



CURRITUCK COUNTY PLANNING BOARD January 12, 2010

WORK SESSION

A work session was held prior to the meeting to discuss items on the agenda.

REGULAR MEETING

The Currituck County Planning Board met in the Board Room of the Historic Courthouse. The following members were present: Joe Kovacs, Bobby Bell, Manly West, Fannie Newbern, Lynne Wilson, Jim Clark and Forrest Midgette. Absent: William Etheridge.

Ben Woody, Planning Director and Susan Tanner, Clerk to the Planning Board were also present.

Planning Board Chairman Midgette called the meeting to order.

Everyone stood for the Pledge of Allegiance and a moment of silence.

ELECTION OF OFFICERS

Mr. West motioned to elect Forrest Midgette as Chairman. Mr. Clark seconded the motion. Motion carried unanimously.

Mr. Bell motioned to elect Manly West as Vice-Chairman. Mr. Clark seconded the motion. Motion carried unanimously.

APPROVAL OF AGENDA

Mr. West motioned to approve the agenda with Item #4, PB 09-15 A-1 Towing to be tabled. Ms. Newbern seconded the motion. Motion carried unanimously.

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| 6:15 p.m. | Work Session |
| 7:00 p.m. | Call to Order
Pledge of Allegiance and Moment of Silence |
| Item 1 | Election of Officers <ul style="list-style-type: none">➤ Chairman➤ Vice-Chairman |
| Item 2 | Approval of Agenda |
| Item 3 | Approval of November 10, 2009 Minutes |

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

OLD BUSINESS:

- Item 4 **PB 09-15 A-1 Towing:** Request for a special use permit to operate a towing company impound lot at 1221 Ponton Lane in Corolla, Tax Map 114, Parcel 3M, Poplar Branch Township.
- Item 5 **NEW BUSINESS:**
PB 09-36 Corolla Club and Resort (Sumit Gupta): Request for special use permit to allow 32 multi-family units in addition to retail, restaurant, and hotel on property zoned Limited Business-Hotel (LBH) in Corolla, north of the Hampton Inn, Tax Map 128, Parcel 1D, Poplar Branch Township.
- Item 6 **PB 09-37 Corolla Wild Horse Fund:** Request for a special use permit for an outdoor tour operator located at 1126 Schoolhouse Lane, Tax Map 114, Parcel 53, Poplar Branch Township.
- Item 7 **PB 99-13 Brady Landing, Phase I, Lot 8A:** Request for an amended preliminary plat/special use permit for one additional lot located in Maple, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Tax Map 52C, Parcel 8A, Crawford Township.
- Item 8 **PB 09-33 Baybreeze Cove:** Request for a preliminary plat/special use permit for a three lot subdivision located on Knotts Island on Solo Lane, Tax Map 76, Parcels 108H and 95F, Fruitville Township.
- Item 9 **PB 07-10 South Ridge, PUD:** Request for an amended preliminary plat/special use permit for 146 patio home lots, 5.46 acres of limited business-hotel designation, and a 1.75 acre county dedication community facility site located on Survey Road adjacent to Eagle Creek subdivision, Moyock Township.
- Item 10 **Discussion:** US 158 and NC 168 Corridor Clean Sweep Update
- Item 11 **ADJOURNMENT**

APPROVAL OF MINUTES

Mr. Kovacs motioned to approve the Planning Board minutes for November 10, 2009 as presented. Mr. West seconded the motion. Motion carried unanimously.

NEW BUSINESS:

PB 09-36 Corolla Club and Resort (Sumit Gupta): Request for special use permit to allow 32 multi-family units in addition to retail, restaurant, and hotel on property zoned Limited Business-Hotel (LBH) in Corolla, north of the Hampton Inn, Tax Map 128, Parcel 1D, Poplar Branch Township.

Eddie Valdivieso, Quibble and Associates, Mike Mettenheimer, and Gene Smith appeared before the board.

Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 09-36 Corolla Club and Resort \(Sumit Gupta\)](#)

DISCUSSION

Mr. Midgette stated how could the board make a recommendation because all the information is not complete.

