

**KITTY HAWK PLANNING BOARD  
MINUTES  
Regular Meeting, September 12, 2013 – 6:00 p.m.  
Kitty Hawk Municipal Building**

**AGENDA**

1. Call to Order / Attendance
2. Approval of Agenda
3. Approval of Minutes:
  - a. August 15, 2013 - Regular Meeting
4. Administrative Report:
  - a. Town Council Action from September 3, 2013 Meeting
5. Subdivision (Final):
  - a. Hickory Ridge, Phase III, Ridge Road – 8 Lots
6. Text Amendment:
  - a. Numerous Sections – *Large Call Centers*
7. Comments:
  - a. Chairman Northen
  - b. Planning Board Members
  - c. Town Attorney
  - d. Planning Director
8. Public Comment
9. Adjourn

**1. CALL TO ORDER / ATTENDANCE**

Chairman Northen called the meeting to order at approximately 6:00 p.m., followed with roll call by Planner Heard.

**PLANNING BOARD MEMBERS PRESENT:** Oscar Northen, Chairman / Craig Garriss, Vice Chair  
Richard Fagan / Lynn McClean / Jeff Pruitt / Chuck Heath, Alternate / John Richeson, Alternate

**STAFF PRESENT:** Joe Heard, Director of Planning & Inspections / Steve Michael, Town Attorney

**2. APPROVAL OF AGENDA**

Hearing no changes or additions, **the Chair declared the agenda in order as presented.**

**3. APPROVAL OF MINUTES:**

**a. August 15, 2013 - Regular Meeting.** With hearing no changes or corrections to the minutes, **Chairman Northen declared the minutes ready for approval as submitted.**

#### 4. ADMINISTRATIVE REPORT:

a. Town Council Action from September 3, 2013 Meeting. As a brief summary of action taken by Council at its last meeting, Planner Heard brought forward a couple of planning items of interest:

- Council looked at the zoning amendment proposal at 108 Ascension Drive. At the time of Planning Board review, this amendment request was a non-controversial issue, and approximately two weeks later, a call to the Planner's office presented issues which were heavily discussed at the Council meeting. An adjoining property owner who had previously supported the proposal changed his mind because he was offered a contract on his commercial property at 106 Ascension Drive, contingent upon no change to the current location of a 50' buffer if the property were developed commercially. If the zoning line were moved to the east, then the buffer would extend entirely on the commercial property. Although it would have allowed reasonable development, the buffer would have limited the location and scale of commercial development at 106 Ascension Drive. The owner and potential buyers were present for the meeting and expressed their opinions. In light of such, Council opted to deny the rezoning request, thus leaving the property at 108 Ascension Drive with split zoning.
- The site plan for the Coldwell Banker Seaside Realty had several minor amendments made by the applicants to address a few concerns raised by the Planning Board. With those changes, Council approved the proposal.
- Council set a public hearing for the text amendments dealing with Board of Adjustment, variances, and appeals.
- Other items addressed:

Council has approved the first of many potential stormwater management construction projects, with activity to occur soon at Hawk Street with the installation of a pump system. Ocean outfalls are still being looked at and funding is being sought.

The Town of Kitty Hawk has had key meetings with Dare County to address beach renourishment and storm damage reduction projects related to the oceanfront. The Planning Board members were invited to attend a public input meeting set for October 1, 2013.

#### 5. SUBDIVISION (FINAL):

a. Hickory Ridge, Phase III, Ridge Road – 8 Lots. Planner Heard summarized his staff memorandum dated September 12, 2013, regarding this application for a final subdivision. Said memo is entered into the record:

##### Proposal

*The applicant is requesting approval of a final plat for the Hickory Ridge, Phase III subdivision. The plat proposes to subdivide an existing 14.78 acre parcel along the west side of Ridge Road into (8) lots. The subdivision includes seven (7) building lots ranging in size from 0.40 acre to 1.13 acres and one (1) larger residual parcel 10.98 acres in size. All parcels will gain access directly onto Ridge Road.*

*The applicant has submitted the following materials for your review:*

- A copy of the final plat for the Hickory Ridge, Phase III subdivision.
- A copy of a Subdivision Sketch Plan showing the potential location of residences, parking areas, and septic systems on each parcel.
- A narrative providing information about the proposed subdivision.

