

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 10/18/07
Re: Recap, Planning Board Meeting of October 15, 2007

Planning Board recommended actions for the Town Council:

1. Approve LDA 2007-10-01: Trinitie Park Site Improvement

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Joe Walter, Jay Russell, alternate Nancy Wendt, sitting in for Dave Peckens, alternate Jim Connors, and ETJ Representative Ed Overton were present. Dave Peckens was absent with excuse. Also in attendance were the Code Enforcement Administrator Mike Hejduk and Administrative Support Assistant Cyndy Gabrys.

Approval of Agenda: Agenda was approved.

Approval of Minutes: The minutes of September 17, 2007 were approved.

Public Comment: There was no public comment.

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee met on September 19, 2007, and began the process of prioritizing areas in town prone to flooding. The next meeting will be held in November and the committee will look at different approaches to writing a storm water ordinance.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. He stated that the estimate for underground power lines would be available by the end of the week and that the estimate is free.

The **Vegetative Advisory Committee** report was moved to the New Business session of the meeting when a proposed ordinance would be submitted.

The **Land Use Plan/ Steering Committee:** Mike Hejduk discussed a memorandum sent to him from Charlan Owens, the DCM District Planner which outlined eighty four points that were either missing, needed, or required clarification. Copies of the

eleven page document were given to each Planning Board member. The Land Use Committee will go over this report.

The **Wireless Committee:** Chairman Dave Peckens was absent therefore no report was presented.

The **Roads/Streets Committee:** Chairman Dave Peckens was absent therefore no report was presented however, Mike Hejduk said that he has met with Bonnie Swain and they have written a list for road work to be filed under Capital Improvements.

Applications:

LDA 2007-10-01 –CPOA Trinitie Park Site Improvement. The Chicahawk Property Owners Association applied for permission to demolish and remove the existing picnic shelter, deck, steps, and adjacent shrubs at their Trinitie Park site. In their place, they asked that they be allowed to construct a 20 foot by 40 foot picnic shelter with a 6 foot wide concrete patio, a 44 foot by 50 foot half basketball court, and a 4 foot by 16 foot walkway along the existing lagoon. Additional parking would be added to the current parking lot and a new small parking area would be built next to Gravey Pond. The work will be done in two phases. A Community Recreation Facility is a conditional use and must have approval by the Planning Board and Town Council and have a scheduled public hearing. The Board heard presentations from both Mike Hejduk and Jim Connors, who was representing CPOA.

Subsequent to discussion, the Board, by motion, with a 4-0 vote, with abstention by Joe Walter, making a 5-0 vote, recommended that the Town Council approve the Trinitie Park Site Improvement as a Conditional Use, Community Recreational Facility subject to the Special and Standard Conditions listed on Page 2 of the application, and that the Town Council schedule a public hearing.

Other Business

Old Business: None

New Business:

- 1. Ordinance No. 2007-10-PB09- Ordinance to Amend the Town of Southern Shores Zoning Ordinance Regarding Tree and Vegetation Preservation and Planting.**

Jim Connors, as chairman of the Vegetative Committee, presented a nine page proposed ordinance, which culminated seven years of work

by this committee. This proposed ordinance sought to control the clear cutting of lots in both new construction and remodels by requiring a submission of a Vegetative Management Plan. This plan requires that a tree canopy cover at least 10% of the lot in question. This canopy cover requirement can be fulfilled by either leaving existing vegetation or planting trees or shrubs from a list of approved vegetation. Any homeowner wanting to cut down a tree with a diameter larger than six inches would need to be aware of the canopy coverage of their lot and would need to submit a Vegetative Management Plan if the canopy coverage was affected and reduced below 10%. A list of six requirements are needed to fulfill the Vegetative Management Plan, among them is a list of the location, size, and species of all trees that are at least 6 inches in diameter, indicating which are to be preserved and which are to be removed along with a description of the condition of these trees. Also included in this proposed ordinance was the granting to the Town Council, the right to designate any tree greater or equal to 24 inches in diameter as a heritage, memorial, or designated specimen tree. None of these trees can be removed, damaged, or disturbed in any way unless the Town Council agrees. In permitting such action, the Town Council may require that the tree be relocated on-site or to another site designated by the Town or be replaced with a similar tree or trees to approximate the canopy cover lost.

The Planning Board had a large number of questions and concerns regarding this proposed ordinance. After Mike Hejduk presented his opinion, the Planning Board asked for a motion. This motion was presented but failed to obtain a second and therefore died due to a lack of a second. The committee was given a list of options including appearing before the Council and presenting their proposed ordinance without Planning Board approval.

- 2. Community Lighting.** Mike Hejduk made a presentation to the Board on the topic of residential lighting. This was based upon a complaint by a resident on 10th Avenue regarding a light post on 9th Avenue. There are a number of street lights, installed by NC Dominion on residential private properties that are violating our light code by not being shielded. There are also numerous other installed lights on residential properties, mounted on houses, fences, gates, etc., that are not shielded and violate the current ordinance. Tony Gomez, a town resident and owner of a lighting business, spoke to the Planning Board regarding shielded residential lighting and brought in an example of a shielded lighting fixture. This topic will be explored further.

Other Items:

1. Planning Board Member Concerns: none
2. Chairman Concerns: none
3. Code Enforcement Administrator concerns:
 - The Starbuck's Public Hearing is scheduled.
 - The Marketplace will be painting markings for a fire lane at the west corner of their lot.
 - My Home Options and the dentist office constructions are well on their way towards completion.

Announcements:

Next regular meeting: Monday, November 19, 2007, 7:00 PM in the Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned.