

Exhibit A**Memorandum**

To: Southern Shores Town Council
CC: Town Manager
From: Jim Groff, Chairman, Planning Board
Date: 4/18/2005
Re: Recap: Planning Board Meeting of February 21, 2005

Planning Board recommended actions for the Town Council:

1. Approve, with conditions, (see below), the site plan application for the Shoreline Professional Building, (Project # LDA 2004-12-04), a two story professional office building.
2. Approve, with conditions, (see below), the site plan application for the Sandy Ridge Center, (Project # LDA 2005-01-01), a shopping center at 5325 N. Croatan Highway.

Organization: Chairman Groff called the meeting to order at 7:03PM. Vice Chairman Russell and Planning Board members G. Kowalski, J. Walker, ETJ member Kathy Halloran and Alternate M. McDanel, sitting for excused member D. Peckens, were present. Also present were Town Manager C. Classen, Fire Chief D. Bakken, Code Enforcement Administrator M. Hejduk and Administrative Assistant, Cyndy Gabrys. Participating in this meeting were Martin's Point Homeowners' President Roy Smith; John DeLucia, Albermarle Associates; Ralph Calfee, Calfee Engineering; Mike Robinson, Bissell Professional Group; Mike Davenport, DAVCO Electric, Inc.; and Mike Stone, Southern Shores Realty.

Public Comment: Roy Smith pointed out to the Board that increased traffic generated by completion of The Cove, a planned 36 unit condominium, was of concern to Martin's Point residents. He opined that another traffic light might be required to allow Cove traffic access to US 158, resulting in short distances between lights on Croatan Highway.

Committee Reports: Subsequent to approval of the agenda and approval of the minutes of the January 17th meeting of the Board, the Board heard reports from the Long Range Plan Advisory Committee and the Stormwater Management Advisory Committee. Joe Walter advised that the LRP questionnaire, which had gone through a number of iterations, should be in the mail shortly, with return by the third week in March. Jay Russell reported that during the Council's retreat, he had briefed them on his committee's activities. His committee is continuing to gather data during field trips for purposes of developing a comprehensive stormwater management plan.

Applications: The Board reviewed three Site Plan Applications. It held over to its March meeting, O.B. Cosmetic and Family Dentistry - LDA 2004-12-03, and conditionally recommended the following two applications for approval by the Town Council.

1. Shoreline Professional Building at 6475 N. Croatan Highway - LDA 2004-12-04:



Exhibit A (continued)

April 18, 2005

Roy Smith expressed concern regarding (1) the need for a buffer of vegetation to shield the rear of this property from Martin's Point residents, (2) construction equipment stored outside the rear of the building creating an eyesore, (3) noise from loudspeakers and light from the outside building lighting being a nuisance and (4) stormwater management.

Ralph Calfee, representing the applicant, noting that the number of employees in the building would be limited to nineteen, satisfactorily addressed each of the concerns raised by Mr. Smith and by Staff.

In view of the above, The Planning Board recommended Council approve the site plan application for this two story office building conditioned upon applicant provision of the following:

- a. Immediately install sand fencing and a temporary gravel construction entrance.
 - b. Provision of a shrubbery buffer at the applicant's rear property line.
2. Sandy Ridge Center, at 5325 N. Croatan Highway - LDA 2005-01-01

Mike Robinson, representing the applicant, DAVCO Electric, and Mike Davenport, presented specifics regarding this proposed shopping center and responded satisfactorily to concerns raised by staff, Mike Stone and the Planning Board.

The Planning Board recommended Council approve the site plan application for this shopping center conditioned upon applicant provision of the following:

- a. Recording of a "Recombination Plat" prior to issuance of the building permit.
- b. Full cut-off shielding of wall pack security lights all around the building.
- c. Expansion of the dumpster pad to accommodate a future recycling container.
- d. Addition of a deceleration lane at the driveway shared with GCF.

(Not included in the aforementioned conditions but recommended by staff to be added by Council, is the movement of the shopping center sign eastward to the entrance shared with GCF.)

Traffic: Existing traffic, in combination with construction of a hotel on N. Virginia Trail, suggests that the Town should aggressively pursue discussions with NC DOT regarding mitigating the impact of increased traffic in this area.

Policy: The Board continued its discussion of revisions to existing ordinances regarding permitted uses, including PUDs, in commercial zones. Mr. Stone opined that PUDs represent the highest and best use of the land and that there was no need to revise the existing ordinance. Relative to listing specific permitted uses, the Chair commented that the Board was simply attempting to avoid litigation that had bedeviled other Outer Banks communities. Ultimately, Board members agreed to review the proposed ordinance and submit suggestions for prohibited uses in commercial zones to the Town Manager. The Town Manager will then redraft the ordinance for further discussion at the next meeting of the Board.