##### Background Information on Hickory Ridge Subdivision

- The preliminary plat for Hickory Ridge, Phase I (6 lots) was approved by Town Council on June 4, 2007.

- The preliminary plat for Hickory Ridge, Phase II (13 lots) was approved by Town Council on July 2, 2007.
- Following installation of the required improvements, the final plat for Hickory Ridge, Phases I and II (totaling 19 lots) was approved by Town Council on March 3, 2008.
- A revised final plat increasing the number of lots to 23 was approved by Town Council on March 5, 2012.

### **Staff Analysis**

**Zoning:** The subject properties are presently undeveloped and zoned Village Residential (VR-1). The VR-1 district allows the density of single-family residential development proposed for these properties.

**Lot Size:** The minimum lot size in the VR-1 district is 15,000 square feet. Lot sizes in the proposed Hickory Ridge, Phase III subdivision range from 17,235 square feet (0.40 acre) to 49,229 square feet (1.13 acres), with a residual parcel 10.98 acres in size.

**NOTE:** Section 20-162(d) of the Town Subdivision Regulations states that marsh and wetland areas, as determined by CAMA and/or CRC regulation, should not be used when calculating lot size. However, all the wetlands in the area of the proposed subdivision are designated as federal "Section 404" wetlands and can be counted toward the lot size.

**Lot Width:** The minimum lot width in the VR-1 district is 75 feet, measured at the front building setback line on each parcel. All of the proposed lots are at least 75 feet in width and comply with the minimum width standard.

**Building Setbacks:** The following minimum setback requirements apply in the VR-1 district:

<u>Dwelling Size (sq. ft.)</u>	<u>Side Setback (ft.)</u>	<u>Front &amp; Rear Setbacks (ft.)</u>
3000 and under	10 feet	25 feet
3001-3500	12.5 feet	25 feet
3501-4000	15 feet	25 feet
4001-5000	17.5 feet	25 feet
5001-6000	20 feet	25 feet
6001 and over	25 feet	25 feet

The general VR-1 district setback standards are correctly drawn on all of the proposed building lots (Lots 24 through 30) and the above chart is referenced in the notes on the plat.

**Road Frontage:** Lots must have a minimum road frontage of twenty-five feet (25') on cul-de-sacs and fifty feet (50') in all other situations. All of the proposed lots have at least 75 feet of road frontage along Ridge Road and comply with these standards.

**Road Standards/Maintenance:** All of the lots in Hickory Ridge subdivision, Phase III have frontage on Ridge Road. No new roads are being proposed as part of the subdivision.

The Town of Kitty Hawk has maintenance responsibility for Ridge Road up to the former cul-de-sac in front of Lot 25. A majority of the paved surface within the public portion of Ridge Road is twenty feet (20') in width. However, a couple stretches of pavement in this area of Ridge Road are as narrow as 18.5 feet in width, which is less than the minimum width of twenty feet (20') required for new roads under current Town standards.

The remaining portion of Ridge Road extending north into the Hickory Ridge subdivision is privately owned and maintained. This portion of the road was designed and constructed to meet the standards of the Town for acceptance of a public road. It has a twenty foot (20') road width, fifty foot (50') right-of-way, and five foot (5') easements for road maintenance on both sides of the road. Following construction, a road pavement analysis was conducted by GET Solutions and confirmed by NCDOT in 2008.

**Fire Hydrants:** A fire hydrant is required to be located within 500 feet of any residential building site. An existing hydrant is located on the east side of Ridge Road near the southeast corner of Lot 25. A new fire hydrant was installed near the southeast corner of Lot 30 as part of the Phase I and II development of Hickory Ridge subdivision. The location of these hydrants is sufficient to serve the proposed lots in the Phase III subdivision.

**Water Lines:** In 2008, a looped water line was installed along the east side of Ridge Road to serve all of the lots in the Hickory Ridge subdivision. Performance Engineering oversaw the installation and conducted tests of the water lines. The Dare County Water Department inspected, approved, and accepted the water line improvements in 2008.

