

TOWN OF SOUTHERN SHORES
LAND USE PLAN STEERING COMMITTEE MEETING
PITTS CENTER, AUGUST 30, 2007, 7:00 pm

In Attendance:

Committee Members

Dan Shields – Council Member
Frans Koeleveld – Board of Adjustment
Mike Hejduk – Code Enforcement Administrator
Bob Harvey – Chief, Southern Shores Volunteer Fire Department
Tom Bennett – SSCA
Joe Walter - CPOA, Planning Board
Richard Perkins – Real Estate Member

Public Participants

John Gualtieri – CPOA Board of Director
Jeffrey Blinken – Resident
Bob Sykes - Resident

Press

Jessica Horbach – Coastland Times

Mr. Hejduk asked for a consensus from the group regarding the draft minutes of the August 16th meeting. After a brief discussion it was decided the participants would review the minutes and respond by Wednesday, September 5th, with any comments or corrections.

The following agenda was used as a base for discussion during the meeting. It should be noted the topics were not discussed in order.

1. Discussion Items
 - a. Management Topics
 - i. Public Access
 1. SSCA Private Access to Ocean & Estuarine Resource Areas
 - ii. Land Use Compatibility
 1. What can be built where?
 2. What is the “Highest & Best Use?”
 - iii. Infrastructure Carrying Capacity
 1. Streets
 - a. Traffic volumes
 - b. Cut-through issues
 - c. Parking
 2. Waterways (canals)
 - a. Dredging
 3. Water Supply
 4. Wastewater
 5. Electrical Power
 6. Communications
 - a. Telephone
 - b. Wireless
 - c. Cable

- iv. Natural Hazard Areas
 - 1. Flood
 - 2. Coastal Erosion (shoreline preservation)
 - 3. Wind
 - 4. Fire
 - v. Water Quality
 - 1. Soundside Wading Beach
 - 2. Canals
 - 3. No Ocean outfalls
 - 4. Drinking Water (Dare County)
 - vi. Local / Community Concerns
 - 1.
- b. Promote Public Involvement

Addressing Natural Hazard Areas, item 4 – Fire, Mr. Hejduk stated he would make a note regarding the question of the 30 foot tree restriction near a structure. Mr. Hejduk stated a previous discussion during the Hazard Mitigation Plan identified if there were many trees close together within the 30 foot area it would not permit the Fire Department easy access to the house because of the trees. Chief Harvey stated, before creating a policy, he would research the Forest Service which has a program called *Fire Wise* that has recommendations of how to make a home fire safe. *Fire Wise* originated out west where people would build homes in the forested areas. We have created the same conditions to develop here by allowing the vegetation to grow up. Mr. Bennett stated standard spacing for shade trees is 35 feet, 25 – 30 feet for ornamental trees and 15 – 20 feet for flowering trees. These standards provide the right conditions for growth and development of the tree. Mr. Koeleveld asked if there are any existing ordinances that are applicable. Mr. Hejduk responded the Town of Duck had recently passed a vegetation ordinance that addresses trees, tree canopies and 15% vegetation coverage. Southern Shores has a vegetation committee working on drafting an ordinance at this time. The Steering Committee would be the group to develop the policy to be followed for the Town of Southern Shores and this would be a broad statement. Chief Harvey stated the federal program intent is not to legislate but to recommend. The guidelines are there to identify the risks. Chief Harvey stated there is a conflict in the balance, on one side there are meetings to discuss how to save all the vegetation and on the other side is discussion on how to make our town safer.

Mr. Hejduk, referencing the Management Topics identified on the agenda, stated Trees are not listed and anywhere. The discussions which are now taking place will bring topics into discussion which may be categorized as item vi. – Local / Community Concerns or may fit in one of the other Management Topics.

Mr. Hejduk referenced the handout *Official Traffic Map* which he brought to the meeting to encourage a *WHAT IF* dialog. Mr. Hejduk stated we have an item for Infrastructure Carrying Capacity and we have a topic of streets. Chapter 5 in the Town Ordinances addresses Motor Vehicle and Traffic and Chapter 7 (Planning and Development) addresses Streets. At the big picture level, if we have issues of the volume of traffic, cut through and parking, one of the items the Town code requires is an official traffic map which identifies all the stop signs in town, the speed limits throughout town, and the parking areas are identified. Mr. Hejduk asked the Committee members to consider what are the *WHAT IFs* to eliminate the cut throughs. Are there some recommended streets that could be closed off, are there places where we should add a street to promote internal

circulation, are there areas where stop signs should be removed to promote traffic flow, etc. A lot of stop signs have been placed with the intent to slow down traffic and discourage traffic flow, which is not necessarily the purpose of a stop sign.