Mr. Valdivieso stated that there were two key issues, the fire access and parking numbers. Mr. Valdivieso stated they went to Raleigh to meet with the architect and the state fire marshal to ensure this property is in compliance with State fire regulations. They have submitted a plan with detail which addresses the fire access issues. With the better layout for fire access they actually gain more parking spaces to where they are within the 10% to 20% shared parking reduction within mixed-use developments. Mr. Valdivieso stated the Audubon is selling this piece of property to his clients. This property is zoned commercial designation and the Land Use Plan classifies it in a full-service district. Mr. Valdivieso stated this property is not part of the Pine Island PUD and therefore not coming to the Planning Board with an amended sketch plan to amend the Pine Island PUD.

Ms. Wilson stated that with the original parking accommodations, the total impervious surfaces plus the walkways is approximately 86,000 sq. ft. The plan shows that there will be an infiltration pond handling the treated water. Would the developer consider having a treatment applied to the infiltration pond to accommodate the use of gray water or plumbing which would take some of the drain off the county supplied water?

Mr. Valdivieso stated they would take it into consideration. Mr. Valdivieso also stated there is parking underneath the building.

Mr. Clark asked who will be responsible for taking care of the pond.

Mr. Valdivieso stated it will be the owners and then the homeowners association.

Mr. Kovacs asked if there will be any public access to the beach.

Mr. Valdivieso stated no.

Mr. Clark asked if a professional company will be hired to treat the wastewater treatment pond.

Mr. Valdivieso yes.

Mr. Kovacs asked Mr. Valdivieso if he had seen the comments that the Planning Board members had received.

Mr. Valdivieso stated yes.

Mr. Mettenheimer stated he received an email from the Pine Island Association Board which states the original proposal, which included 15 single-family homes

and how this project is a departure from the original plan. Mr. Mettenheimer stated the email also stated that the Pine Island board has obtained legal counsel to determine how to prevent any development of the subject parcel land that would affect the value of the Pine Island property. Mr. Mettenheimer stated he finds this project not consistent with the original plan, it will increase the number of people on this property, and it will affect the Pine Island owners' ability to rent their property and property value. Mr. Mettenheimer asks that this request be denied.

Mr. Smith states he has concerns with an incomplete plan, height of buildings, increase landscaping buffer between this project and Pine Island, lighting, beach access not to increase, wastewater treatment under condo building, access needs to be near commercial, and number of dumpsters.

Mr. Valdivieso stated the wastewater treatment will be put under Building B; lighting will be in compliance with the UDO, they will meet the UDO requirements for buffering/landscaping, and they will also need a CAMA permit. A special use permit will dictate what can be put on the property. Mr. Valdivieso stated the buildings will be less than 35 ft. from grade.

Mr. West asked if the condos will be individually owned or time share.

Mr. Valdivieso stated they will be sold.

Mr. Smith stated he is concerned with where the grade is. If the grade is 10-12 ft. then they add the 35 ft. it is really going to be tall. He is concerned with how tall it will be in comparison to his house.

Mr. Valdivieso stated it will be similar with the roof lines of the other commercial structures that are already there.

Ms. Wilson stated the architecture of the buildings is nice but as a resident living in Corolla when you drive by the area what is there now is lovely. Ms. Wilson stated in spite of what decision is eventually made she feels a great deal of sympathy with the area residents.

ACTION

Ms. Wilson recommended that PB 09-36 Corolla Club and Resort (Sumit Gupta) be tabled until all the deficiencies can be addressed and permits are obtained. Mr. Clark seconded the motion. Motion carried unanimously.

PB 09-37 Corolla Wild Horse Fund: Request for a special use permit for an outdoor tour operator located at 1126 Schoolhouse Lane, Tax Map 114, Parcel 53, Poplar Branch Township.

Karen McCalpin appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 09-37 Corolla Wild Horse Fund](#)

DISCUSSION

Mr. Woody stated if the special use permit was approved it would be valid for one year from the date of approval.

Ms. McCalpin stated the Corolla Wild Horse Fund runs a membership program. One of the benefits of the membership at the \$250 and \$500 level is an opportunity to accompany the herd manager as he goes about his daily duties. This is different from what the entertainment or recreational tours are doing. The tour with the herd manager is for private members only and is for an educational opportunity for the member. Ms. McCalpin stated they had to get a permit under the Outdoor Tour Operator but this is a very different endeavor than what you see the other tour operators doing.