All of the lots in the Phase III subdivision will tap directly into the existing water line.

**Septic Systems:** Septic permits will need to be individually obtained from the Dare County Environmental Health Department prior to the issuance of a building permit for each lot.

**Wetlands:** The subdivision plat shows the location of wetlands throughout the subdivision. All of these

wetlands are identified as Section 404 wetlands subject to the jurisdiction of the Army Corps of Engineers. It is important to note that filling a portion of a wetland may be necessary to better accommodate the layout of a proposed residence or septic system on certain lots. As shown on the Subdivision Sketch Plan (to be presented at the Planning Board meeting), the applicant has applied for Corps of Engineers permits to fill small areas of wetlands on Lots 26 and 30.

**Easements:** The final plat shows an easement five feet (5') in width extending along the west side of Ridge Road for the purpose of road maintenance. A majority of this easement was dedicated in 2007 with the extension of Ridge Road to serve the Hickory Ridge subdivision. However, the five foot (5') easement has been extended onto Lots 24 and 25.

### **Traffic Concerns**

During review of the first two phases of the Hickory Ridge subdivision, several nearby residents expressed concerns about the capacity of Ridge Road to handle the traffic potentially generated by the proposed subdivision. In order to provide the Board members with some background on this issue, staff has gathered the following information:

- There are 67 existing lots that use Ridge Road for access. 41 of these properties are currently developed with single-family residences (another residence is under construction). Including the proposed Phase III of the Hickory Ridge subdivision, there would be a total of 74 lots using Ridge Road for ingress/egress.
- For comparison, there are presently over 200 residences and 238 lots in the nearby Kitty Hawk Landing neighborhood using Ivy Lane for ingress/egress.

To determine the specific traffic capacity of Ridge Road would require a study by a traffic engineer. However, a review of the following information obtained from the Institute of Transportation Engineers (ITE) and Highway Capacity Manual (HCM) can lead to general conclusions about the likelihood of significant traffic issues along Ridge Road.

- A typical single-family residence generates an average of 9-10 trips (coming and going) per day. Using the greater figure, the seven (7) building lots in the proposed subdivision would potentially generate an additional 70 trips per day on Ridge Road. If all of the lots along Ridge Road were developed, a total of approximately **740 trips per day** would be generated.
- Depending on a variety of circumstances, a two-lane road has a traffic capacity of **2,000-2,800 vehicles per hour** while maintaining an ideal Level of Service A.

### **Overlapping Area**

At the rear (west) boundary of Lot 31, the residual parcel, the plat shows several areas the surveyor has noted as having an "apparent overlap." These types of overlaps typically stem from differences in plats and/or deed descriptions over time.

As the overlap area is only on the residual parcel and does not affect any of the proposed building lots in Phase III of the Hickory Ridge subdivision, its continuance is not an issue for the purpose of reviewing and approving this final plat. However, staff has strongly encouraged the property owner to resolve the overlap issue so it doesn't create legal or title issues in the future.

### **Planning Board Action**

The Planning Board has been asked to review this final subdivision plat and provide a recommendation to Town Council.

Should the Board decide to recommend approval of the final plat, the motion could be worded in the following manner:

**"I recommend approval of the final plat for Phase III of the Hickory Ridge subdivision that divides an existing 14.78 acre property on Ridge Road into eight (8) lots."**

### **Directions to the Subject Property**

From Kitty Hawk Post Office, N. Croatan Highway & Kitty Hawk Road, drive approximately 3.0 miles west on W. Kitty Hawk Road. Pass the entrance to the Kitty Hawk Landing neighborhood. Turn right onto Ridge Road. Travel approximately 0.5 mile. Phase III of the Hickory Ridge subdivision begins on the left approximately 75 feet before the former cul-de-sac near the end of Ridge Road.

