Zoning District*** at its ***March 21, 2005*** regular meeting, after holding over the application from the February 21, 2005 meeting. ***Vice Chairman Russell moved that the Planning Board recommend the Town Council approve the site plan application.***

***Member McDanel seconded the motion. The motion passed with Vice Chairman Russell and Members Kowalski, McDanel, Walter and Poisal voting aye, no Member voting no, and no Members absent without excuse.***

Planning Board recommends approval of the Site Plan Application with the following conditions:

- A. ***That the applicant must strictly abide by all requirements of the Zoning Ordinance of Southern Shores, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development; and,***
- B. ***No building permit shall be issued until written evidence satisfactory to the Code Enforcement Administrator is submitted to the Town in accordance with Section 10.04 B.6, Southern Shores Zoning Ordinance; and,***
- C. ***For purposes of this application and this application alone, the phrase "Building Inspector" found in Section 10.04 B.8, Southern Shores Zoning Ordinance, shall be the Code Enforcement Administrator as appointed by the Town Manager; and,***
- D. ***Subject to approval by the Code Enforcement Administrator, an area for one or more recycling receptacles shall be shown on the site plan.***

Book 15

- E. Per the provisions of Section 10.02 B, Southern Shores Zoning Ordinance, approval of this application shall be null and void if no building permit for the principal structure is applied for and received on or before October 5, 2005.*
- F. Applicant shall submit to Code Enforcement Administrator proof of recordation in Dare County Register of groundwater compliance waiver for NCDENR prior to issuance of building permit.*
- G. Applicant shall install Type C buffer vegetation along northern property line to screen parking lot from existing residences.*

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005 by the Southern Shores Town Council:

\_\_\_\_\_  
 Mayor Hal Denny

ATTEST:

T O W N S E A L

\_\_\_\_\_  
 Carrie Gordin, Town Clerk

Accepted by applicant:

\_\_\_\_\_  
 For O.B. Cosmetic and Family Dentistry

WITNESS:

\_\_\_\_\_  
 Name of Witness