Mr. Shields stated he is against cut through traffic but believes we really need some means of moving about the town which can not be done right now. We need some way to get from one side of the town to the other without having to go onto a major highway. Referencing the map, Mr. Hejduk asked which areas Mr. Shields was referring to. Mr. Shields responded you can not get from the Chicahawk area to almost any other part of town without going over to Route 12 or to 158. The northern part of town is not accessible from the southern part of town (Duck Woods Drive area) without going onto US 158 or NC 12.

Mr. Hejduk stated this spotlights the conflict between the 'let's keep everything the way it is' and other side of how do we plan for the population 5 years from now which may have increased 20% and are there some other things which may make sense. Both Duck Woods Drive and Fairway are dead ends and should they be connected. There will probably be opposition to this idea. Mr. Shields agreed and added that this has been discussed a number of times. It goes against 'no cut throughs' because it is making it easier to cut through.

Mr. Shields stated there have been discussions about developing areas for youth activities and increasing playgrounds in various sections but there is no way for children to get from one area to another without going on a major road. Parents do not want their children riding their bicycles on major roads. Mr. Koeleveld stated this is an issue for the Police Department as well. Mr. Perkins asked if there is a fix and the response was it has never been looked at in detail. Mr. Gualtieri stated there are bike trails available to the children. Mr. Gualtieri stated Chicahawk was laid out initially with only two entrances and that is why there are a number of dead end streets. Mr. Shields stated this is correct but it has not turned out that way. Mr. Bennett stated a bike trail could be developed from Sea Oats into Chicahawk which would join into Trinitie Trl. It would, however, not serve the vehicles. Mr. Shields stated it is a problem the town should look at.

Chief Harvey stated the way the town is laid out enables the fire department to control how traffic passes through town but it can also prevent the fire department from getting around. A log jam of traffic is then created on NC12 and there is no way for the emergency vehicle to respond when there is an accident. An internal route as just described would help.

Mr. Walter referenced discussions which occurred in the past regarding how children can use the bicycle paths to get to school. The Chicahawk area has no bicycle route to travel across the canals. A bicycle bridge may be acceptable where a vehicle bridge probably would not be accepted. Mr. Hejduk, referencing the Traffic Map, identified a path which could be followed for this purpose. Mr. Bennett added options as well and stated there is SSCA property in this location.

Mr. Hejduk stated it is good to identify topics like these as they may interplay with other areas. Chief Harvey stated the Fire Department response area goes from Mill End Point to 13th Ave, which is a long area to cover with no direct way to get there. Chief Harvey stated there is suppose to be access between two dead end streets, but the vegetation and trees that have developed prevent this access in many locations. Mr. Koeleveld asked

Chief Harvey, if he had a choice, where would he want the new fire station. Chief Harvey stated about where it is now. Mr. Shields asked, if the fire station was moved to a more central location in town would it be possible to get by with one fire station. Chief Harvey stated this is a question that would have to be explored. It would be possible if the fire station only covered Southern Shores, but the Fire Department is responsible for Martin's Point as well. The rating for the Fire Department is based on the distance the residence is from the station. Putting one station in Southern Shores with the current street structure is probably not do-able.

Mr. Hejduk stated the right of way in Kitty Hawk along US 158 is 150 feet. There are surface roads that run along the main corridor in some places. If there were surface roads, similar to the road in Martin's Point, in Southern Shores along the Market Place and the school it might totally segregate those areas from the rest of the traffic.

Chief Harvey stated he has given thought to the stretch of land along Ocean Blvd from Skyline Rd to Porpoise Rd and, looking at the lots on the west side of Ocean Blvd, develop this into a service road making it a one way lane that could be used for service activities like garbage pick up and delivery trucks. Mr. Hejduk stated there is a super street concept that is being discussed in Duck and the by pass, which means there are no left turns if headed north and there would be turn outs to give an opportunity to come back around. Mr. Walter asked if it would be State or Local and Mr. Hejduk responded any town street would qualify for Powell Bill funds. Mr. Gualtieri stated it would require condemnation of some properties.

Mr. Hejduk stated the Land Use Compatibility topic covers what can be built where and what is the highest and best use of the land available. The Phase 1 draft report maps, taking into account the Natural Heritage area, Cypress Pond and private common areas (owned by members of the organizations), show there is only a small area left which is not in a flood zone or wetland area. Following the lead of years ago, the 50 ft lots that were split are now required to be combined.