Fagan inquired about the information under "Overlapping Area" as to the legal issues involved, and the Planner indicated the overlap area is at the rear of the residual parcel. What it means, generally, is a circumstance as such arises when an older plat or deed references a location of

a property line in a certain area and then at some point in time a subsequent plat or deed references something different. There could be circumstances, such as in this case, where a boundary line is bordered by a creek or waterway, and, over time, the location of the water line may change or is altered. Each property owner has at least some claim to the area, and it is the Town's recommendation to the applicant to clear up said issue before any future development or future transactions regarding the residual parcel. Heard noted the Town Attorney agreed that the overlap boundary lines do not affect any part of the lots being created by the proposed subdivision. In the worst case scenario, even if all of the property within the triangle at the rear was determined to belong to someone else, if that was the resolution, the only thing it would mean is that the larger residual parcel might be closer to 10 acres than 11 acres in size.

At this time, the Chair invited the applicant's representative to join in the Board's discussion. Present was Dylan Tillett, with Quible Engineering.

Chairman Northen asked if the applicant has initiated any formal title search to resolve the boundary lines, and Tillett indicated a boundary line agreement plat is in the process and the boundary dispute will be resolved. Consideration is also being given to donating the large residual parcel to a conservation entity. As to a time schedule for construction on the new lots, the applicant hopes to proceed with development but does not have a set time schedule at this point.

VC Garriss applauded the success of the subject subdivision and how positive it has been for the Kitty Hawk community, although he expressed a concern regarding the width of Ridge Road particularly for use by emergency vehicles and school buses. Mention was made pertaining to the additional traffic to occur on Ridge Road and how concerns relating to access become a hardship to anyone wanting to build a home along the narrow section of the road. Chairman Northen echoed the concern about the current width of Ridge Road needing to be brought up to existing Town standards, noting also that school buses do not go past the cemetery and students have to come meet the school buses.

In summary, the Chair as well commended the developers of the subdivision but highlighted that the Board's main concern is the narrow width along the Town's portion of Ridge Road.

Hearing no other comments, **VC Garriss moved to recommend approval of the final plat for Phase III of the Hickory Ridge subdivision that divides an existing 14.78 acre property on Ridge Road into eight (8) lots. The vote was taken and carried unanimously, 5-0.**

## **6. TEXT AMENDMENT:**

**a. Numerous Sections – Large Call Centers.** Planner Heard presented the Board with a first draft proposal of a text amendment to establish conditional use standards for "large call centers," to amend Sections 42-250, 42-251, 42-252, 42-277 and 42-278. The following term and definition is proposed to be added to Section 42-1, Definitions: *Large call center* is a centralized service facility with greater than 50 employees at any time used for the purpose of receiving or transmitting a large volume of requests by telephone or email. The staff memorandum dated September 12, 2013, is entered into this record of review:

### **Proposal**

*The proposed amendments include a definition for a large call center and the establishment of standards to permit large call centers as a conditional use in the BC-1, BC-2, BC-3, VC-2, and VC-3 zoning districts.*

### **Background**

A call center is a centralized service center used for the purpose of receiving or transmitting a large volume of requests by telephone or email. An inbound call center offers customer service/support and inquiries from consumers. An outbound call center is operated for telemarketing, solicitation of charitable or political donations, debt collection, and market research. A call center typically contains an extensive open workspace for call center agents, with work stations that include a computer for each agent, a telephone headset connected to a telecom switch, and one or more supervisor stations. It can be independently operated or networked with call centers in other locations.

Recently, the Planning & Inspections Department (with input from the Town Council and Town Manager) made an interpretation to define a small (9-15 employees) call center as an office use and permit the establishment of a call center in one of the units in the Quail Run Business Center at 500 Sand Dune Drive. During consideration of this proposal, staff noted that while a small call center operation may have less of an impact than typical offices uses, a larger scale call center could potentially have a significant impact on the surrounding area. Staff offered to propose an ordinance that sets standards for larger call centers, should this type of use be considered in the future.

The main zoning concern surrounding large call centers is the amount of parking needed for employee parking. Although call centers generally do not have any walk-in customers requiring parking, these types of businesses typically have a much greater need for employee parking as they use space more efficiently than a typical office use. A common layout would have employees arranged in rows of 5' x 10' cubicles.

### **Consistency w/ Land Use Plan**

The Town's adopted CAMA Land Use Plan does not contain recommendations regarding specific types of commercial uses, such as call centers. So, it does not directly address this type of issue.