Miscellaneous: The Board was briefed by staff and the Fire Chief on various items of interest, including the CAMA Land Use Plan re-certification process, beach access issues, the height ordinance, waterway issues, street numbering problems, fee schedule changes, etc. Code Enforcement also provided the status of construction of the Duck Woods Country Club, the East Carolina Bank, Kitty Hawk Elementary School and Outer Banks Appliance.

Announcements: The Planning Board will next meet on Monday, March 21, 2005

Adjournment: The Planning Board adjourned its meeting at 10:45 PM

Exhibit B

Summary of Facts

Project No. **LDA 2004-12-01**
 Project Name: **Verizon Wireless**
 Application for: **Conditional Use: Telecommunication Tower**
 Documentation:

1. Name of Applicant: **Verizon Wireless**
2. Address of Applicant: **510 Independence Parkway Suite 800, Chesapeake, VA 23320**
3. Agent for Applicant: **N/A**
4. File Reference: **LDA 2004-12-01**
5. Property Identification Number (PIN): **986718409885**
6. Street Address of Property: **18 S. Dogwood Trail**
7. Location of Property: **Dare County Water Tower adjacent KHES in Southern Shores**
8. Flood Zone: **AE(8') BFE plus local 2' Freeboard**
9. Zoning District(s) per Zoning Map dated 4/4/2000: **R-1**
10. Is a Zoning Change Required for the Proposed Use? **No**
11. General Description of the Proposal: **Install an additional cellular telephone antennae and accessory building.**
12. Land Use Plan Classification (1992 Land Classification Map): **N/A**
13. Date Application Received by Town: **12/20/04**
14. Received by: **Pat Forrester**
15. Application Fee Paid: **\$36.00**
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 - Exhibits:

A	Application form	12/20/2004	
B	Copy of check # 60756 in amount of \$36.00	12/20/2004	Clark-Nexsen PC
C	Letter of Interference dated 12/17/04	12/20/2004	Lori F. Roberts PE Verizon Wireless
D	Non-Tower Collocation Confirmation form of 12/7/04	12/20/2004	Verizon Wireless
E	Application for removal agreement	12/20/2004	Catherine Faulkner Real Estate Manager
F	Certificate of Insurance	12/20/2004	Marsh USA Inc for Verizon Wireless
G	Letter to James Groff dated 12/16/04	12/20/2004	Catherine Faulkner Real Estate Manager
H	License Agreement upon Dare County Water Tower	12/20/2004	Signed by Terry Wheeler of Dare County.
Ha	email from Norma Mills, Dare Co Attorney	12/20/2004	re: license

			agreement
I	National Environmental Policy Act Evaluation for SS site	12/20/2004	Geo-Technology Associates-
J	Structural Report	12/20/2004	Clark-Nexsen PC
L	Site Plan for installation	12/20/2004	Clark-Nexsen PC
M	Email from William "Billy" Rose identifying Adjoining Property Owners with copies of certified letters mailed 02/17/05 to Owners	01/08/05	Bill Rose / Mike Hejduk
N	Posting - Town of Southern Shores Public Hearing announcement - PHOTO	02/15/05	Mike Hejduk
O	Fax transmitted to Coastland Times for Public Hearing announcement	01/14/05	Town of Southern Shores

19. Adjacent Property Uses:

- A. Predominant: ***Elementary School***
 B. Other: ***Golf Course, Single-Family Residences***

20. Existing Land Use: ***Water Tower and various communication towers***

21. Utilities

- A. Does the applicant propose the use of public sewage systems? ***No***
 (1). Is the application in compliance with Section 10.04 B.3.a – Dare County Health Department Approval? ***N/A***
- B. Does the applicant propose the use of public water systems? ***No***
 (1). Is the application in compliance with Section 10.04 B3b – Dare County Regional Water System Approval?
- C. Is the area within a five-year proposal for the provision of public water? ***Public water already provided to the property.***
- D. Is the area within a five-year proposal for the provision of public sewage? ***No, although discussions have taken place regarding the School, Duck Woods Country Club and the Marketplace Shopping Center.***
- E. Overhead Utilities: ***Overhead utilities exist along S. Dogwood Trail***
- F. Underground Utilities: ***Proposed accessory structure runs lines under ground to tower.***
- G. Solid Waste Facilities: ***N/A although dumpsters are located on the adjacent Board of Education Property.***
- H. Security Lighting: ***Equipment building (accessory structure) light fixture at entry door.***

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

- A. Are any rights-of-way improvements required? ***No***
- B. Are any stormwater or drainage improvements required? ***No***
 (1). If yes, are such improvements shown in the application? ***N/A***
- C. Construction Parking and Mobilization: ***30' Access Easement and Dare County parcel provide sufficient space.***

23. Landscaping

- A. Is any buffer required? ***No***
- B. Is any landscaping described in application? ***No***

24. Findings Regarding Additional Requirements – ***Section 7.04 D.6. per Section 7.10 subsection C, paragraph 7 b and c:***

b. Application Requirements – The following shall be submitted at the time of application.