Mr. West asked how long will the member be with the herd manager.

Ms. McCalpin stated it could be 4 hours or less. It depends on what he is doing that day. About ½ of the members have taken advantage of this opportunity.

ACTION

Ms. Wilson recommended approval with staff recommendations of PB 09-37 Corolla Wild Horse Fund for a special use permit for an outdoor tour operator. Mr. Bell seconded the motion. Motion carried unanimously.

PB 99-13 Brady Landing, Phase I, Lot 8A: Request for an amended preliminary plat/special use permit for one additional lot located in Maple, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Tax Map 52C, Parcel 8A, Crawford Township.

Eddie Hyman, Hyman and Robey and Terry McKiney appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 99-13 Brady Landing, Phase I, Lot 8A](#)

DISCUSSION

Mr. West stated that this will bring the lots up to 15 and originally it was approved for 14 lots. Mr. West asked Mr. Woody what is the lot size of the remaining lots.

Mr. Woody stated the lot sizes are one acre but some may be two acres.

Mr. Hyman stated that Mr. Brady had one or two lots which were two acres and the other lots are one acre.

Mr. West stated that when a subdivision is platted and people buy into it expecting the lots to be the way they were originally design, then you come back to make changes, he has a problem with it.

Mr. McKiney stated this is one of a couple of lots that Mr. Brady had set aside for his family and they are twice the size as the other lots. Mr. McKiney stated he brought this lot with the intention of dividing it.

Mr. Midgette asked Mr. Hyman if he is okay with staff recommendations.

Mr. Hyman stated yes.

ACTION

Ms. Newbern recommended approval with staff recommendations of PB 99-13 Brady Landing, Phase I, Lot 8A for an amended preliminary plat/special use permit for one additional lot as presented. Mr. Kovacs seconded the motion. Ayes: Mr. Bell, Mr. Kovacs, Ms. Newbern, Ms. Wilson, Mr. Clark, and Mr. Midgette. Nays: Mr. West.

PB 09-33 Baybreeze Cove: Request for a preliminary plat/special use permit for a three lot subdivision located on Knotts Island on Solo Lane, Tax Map 76, Parcels 108H and 95F, Fruitville Township.

Eddie Hyman, Hyman and Robey appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 09-33 Baybreeze Cove](#)

DISCUSSION

Mr. Woody stated that 4.49 acres will be dedicated to open space to allow each lot access to the sound.

Mr. Kovacs asked if the lots will have access to Woodleigh Road.

Mr. Hyman stated there is a gate at Woodleigh Road which will give you access to the property. The gate will remain to restrict public access.

Mr. Midgette asked Mr. Hyman if he is okay with staff recommendations.

Mr. Hyman stated yes.

ACTION

Mr. Clark recommended approval with staff recommendations of PB 09-33 Baybreeze Cove for a preliminary plat/special use permit for a three lot subdivision as presented. Mr. West seconded the motion. Motion carried unanimously.

PB 07-10 South Ridge, PUD: Request for an amended preliminary plat/special use permit for 146 patio home lots, 5.46 acres of limited business-hotel designation, and a 1.75 acre county dedication community facility site located on Survey Road adjacent to Eagle Creek subdivision, Moyock Township

Mark Bissell, Bissell Professional Group and George Winslow appeared before the board.

Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 07-10 South Ridge, PUD](#)

DISCUSSION

Mr. Bell asked if anything could be done with the order of the phasing.

Mr. Woody stated that the Planning Board could make a recommendation to the Board of Commissioners.

Mr. Bissell stated this will be a very nice community and all the lots are clustered around a 5 acre lake. Mr. Bissell provided an overview of the project. Mr. Bissell stated that the plan that had been previously approved had an onsite wastewater treatment facility, but as they moved forward in the design it includes a possible opportunity for two wastewater options. One option includes a 60,000 gallon per day advance treatment wastewater system utilizing the integrated fixed film activation sludge treatment process. The treated effluent will be pumped to an infiltration pond. The second option includes treatment and disposal within Eagle Creek wastewater system.