As part of its recommendation, the Planning Board is asked to make a determination whether the proposed text amendment is or is not consistent with the adopted CAMA Land Use Plan.

### **Planning Board Action**

The Planning Board is asked to provide the Town Council with a recommendation regarding the text amendment proposal.

### **Recommended Motion**

Action by the Planning Board may include approval of the proposed amendments as outlined, approval with modifications, or tabling of the proposed text amendment for further consideration. Adoption of the ordinance is not particularly time sensitive.

Should the Board decide to recommend approval of the proposed text amendment, the motion could be worded in the following manner:

**"I move to amend the Kitty Hawk Town Code with the proposed standards for the establishment of large call centers. The Planning Board finds this amendment to be consistent with the Town's adopted CAMA Land Use Plan."**

Planner Heard explained the proposed parking standard is based upon one parking space per 150 sq. ft. of gross floor space, which would be approximately the ratio of one parking space per two employees.

The Chair posed if it would be beneficial that future applicants indicate how many employees would be anticipated in order to custom the parking needed. Though the Town could do so, the Planner stated, the Town still needs to develop a basic parking standard.

Richeson commented how carpooling, because of local demographics, tends to be something not practiced as much, and, therefore, the parking requirements may need to consider one parking space per employee. Richeson also noted how the subject type of business often provides employment opportunities for handicapped persons, so any parking requirements being developed should consider additional need for special parking allowances for handicapped persons.

McClean agreed the local employment does not tend to practice carpooling, nor is there the support of public transportation. She stated the parking standard of one space per two employees would create parking problems, causing a shortage for onsite parking, and the overflow would negatively impact adjacent businesses.

McClean then asked about the classification of the use in a situation where there would be 25 employees, and Planner Heard explained Council determined that a smaller call center should be considered as an office use as the intensity of the use would be no greater than that of typical offices. He added there is no "*particular magic*" to defining large call centers as having 50 employees or more, but staff tried to determine a cutoff point where the impact of the use could be classified differently because of parking considerations.

Chairman Northen also commented about placing a particular attachment to the type of office use when associated as a call center, specifically that one parking space be provided per employee. He stressed the need for establishing parking standards before "*getting too far down the road.*"

Planner Heard directed the Board's attention to other types of uses in the Town's standards which set the parking criteria tied to the number of employees, with most uses requiring one parking space per two employees, although some of these standards also set parking requirements in relationship with square footage.

Pruitt said it is his understanding that Council agreed to consider call centers with up to 15 employees as "small" and that the proposal defines "large" as tied to operations with 50 employees. The concern was posed by Pruitt as to what would be done to address a request for an operation of 49 employees, and Heard indicated that under the proposed definition it would be considered an office use. The number of 15 employees was chosen as a response to a specific proposal for that number of call center employees. If the proposed definition is adopted, parking for call operations of under 50 persons would be addressed as office space standards, which is based upon one space per every two employees, plus one space for every 300 sq. ft. As an example, a 40-person call center might require a location with approximately 3,000 sq. ft., which would require 30 parking spaces under the office definition and standards.

Though he is not certain of a solution, the Chair commented the Board needs to look hard at some way to determine sufficient parking for the employees, recognizing how different office uses require different amounts and needs with regard to parking.

McClean offered that a difference in determining parking regulations may need to deal with how an outgoing call center operates differently than an incoming call center. Outbound call operations may only need one main shift during daylight hours unless the use serves more than one time zone. Inbound call centers often offer services with 24/7 hours, such as receiving a customer call at 3:00 a.m. Inbound and outbound call centers would be different, not just for the number of employees but how many employees would need to be present on site for a particular shift. Planner Heard agreed, noting the ordinance draft is attempting to address the greatest number of employees that would be present at a call center during the heaviest shift. The Planner also noted the Town Attorney, during staff discussions, has shared his thoughts on what McClean is addressing.