- 1) Documentation prepared and sealed by a professional engineer registered in North Carolina stating that it is technically or practically impossible to provide a reasonable level of service by co-locating the tower or antenna on an existing structure. Technical documentation shall include a map of the search area, all potential co-location sites stating why each is unsuitable, and the total number of towers the service provider currently owns and plans to construct within the geographic antenna coverage area of the Town within the next two years. The applicant must submit, in writing, a declaration from owners of all technically feasible co-location sites that they are unwilling to negotiate space or evidence that the applicant has tried, in good faith to negotiate reasonable terms for co-location and failed. *N/A*
- 2) A scaled site plan, scaled elevation view, and supporting drawings, calculations and other documentation, prepared and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements including topography, tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses and any other information necessary to assess compliance with this ordinance and compatibility with surrounding uses. ***Exhibit L.***
- 3) Documentation that FCC's minimum lighting standards have been applied. ***Exhibit C.***
- 4) Documentation that the proposed tower, antennas and equipment comply with all applicable FCC regulations. To protect the public from unnecessary exposure to electromagnetic radiation, documentation shall be provided that power density levels do not exceed those permitted by FCC. ***Exhibit C.***
- 5) Documentation prepared and sealed by a professional engineer registered in North Carolina, that the proposed tower and attached antennas do not exceed the minimum height necessary to accomplish the purpose for which they are constructed. ***Exhibit C.***
- 6) A notarized statement by the owner or CEO of the owner specifying the number of co-location sites the owner will make available on the proposed tower and a declaration that such sites will be negotiated in good faith at reasonable terms to other service providers. ***Exhibit H.***
- 7) Documentation prepared and sealed by a professional engineer registered in North Carolina, to demonstrate that the telecommunication tower has sufficient structural integrity for its intended uses. All towers and attached antennas shall be capable of withstanding winds of at least 150 miles per hour. ***Exhibit J.***
- 8) If the proposed tower or antenna is to be located on lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner. ***Exhibit H.***
- 9) Documentation consisting of a certificate of insurance verifying a General Liability Coverage of at least \$1,000,000.00 at no cost to the Town of Southern Shores. The certificate shall contain a requirement that the insurance company shall notify the Town thirty (30) days prior to the cancellation, modification, or failure to renew the insurance coverage required. ***Exhibit F.***

- 10) A copy of the approved National Environmental Policy Act of 1969 (NEPA) compliance report for all towers, antennas, accessory structures or equipment proposed for the site. **Exhibit I.**
- 11) A memo of understanding regarding removal of abandoned antennas and towers. Any tower or antenna that is not operated for 180 continuous days in a 12-month period shall be considered abandoned. The owner of such antenna (s) or tower shall be responsible for its removal within ninety (90) days of receipt of such notification by the Town. Failure to remove abandoned equipment will result in its removal by the Town at the owner's expense. **Exhibit E.**

c. Review Process

The Planning Board will use the following criteria in its review of an application for any wireless telecommunication antenna, tower or accessory structure.

- 1) The use is a public necessity. **Yes.**
- 2) The facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. **Yes**
- 3) The required conditions, specifications, and actions described in this ordinance have been met. **Yes.**
- 4) The value of adjoining property will not be reduced. **Yes.**
- 5) The location and character of the facility will be in harmony with the area in which it is to be located. **Yes.**

25. Minimum requirements for approval:

A. Is the application complete? **Yes.**

(1). Is the application complete per Zoning Ordinance Section 10.04 B.2. Site Plan Requirements Checklist? **Yes.**

B. Does the application fail to comply with one or more requirements of the Zoning Ordinance? **No.**

Staff Recommendations

Staff recommends approval with the following conditions and safeguards:

1. 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,
2. 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,
3. 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,
4. 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 relating to structures shown in the application package be applied for and received on or before June 7, 2005.
5. That the applicant provide a fully executed license agreement with Dare County.

Verizon Communications
Application LDA2004-12-01

The Approved Summary of Facts as presented to Southern Shores Town Council for a Telecommunications Tower located at 18 S. Dogwood Trail, with the following conditions:

1. 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,
2. 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,
3. 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,
4. 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 September 1, 2005.

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 Verizon Wireless

WITNESS:

Name of Witness

Exhibit C

Ordinance No. 2005-01-01

AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE
RELATING TO SETBACKS

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 5.02 Southern Shores Zoning Ordinance – Regulation of Non-Conformities – Non-Conforming Structures

Section 5.02(C)2. of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

C. Non-conforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this article by reason of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains lawful, subject to the following provisions:

2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this article. An exception is that a non-conforming structure (or non-conforming portion of a structure) which is destroyed due to fire, flood, windstorm, or natural disaster to an extent that the structure is declared unusable or to the extent that greater than fifty (50) percent of its replacement cost at the time of destruction may be reconstructed on the same footprint existing at the time of its destruction, except as provided in article XVI, hurricane and storm reconstruction and redevelopment and general use standards for ocean hazard areas. If the footprint cannot be verified by an on site inspection, then an "as-built" survey containing the seal of a licensed North Carolina land surveyor made prior to destruction must be provided in order to utilize the benefits of this provision.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the ___ day of _____ 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: February 1, 2005