Mr. Hejduk stated progress is being made on dredging and maybe (*What if*) we use the canal system as part of the transportation system. It may not be a commercial enterprise but it would allow access to The Marketplace from the houses along the longest canal that do not have direct access to the streets.

Mr. Hejduk stated, referencing a prior discussion regarding a cell tower development on the SSCA property located at Hickory Trail, he views Hickory Trail as a road being used as a cut through which is damaging the road and it will require some maintenance. The improvement of the road will encourage more cut through traffic. Mr. Hejduk thought (*what if*) if this was developed into a communication tower site then Hickory could be developed into a cul de sac. Mr. Shields asked if Mr. Hejduk was referring to the small triangle area and if there is a platted road from Hickory down to Azalea. Mr. Hejduk responded it is. Mr. Hejduk stated these ideas would take a great deal of time before they could be implemented, if this was agreed to. Mr. Bennett stated if Hickory was blocked there would be additional traffic using East Dogwood Trail as a cut through to avoid traffic on NC 12 headed north. This may create a log jam which, on the positive side, would encourage people to not use this route since it would not save them any time.

Mr. Gualtieri stated his suggestion has been to prohibit left turns off of US 158 onto

North Dogwood Trl on the weekends from 10 AM to 3 PM. Mr. Hejduk asked if this has ever been discussed with the Department of Transportation (DOT). Mr. Shields opined this has been discussed among town representatives but has never been discussed with DOT to his knowledge. Mr. Walter said the subject was brought up with Jerry (DOT representative). Mr. Walter opined Jerry's position, at the time, was it has been done in other locations but he does not think DOT would endorse this as a solution.

Mr. Bennett referenced the 'fly over' idea that Mr. Hejduk had developed for the US 158 and NC 12 intersection, and developing a three lane road north to Duck, would eliminate the traffic light which adds to the back up and would there would be less need to use cut throughs. Mr. Walter referenced the super street concept which uses turn off loops to allow left hand turn arounds rather than permitting left hand turns off the street. Mr. Hejduk asked where there would be real estate available to put a loop. There would be a need for land close to the road. The reality is this land does not currently exist. Mr. Hejduk stated blocks of land would have to be purchased and Mr. Walter added they would have to be of considerable size in order to accommodate buses and semi tractor trailer delivery trucks. Mr. Walter stated Duck is considering this and DOT is working with Duck to develop this. Mr. Hejduk asked if the decision that Southern Shores faces is if we do not develop a third turn lane do we want to install a divided road which will allow only a single lane in each direction that prohibits left hand turns except at specific locations. This option would require vehicles to travel to one of these locations to turn around. These are all options that can be considered.

Mr. Hejduk asked if there are other ideas that need to be added, perhaps under local areas of concern. Mr. Shields asked what is meant by water supply – portable water or growth of the supply to support the anticipated population growth of the area. Mr. Hejduk responded if there was not enough volume of supplies. Mr. Walter stated he met with Dare County water department representatives who assured him that there will be sufficient water supply for the area over the next ten years. One area that they do want to address, and have the funds for, is along Chicahawk Trail to Scuppernong to install a six (6) inch pipe for water pressure for the Fire Department and to improve water quality.

Mr. Koeleveld stated there are three pillars of the community, the SSCA, the CPOA and the Town, and asked how well do these groups work together. The SSCA and the CPOA have Architectural Review Boards and Mr. Hejduk is the Code Enforcement Administrator and Mr. Koeleveld asked if the areas work together. Mr. Koeleveld stated the population has increased 50% since 1993. The people moving into the area are young couples with families and this should change the tone between the three pillars. Mr. Koeleveld stated the canal dredging is a constant conversation. If the canals are dredged now and they will need to be dredged 10 years from now. The town should require bulkheads. Mr. Koeleveld opined he was not permitted by the CPOA to bulkhead the area by his house because it is owned by them. He was told there is a walking path in this area and it could not be bulk headed. There is a walking path near his residence which has never been maintained and is not used by the residents. There are unwanted characters there now but it is not police business since it is private property. Mr. Koeleveld maintained the cul de sac on Gravey Pond Ln but stopped. Mr. Koeleveld stated he constantly calls town hall to request maintenance of the area. This is just an example of how the areas are not working together.