Pruitt summarized the Board's main focus now is to help set a parking standard so that parking problems do not occur with call center uses, adding he needs more time to give thought on what he would recommend. Pruitt posed if a conditional use permit could be applied, and the Planner pointed out that even though the subject use would be set up as a conditional

use, the Council still needs to have certain set standards to apply. There would also have to be a valid, rational reason in order to require an applicant to have additional parking for their particular case. Pruitt then asked if the Board could amend that a "large" call center would be considered any operation over 15 employees, and Heard replied that if there is a concern about where the cut off is with the amount of employees, the Board could recommend a different standard to Council. A call center could be identified as a separate use, and there does not have to be a cut off line based on employees at all. The issue, however, is that even a "small" call center would be required to get a conditional use permit.

Pruitt noted his concern is with how the Board addresses what amount of employees determines a call center to be "small" or "large," and the Chairman agreed, saying a call center with more than 15 employees should be a conditional use. With that measure determined, Pruitt acknowledged, the Board could then discuss parking standards to be applied.

Fagan asked if there would be a concern with properties that choose parking that is half hard surface and half permeable, such as the Catholic church location. The Planner noted there is no provision for such in the Town Code except for churches and fire stations. However, if a call center would want to establish overflow parking, it could be a gravel or dirt surface, but any minimum required parking has to be paved. The Chair recognized lot coverage requirements would also come into play.

McClean commented unused square footage in bank buildings, for example, might be the potential location for call centers. Uses up to 15 employees would be similar to existing office uses. She cautioned, however, operations above 15 employees still need to be carefully reviewed and calculations determined.

The Chair recognized the Planner has heard the Board's initial input, with Heard asking several questions in order to gain further direction:

- Is there a preference toward relating the parking need to the actual number of employees?
- Should the parking calculation be determined with a mixture of employees present on site and the location's square footage?

The Chair said future proposals may need to be calculated as specific details are presented by an applicant, in that a determination would more likely need to be made based upon the number of employees.

In response to a question by Pruitt about similar standards used by local townships, Planner Heard indicated he would do more research but noted he has not yet run across any readily available specific examples. Staff only had a few days to prepare a draft concept to present to the Planning Board to get the conversation going. Pruitt explained how existing standards used by other townships would be helpful, even with input from the townships how actual call center operations have proven to run smoothly or present issues which need to be fine-tuned.

Pruitt inquired about the Town's strictest parking requirement, if any use requires one parking space per employee. Planner Heard indicated restaurant parking requirements are the strictest but that they relate to square footage. Other examples:

- For office use, generally, the requirement is one space per two employees, plus one space per 300 s.f.
- For religious institutions, the standard is one space per 2.5 seats in the sanctuary.

- The only 1:1 ratio deals with medical clinics, which are required to have one space per employee plus five parking spaces for each doctor.

Fagan asked if there is a large call center near Kitty Hawk, and Planner Heard cited there is no call center nearby and described that the use is often found in and around bigger metro populations. It is an interesting opportunity, however, for the Planning Board to look at the subject use for economic reasons, as a way to diversify the local economy and expand into a new industry. Call center operations can be located anywhere, and as a concept, it does provide employment opportunities.

In conclusion, the Chair reiterated the Planner has received the Board's input, and Heard indicated he would provide the Board with more use examples and information about call center regulations. No formal action was necessary or taken.

## **7. COMMENTS:**

### **a. Chairman Northen.**

**Ridge Road.** The Chairman gave the Planner two photographs to be presented to Council. One picture shows the full width of Ivy Lane, and the other depicts a large construction truck taking up a majority of the travel lanes on Ridge Road, an example of the relatively narrow width of Ridge Road. The intent of the pictures for comparison is to provide Council with an example of the potential of what will occur traffic-wise with the approval of Ridge Road Phase III final subdivision development.

**b. Planning Board Members.** No other comments were made by the Board members.

**c. Town Attorney.** Nothing was addressed by the Attorney.

**d. Planning Director.** Planner Heard did not have anything else to present to the Board.

## **8. PUBLIC COMMENT**

There was no public input.

## **9. ADJOURN**

With no other items, **the Chair declared the meeting adjourned at approximately 6:57 p.m.**

A handwritten signature in blue ink, appearing to read "Oscar Northen", is written over a horizontal line.

Oscar Northen, Chairman

Attachments: None

Minutes Transcribed and Respectfully Submitted By: Betty Moore Williams