Dates of Publication: Coastland Times: February 17 and 24, 2005

Date of Public Hearing: March 1, 2005

Exhibit D

Summary of Facts

Project No. **LDA 2004-12-04**
 Project Name: **Shoreline Professional Building**
 Application for: **Permitted Use**
 Documentation: **Exhibits Listed**

26. Name of Applicant(s): **Shoreline Builders, Inc.**
 27. Address of Applicant: **6335 N. Croatan Hwy, Kitty Hawk, NC 27949**
 28. Agent for Applicant: **Ralph D. Calfee, PE**
 29. File Reference: **LDA 2004-12-04**
 30. Property Identification Number (PIN): **986605283812**
 31. Street Address of Property: **6475 N. Croatan Hwy**
 32. Location of Property: **Martin's Point Service Road**
 33. Flood Zone: **AE(8') plus 2' local freeboard**
 34. Zoning District(s) per Zoning Map dated 4/4/2000: **ETJ - C - Commercial**
 35. Is a Zoning Change Required for the Proposed Use? **No**
 36. General Description of the Proposal: **Construct two story professional office building for owner and tenants with on-site wastewater.**
 37. Land Use Plan Classification: **Developed**
 38. Date Application Received by Town: **12/20/04**
 39. Received by: **Pat Forrester**
 40. Application Fee Paid: **Yes, Check # 4281, Amount \$ 896.00**
 41. Completeness of Application: **Generally Complete through revisions and supplemental submissions.**
 42. Proposal to be completed in phases? **Yes.**
 A. If yes, are phases shown on site plan(s)? **No, site has been previously filled based on Lot Disturbance Permit issued 8/25/04 pursuant to approval of an amended site plan by Town Council on or about August 6, 2003. Zoning Ordinance Article X, Section 10.02.B states that if a building permit is not issued within 180 days (approx. 6 mos.) from date of final approval of the site plan the site plan expires and the applicant must submit a new site plan conforming to the then current provisions of the Zoning Ordinance and all other applicable ordinances for review by the Planning Board and Town Council and pay applicable fees. (Code Enforcement Administer mistakenly advised applicant's agent that the Site Plan was good for 18 months without renewal required so agent and applicant were not aware of earlier expiration date. No expiration date included in Town approval letter either.)**
 43. Documents Received Upon Filing Application or otherwise received and made part of this application – List of Exhibits:

A	Application Form	12/20/2004	Ralph Calfee, PE
B	Building Elevation Views	12/20/2004	Cahoon & Kasten, Architects

C	Agency letter for Calfee from Shoreline Bldrs	12/20/2004	Calfee Engineering
D	Site Plan dated 4/7/03 (Rev. No. 4 dated 12/18/04) SUPERSEDED BY REVISION #5 1/25/04	12/20/2004	Calfee Engineering
E	Dare County Health Dept Site Review letter dated 10/11/02.		Robert Crawford
F	Site Plan dated 4/7/03 (Rev. No. 5 dated 1/25/05)	1/28/2005	Calfee Engineering
G	Transmittal letter dated 1/28/05 lighting & drainage easement	1/28/2005	Calfee Engineering
H	Lighting Cut Sheets	1/28/2005	Calfee Engineering
I	Drainage Easement plans and deed	1/28/2005	Calfee Engineering
J	Transmittal letter dated 2/7/05 architectural & mechanical plans	2/7/2005	Calfee Engineering
K	Transmittal letter faxed dated 2/7/05 with water tap application and paid receipt \$4,139.30 for 1" tap.	2/7/2005	Calfee Engineering
L	Comments letter fax dated 1/7/05 on Site Plan Rev 4		Town Engineer, Quible & Assoc.
M	Lot Disturbance Permit LD #215 issued 8/24/05	8/25/2004	Town Code Enforcement Admin.
N	Letter of intent for lot clearing and fill	8/25/2004	Calfee Engineering
O	Town letter of Site Plan approval	8/6/2003	Mayor, Paul Sutherland
P	Kitty Hawk Park Property – Goals and Vision Statement	2/10/05	Roanoke Island Commission
Q	Application Fee Paid Receipt	12/20/04	Town
R	Improvement Permit – Sept Tank Sewage Disposal	2/18/05	Dare County Health Department
S	Public Concerns	2/21/05	Martin's Point Homeowners Association

44. Adjacent Property Uses:

- A. Predominant: **Residential, Office**
 B. Other: **Unknown, possible Public Park per conversation with Kitty Hawk Town Planner, plans in concept stage – (Kitty Hawk Annexed)**