Mr. Hejduk stated one of the programs undertaken a while ago was to cut back vegetation around the Gravey Pond area. This was a good thing because it removed vegetation

which could poise a fire hazard to the homes in this area, especially on the ridge area. Once this was opened up for access there were ATV riders in the area. There was also a small area that was used for a paint ball area. From a canal dredging standpoint, when we hydraulically dredge and put all the spoils in one place, the spoils would have to be trucked out. From a CAMA perspective, if the canals were mechanically dredged and placed on adjacent property to dry out, the spoils could be used as backfill in a bulkhead installation. The CPOA may want to consider quit claiming some of this area to allow for the bulk heading. Mr. Shields stated on the east side some properties were quit claimed by Kitty Hawk Land Company. Mr. Koeleveld stated they were quit deeded. Mr. Hejduk stated the town property along the canal by Yaupon Trail is leased to property owners and they are allowed to develop bulkheads. There are small working relationships but we do not have a continuous forum where these items can stay on the table.

Addressing the cul de sac issue, there are a lot of cul de sacs in Chicahauk, some of which are all paved (like Skyline) and some which are left to an open area in the center of the circle. There is no program established with the town, primarily Public Works, to meet with everyone on a cul de sac to discuss improvements. How does the town interface with the subdivision and the Architectural Review Board for what should be developed. In other areas we are having to create cul de sacs to promote a workable traffic pattern. Mr. Hejduk characterizes it as a private / public partnership. Mr. Shields stated this group is the first time that he has seen the areas sit down and try to work as a group, rather than individually, to try and promote good for the town. There were individual conversations between two of the groups but never conversations that all groups participated in discussing short range and long range plans. We need these conversations and because of them we will develop some good plans.

Mr. Bennett stated the town has the resources because of the tax collection and the civic associations have all the property but not the monetary resources to maintain and or improve them. Without a joint venture we will not be able to promote the ideas.

Mr. Hejduk asked if there is a forum, other than the Land Use Plan update meetings, that should be set up for a periodic meeting? Mr. Shields opined he sees no reason why we should not. Mr. Shields stated the youth programs he is trying to promote needed land to do it. The town does not have any land to develop for these activities and the civic associations do. The civic associations are a very big part of the town and must be included in activities like this. Mr. Koeleveld opined that meetings between the town and the civic associations should continue on a regular basis after the Land Use Plan project is completed. Mr. Hejduk stated we have monthly planning board meetings and asked if this was too formal of a forum. Mr. Koeleveld opined it was. Mr. Shields stated the town goes to the monthly SSCA meeting. Mr. Shields stated he would recommend the civic associations provide a report monthly at the council meeting to keep the council informed of the activities that are taking place.

Mr. Walter stated the canal dredging group started months ago is a good example of a community action group and this type of activity should continue. Mr. Shields agreed with this.

Mr. Jeffrey Blinken, 287 Hillcrest, stated he was never notified that the spoils would be dropped there. Mr. Hejduk stated CAMA requires adjacent riparian owners to be notified and there is only one which has not responded. Mr. Hejduk stated that it might be the

terrain of his property might not have been suitable for the spoils. Mr. Blinken responded the terrain of his property is very similar to the properties around there. Mr. Blinken opined the spoils are going to effect him, with smell and removal of the trees. Mr. Hejduk stated we could research his property after the meeting.

Mr. Hejduk asked the group to refer to the agenda item b – Promote Public Involvement and there is nothing listed under this. He then asked the group to refer to the synopsis of the August 16, 2007 meeting. We have a Phase 1 report which has not been discussed in depth yet and we have a timeline which will be laid out over the next few months to keep us on track, the Land Use Plan elements for Phase 2 are identified and we have a reference book that goes into great detail about these areas. Mr. Hejduk stated he has multiple meetings scheduled, distribution of discussion items through the representatives of the various home owner associations (would like to get email addresses for all the home owner associations so distribution can be done without incurring costs), we will have a public hearing at some point to complete the process by June 30th.

Mr. Hejduk stated number two says policy development, which is a big picture idea. Once the policies are developed we then go through the process of writing ordinances or detail plans. The municipal government functions of police protection, fire protection, code enforcement, public works are covered under existing ordinances now. We might not want to look directly at these ordinances but we must keep in mind that if we change things at the top there may be a ripple effect to the existing ordinances. This is just an A – Z viewpoint of the process.

The committee agreed to meet, Thursday, September 13th at 7:00 PM.

Respectfully submitted.
Cyndy Gabrys
Administrative Support Assistant
Land Use Plan Sub Committee

Reviewed and approved by
Mike Hejduk
Land Use Plan Project Manager