45. Existing Land Use: **vacant, filled to base flood elevation.**

46. Utilities

- A. Does the applicant propose the use of public sewage systems? **No**
 (1). Is the application in compliance with Section 10.04 B.3.a – **No. Written tentative approval of the proposed sewage treatment and disposal facilities by the Dare County Department of Environmental Health is required and pending submission.**
- B. Does the applicant propose the use of public water systems? **Yes**

- (1). Is the application in compliance with Section 10.04 B.3.b – Dare County Regional Water System Approval? **Yes. Copy of Water tap receipt # 316530 submitted as Exhibit K.**
- C. Is the area within a five-year proposal for the provision of public water? **Already served.**
- D. Is the area within a five-year proposal for the provision of public sewage? **No. Not to our knowledge.**
- E. Overhead Utilities? **Dominion NC Power overhead transmission lines 70' overall easement at rear of property.**
- F. Solid Waste Facilities: **Solid waste collection and disposal between owner and Dare County. Town solid waste contract does not include ETJ areas.**
- G. Recycle Facility: **Recycle collection and disposal between owner and private party. Town recycle program does not include ETJ areas.**
- H. Security Lighting: **General Note # 16 statement. Site Plan Rev 5 shows lighting intensity..**
- I. Natural Gas: **No service to building shown.**
47. Right-of-Way and Stormwater/Drainage Improvements
- A. Are any Right-of-Way improvements required? **Yes driveway apron. NCDOT driveway permit required prior to building permit issuance.**
- B. Are any stormwater or drainage improvements required? **Yes, Exhibit L Town Engineer review comments addressed by agent in Exhibit G.**
- (1). If yes, are such improvements shown in the application? **Yes.**
- C. Construction Parking and Mobilization: **No construction easements shown for adjacent vacant lot to west. Temporary Construction entrance now located at position of future driveway.**
48. Landscaping
- A. Is any buffer required? **Yes, Type C between road and parking.**
- B. Is any landscaping described in application? **Yes.**
49. Findings Regarding Additional Requirements. **None.**
50. 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**
- B. Does the application fail to comply with one or more requirements of the Zoning Ordinance? **Yes, Zoning Ordinance Section 6.01.C.3 provision that parking be based upon "gross floor space". Incidental Storage Space within building has not been considered part of "gross floor space" due to apparent parking design margins versus actual experience. See Staff recommendations regarding this provision. Note site plan without recent revisions was previously approved. Zoning Ordinance minimum lighting requirement for commercial parking lots. Lighting around perimeter of building appears adequate. Location of bollards or pole mounted lights on elevated (filled) parking area may spill light onto adjacent park property (Town of Kitty Hawk). Also, configuration of drive aisle along western property line would make lights vulnerable to damage by backing vehicles or dumpster service.**

Staff Recommendations

Staff recommends Conditional Approval with the following conditions and safeguards:

1. ***Submit Improvement Permit by Dare County Health Dept.***
2. ***Install sand fencing around entire disturbed / filled area to prevent sand from blowing onto neighboring property. Install gravel at temporary construction entrance per standard soil erosion and sedimentation control mitigation measures.***
3. ***Storage area within building area shown on site plan shall not be converted to habitable space. That if future tenant or owner occupancy fills the 50 parking spaces on a consistent basis as determined by the Code Enforcement Administrator then the landscape islands between spaces 3 and 4; 7 and 8; and adjacent spaces 50 and 41 be reconfigured to serve as parking spaces. Lot coverage calculations shall be provided for this increase in coverage for both asphalt and open pavers with 40% voids.***
4. ***Signed acceptance of storm water easement improvements by adjacent property owner as proposed by applicant's agent.***
5. ***Provision for future installation of additional parking lot lighting if future occupants use of building consistently fills parking lot at night. (i.e. install conduit under parking lot to facilitate additional lights.***
6. ***Provision for future installation of four (4) additional parking spaces if warranted by parking counts.***

Planning Board Recommendations

Planning Board considered the application for ***LDA 2004-12-04, Shoreline Professional Building, as a Permitted Use in the Commercial Zoning District*** at its ***February 21, 2005*** regular meeting. ***Chairman Groff moved the application be approved with the following condition and safeguards:***

1. ***That shrubbery be installed along the rear property line, complying with local law for buffer, not to disturb the existing vegetation.***

The motion passed with Chairman Groff and Members Russell, Kowalski, Halloran (ETJ), and Walter voting Aye, no Member voting No, and no Members voting to Abstain.

Additional Staff Findings and Recommendations:

Additional Staff Finding A: On 02/21/05 Planning Board received a communication from the Martin's Point Homeowners Association voicing concerns. Two items on Exhibit S, item 2 prohibiting an outside speaker system and item 9 addressing outside lighting should be addressed if the condition change in the future.

The Approved Summary of Facts as presented to Southern Shores Town Council for the Shoreline Professional Building, located at 6475 N. Croatan Highway with the following conditions:

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,

- 1 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,
- 2 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,
- 3 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 September 1, 2005; and,
- 4 The Site Plan shall be amended to clearly show the following, subject to approval of the Code Enforcement Administrator, and no permit (lot disturbance, building, or otherwise) shall be issued until the amended site plan is filed with the Town:
 - a. A Landscaping Buffer shall be installed along or near the rear of the property pursuant to Section 6.11(C) of the Southern Shores Zoning Ordinance, that the Landscaping Buffer shall incorporate native vegetation to the extent practicable and meeting the requirements of the Section 6.11; and the Town Council does hereby delegate its authority to approve the vegetation under Section 6.11(C) to the Code Enforcement Administrator.
 - b. Install fencing and take other remedial measures to stop sand erosion off the property following any lot disturbance and continue such measures through the construction process until suitable landscaping is installed.
 - c. Install a temporary gravel driveway immediately following initial lot disturbance and which shall be maintained through at least the paving of the parking area, but shall be removed or turned into a permanent driveway prior to issuance of a certificate of occupancy.

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 Shoreline Builders, Inc

WITNESS:

Name of Witness

Exhibit E**Summary of Facts**

Project No. **LDA 2005-01-01**
 Project Name: **SANDY RIDGE CENTER**
 Application for: **Permitted Use – Shopping Center**
 Documentation: **Exhibits Listed**

51. Name of Applicant: **DAVCO Electric, Inc.**
 52. Address of Applicant: **406 W. Lake Dr., Kill Devil Hills, NC 27948**
 53. Agent for Applicant: **Quail Run Construction (Michael Davenport)**
 54. File Reference:
 55. Property Identification Number (PIN): **986720917317**
 56. Street Address of Property: **5325 N. Croatan Hwy (N Virginia Dare Trl)**
 57. Location of Property: **Service road / entrance ramp to US 158 west of Town Hall.**
 58. Flood Zone: **X zone**
 59. Zoning District(s) per Zoning Map dated 4/4/2000: **C - Commercial**
 60. Is a Zoning Change Required for the Proposed Use? **No**
 61. General Description of the Proposal: **Shopping Center with six (6) Retail Store locations (tenants names not provided) and one (1) 24 seat restaurant.**
 62. Land Use Plan Classification: **Developed**
 63. Date Application Received by Town: **January 21, 2005**
 64. Received by: **Mike Hejduk**
 65. Application Fee Paid: **Yes, \$ 1,064.00, Check # 26932**
 66. Completeness of Application: **Generally complete by 2/11/05**
 67. Proposal to be completed in phases? **No**
 A. If yes, are phases shown on site plan(s)? **N/A**
 68. Documents Received Upon Filing Application or otherwise received and made part of this application:

Exhibit	Document Description	Date Rec'd	Other Description
	Sandy Ridge Center	1/21/2005	Bissell Prof. Group Mike Robinson, PE
A	Application Form (Site Plan Review)	1/21/05	
B	Check # 26932, Amount \$1,064.00	1/21/05	DAVCO Electric, Inc.
C	Site Plan, Sheet 1 of 4	1/21/05	
D	Grading & Utility Plan, Sheet 2 of 4	1/21/05	
E	Lighting Plan, Sheet 3 of 4	1/21/05	
F	Landscape Plan	1/21/05	
G	Building Elevations	1/21/05	Cahoon & Kasten, Architects
H	Stormwater Management Calculations	1/21/05	

I	Lighting Plan, Fixture Cut Sheets	1/21/05	
J	GCF Site Plan existing entrance	Town	Town
K	Dare County Health Dept. ltr dated 9/9/03 tentative approval	2/1/05	
L	Dare County Health Dept. ltr dated 2/11/05	2/11/05	
M	Lighting cut sheets	2/10/05	
N	Dennis McLain email dated 2/9/05	2/10/05	
O	Dare County Water Tap Receipt # 316544	2/10/05	
P	Proposed site signage	2/10/05	
Q	Internal circulation markup (color)	Town	Town
R	Site Plan dtd 2/11/05	2/11/05	Bissell Professional Group
S	Grading & Utility Plan dtd 2/11/05	2/11/05	
T	Lighting Plan dtd 2/11/05	2/11/05	
U	Landscape Plan dtd 2/11/05	2/11/05	
V	Elevations – N/S/E/W		Cahoon & Kasten, Architects
W	Lighting Plan comments (email submission)	2/3/05	Jay Russell
X	NCDOT review comments	2/22/05	Gretchen A. Byrum, PE
Y	Fax fm Town of Kitty Hawk re: accidents	2/14/05	Tricia Huffman, Planner

69. Adjacent Property Uses: **Commercial / Residential**

- A. Predominant: **Commercial – Goodwill Community Foundation**
 B. Other: **Unimproved Commercial**

70. Existing Land Use: **Unimproved**

71. Utilities

- A. Does the applicant propose the use of public sewage systems? **No**
 (1). Is the application in compliance with Section 10.04 B3a – Dare County Health Department Approval? **Yes, Dare County Health Department memo dated 2/11/05 [Exhibit L].**
- 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? **Water tap receipt # 316544 [Exhibit O].**
- C. Is the area within a five-year proposal for the provision of public water?
Existing water supply.
- D. Is the area within a five-year proposal for the provision of public sewage? **No planned public sewage.**
- E. Overhead Utilities. **Overhead pole at US 158 Right of Way. None planned for site.**
- F. Solid Waste Facilities: **Solid waste collection and disposal supplied by Dare County. The site plan includes location for commercial solid waste collection.**
- G. Recycle Facilities: **If commercial service available, by roll out receptacles.**
- H. Security Lighting: **Lighting Plan provided [Exhibit E]. Lighting cut sheets provided [Exhibit M].**

72. Right-of-Way and Stormwater / Drainage Improvements

- A. Are any rights-of-way improvements required? **Yes, driveway entrances shown. Service Road two-way traffic is not extended.**
- B. Are any stormwater or drainage improvements required? **Yes.**

- (1). If yes, are such improvements shown in the application? ***Stormwater retention shown on-site. No stormwater or drainage improvements shown in US 158 right of way.***
- C. Construction Parking and Mobilization: ***Temporary Construction Entrance not identified on site plan as western entrance. Land Disturbance greater than 1 acre requires Soil Erosion and Sedimentation Control Plan prior to construction activities that should show construction entrance and other erosion control measures. No Town Lot Disturbance Permit issued to date.***
73. Landscaping
- A. Is any buffer required? ***Yes, Type C between right of way and parking area.***
- B. Is any landscaping described in application? ***Landscape Plan submitted [Exhibit F].***
74. Findings Regarding Additional Requirements: ***None***
75. Minimum requirements for approval:
- A. Is the application complete? ***Yes.***
- (1). Is the application complete per Zoning Ordinance Section 10.04 B.2. (Site Plan Requirements) Checklist? ***Yes.***
- B. Does the application fail to comply with one or more requirements of the Zoning Ordinance? ***Yes, calculated light level at property boundary line adjacent US 158.***

Staff Recommendations

Staff recommends Conditional Approval of the Site Plan dated 2/11/05 [Exhibit R] and associated documents with the following Conditions for the reasons stated:

- 5 ***Revise Site Plan to eliminate shared driveway entrance with Goodwill Community Foundation due to internal traffic circulation conflict [Exhibit Q]. Provide access to US 158 by either:***
- a. ***One-Way In and One-Way Out drive aisles at the east and west end of property respectively with Two Lane extension of service road, or***
 - b. ***One Central In/Out drive aisle to property with Two-Lane extension of service road.***
- 6 ***NCDOT and Town of Kitty Hawk approval to rename service road from US 158 / N Croatan Hwy to N. Virginia Dare Trail and to eliminate access to US 158 westbound from this road due to high volume and speed of traffic from NC 12 southbound, Goodwill Community Foundation, and increased traffic volume anticipated from the construction and occupancy of the Kitty Hawk Hotel. NCDOT install appropriate signage at intersection.***
- 7 ***Submission of Traffic Study Plan by NCDOT or independent consult.***
- 8 ***Recombination Plat recorded prior to issuance of Building Permit.***
- 9 ***Full cut-off shielding of wall pack security lights around building.***
- 10 ***Execution of, and submission of, construction easement for retaining wall or placement of fill on adjacent property to the west owned by Southern Shores Realty (Frank Stone).***

- D. *Subject to approval by the Code Enforcement Administrator, an area for one or more recycling receptacles shall be shown on the site plan.*
- E. *The applicant agrees to work with and support the Town in seeking the underground installation of overhead utility lines presently on or adjacent to the subject property, if adequate resources can be secured.*
- F. *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 September 1, 2005.*
- G. *The applicant shall combine lots presently referred to as Lots 24-29, Block A, Section One and record recombination in Dare County Registry before any Building Permit for any new structure is issued.*
- H. *The applicant shall amend the site plan to include the raised concrete "porkchop" style island at the western most access to prohibit left turns.*
- I. *NCDOT meet with Town of Southern Shores and Town of Kitty Hawk elected officials and staff to present traffic study information that addresses the construction and occupancy of the proposed shopping center, the 180 room hotel in Kitty Hawk, the widening of NC 12 at Ocean Blvd, the new signalized traffic control.*
- J. *That any changes made by NCDOT to the US 158 access ramp that impact ingress and egress to Sandy Ridge Center as approved are the sole financial responsibility of Sandy Ridge Center. That the Town reserves the right to state objections / reservations on the Driveway Permit application required for the access improvements proposed.*
- K. *The road serving Sandy Ridge Center, Goodwill Community Foundation, Southern Shores Municipal Complex be renamed to North Virginia Dare Trail.*

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 Sandy Ridge Center

WITNESS:

Name of Witness

Conditions as approved by Council

1. 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,
2. 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,
3. 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,
4. 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 September 1, 2005; and,
5. The applicant shall combine lots presently referred to as Lots 24-29, Block A, Section One. The recombination plat shall be recorded in the Dare County Registry and written evidence of such shall be given to the Code Enforcement Administrator prior to issuance of any permit (lot disturbance, building, or otherwise) related to this application; and, The applicant shall acknowledge in writing to the Code Enforcement Administrator that he supports the Town's intention to rename service road from US 158 / N Croatan Hwy to North Virginia Dare Trail. The written acknowledgment shall be given to the Code Enforcement Administrator prior to issuance of any permit (lot disturbance, building, or otherwise) related to this application; and,
6. That the Town reserves the right to state objections / reservations on the Driveway Permit application required for the access improvements proposed; and,
7. The Site Plan shall be amended to clearly show the following, subject to approval of the Code Enforcement Administrator, and no permit (lot disturbance, building, or otherwise) shall be issued until the amended site plan is filed with the Town:
 - A. Security lighting around the building shall have full cut-off shielding.
 - B. The dumpster area will accommodate not less than one recycling bin.
 - C. The on-premise sign for the Shopping Center shall be moved from near the westernmost entrance to a place near the easternmost entrance. The exact location shall be subject to approval of the Code Enforcement Administrator,
 - D. A NCDOT-approved deceleration lane shall be installed for the easternmost entrance (that is joint with Goodwill Industries) to the parking lot as well as for the western entrance. The western entrance shall include a "pork chop" concrete island to help control traffic and to prohibit left turns.
 - E. A special signature block shall be placed upon the site plan acknowledging that any changes made by NCDOT to North Croatan Highway, North Virginia Dare Trail or to the US 158 access ramp that impact ingress and egress to Sandy Ridge Center as approved are the sole financial responsibility of the owner(s) of Sandy Ridge Center.

Exhibit F

**Government Access Channel
Proposed Budget FY 2005/2006**

REVENUES	
Interest Income	\$2,000
Appropriated Fund Balance	\$5,875
Member Fees (\$1,000 per member)	\$7,000
EXPENDITURES	
Leases	\$900
Supplies	\$500
Miscellaneous	\$1,200
Capital (see attached list)	\$12,275
Total Expenditures	\$14,875

MONTHLY TOWN REPORT JULY 2004-JUNE2005

CALLS ANSWERED	FEBRUARY	FY 2004-05
STRUCTURE 111	3	30
PROP O/S STRUCTURE 112	0	0
VEHICLE FIRE 131	1	1
BRUSH FIRE 142	0	5
EMS 311	10	140
RESCUE 300	0	3
VEHICLE ACCIDENT 322	1	21
HAZARDOUS CONDITION 400	0	6
SERVICE CALL 500	0	8
GOOD INTENT 600	0	10
FALSE MALFUNCTION 735	1	9
CO ALARM 736	0	1
FALSE UNINTENTIONAL 740	1	12
LIGHTNING	0	1
STORM, WIND	0	4
TOTAL CALLS	14	250
MUTUAL AID GIVEN	4	36
MUTUAL AID RECEIVED	0	38
CASUALTIES	0	0
PROPERTY LOSS \$	0	0
VOLUNTEER HOURS	810	6819



TOWN OF SOUTHERN SHORES
 "A Town of Volunteers"
 6 Skyline Rd, Southern Shores

Monthly Code Enforcement & Building Summary
 February, 2005

Summary

# New houses permitted this month	4	Estimated Value	\$ 1,285,000.00
Additions, Remodels and Other permits	36	Estimated Value	\$ 376,210.00
Total	40	Total	\$ 1,661,210.00
New CO issued this month	1	Total Homes YTD FY 2004-05	2207
		Total Homes as of FY 2003-04	2166
Total Permits for the FY 2004-05	247	Total Fees Collected	\$ 146,333.27

SOUTHERN SHORES

Type of Construction	Number	Est. Cost	Permit Fees
New Construction	4	\$ 1,285,000.00	\$ 7,874.07
Additions/Alterations	5	\$ 169,000.00	\$ 966.60
Other Permit Types	28	\$ 189,710.00	\$ 2,240.00
Add to Permits	3	\$ 17,500.00	\$ 645.60
Lot Disturbances	2	\$ -	\$ 150.00
Additional fees	2	\$ -	\$ 414.50
Encroachment fees	2	\$ -	\$ 200.00
Plan Review Fees	12	\$ -	\$ 1,275.00
Planning Board Fees	1	\$ -	\$ 1,064.00
CAMA income		\$ -	\$ 25.00
CAMA minor permits	1	\$ -	\$ 100.00
		\$ 1,661,210.00	\$ 14,954.77

MARTIN'S POINT

Type of Construction	Number	Est. Cost	Permit Fees
New Commercial			
**Additions/Alteration			
Other			
New CO issued			

** We will be reporting certificates of occupancy issued & possible additions to open permits for MP.

Respectfully submitted,

Michael J Hejduk
 Code Enforcement Administrator