Mr. Bissell stated the parking issue is one that they have been struggling with. With stacked parking this will push the houses back 40 feet instead of 25 feet. They have talked about remote parking for visitors and the idea of parallel parking. Mr. Bissell talked about the slope of the pond. He stated the reason the commercial phasing has been moved up is if the Eagle Creek wastewater connection becomes viable then they will be ready to proceed.

Mr. West stated that the intent was to have two cars parking side-by-side and not include the garage. Mr. West asked what are the issues with the wastewater connection to Eagle Creek.

Mr. Bissell stated an application needs to be filed with the Utility Commission.

Mr. West asked if there is a legal issue that would prevent them from connecting to Eagle Creek.

Mr. Bissell stated in the previous wastewater disposal permit which was issued by Water Quality there was a condition that only Eagle Creek wastewater could be at this facility. When it came time to renew the permit which was issued a few months ago, it was modified to let other entities connect into the wastewater treatment system.

Mr. West stated that 8,000 sq. ft. lots are small with the types of soils you have and only having 60 ft. between each home is tight. Mr. West talked about the traffic which would be added to the intersection and amount of traffic coming out of Eagle Creek.

Mr. Bissell stated a Traffic Consultant was hired to do a study on the area and they made some recommendations.

Mr. Kovacs stated that in the original application it was agreed that four parking spaces would be provided for each house. Without parking on the streets and only parking for two cars this will not be sufficient parking for the development. Mr. Kovacs stated he does not like the parking situation. He asked Mr. Bissell if they get approval from Eagle Creek to connect to their wastewater treatment, which would free up 6.7 acres of open space, what are the intentions.

Mr. Bissell stated they don't have any plans for it.

Mr. West asked Mr. Woody would it remain open space or could they bring it back for development.

Mr. Woody stated they could bring it back for development.

Mr. Bissell stated the homes will be 3 and 4 bedrooms but does not know the square footage.

Mr. Winslow stated he is the farmer on the northern and western part of this property. Mr. Winslow stated that some type of buffering needs to be provided between the Lindsay farm and what is being planned. Mr. Winslow stated this is a major concern and needs to be addressed.

Mr. Woody stated that the plan would have to meet the minimal ordinance requirement and if the planning board wanted to consider additional width or additional plantings they could include it as a recommendation in the special use permit.

Mr. Bissell stated they are showing a 25 ft. buffer which is the minimal.

Mr. Woody talked about the types of bufferyards and their requirements.

Mr. Bell asked the applicant if they would be willing to work with Mr. Winslow on an adequate buffer between the farmland and project.

Mr. Bissell stated they would be willing to meet and see what they can work out.

Mr. Midgette asked Mr. Woody if the applicant could hook into the Eagle Creek treatment system how many more lots would they be able to add to the project.

Mr. Woody stated approximately 18 to 20 lots.

Mr. Bissell stated this could be a possibility.

Mr. Clark asked if there were any plans for a centralized wastewater system.

Mr. Woody stated the county has discussed a centralized system in Moyock.

ACTION

Mr. Kovacs motioned to recommend denial of PB 07-10 South Ridge, PUD for an amended preliminary plat/special use permit for 146 patio home lots as presented because of (1) traffic concerns; (2) parking spaces decreasing from 4 to 2; and (3) increase in development if wastewater sewer is connected to Eagle Creek. Mr. West seconded the motion. Motion carried unanimously.

DISCUSSION: US 158 and NC 168 Corridor Clean Sweep Update

EddieJo Powell, Willis Byrum, and Harvey Roberts appeared before the board. Mr. Woody provided an overview of Corridor Clean Sweep efforts.

[Link for Power Point on Corridor Clean Sweep Effort](#)

DISCUSSION

Mr. Midgette asked if the board made a recommendation, would it be county wide, which would include the mainland as well as the outer banks.

Mr. Woody stated yes.

Mr. Kovacs suggested that the planning board have a special meeting with the farmer markets before they make a recommendation.

Ms. Powell stated there is a difference between a farmers market and a roadside market. A roadside market is a single farm producer with a free standing building along a roadside, open year-round or 4 to 6 months out of the year, and selling fresh fruit or vegetables and possibly other items. Ms. Powell stated they are asking that the existing roadside markets be grandfathered with their signage

and to define what a roadside stand is. Without their signs it will cut their revenue in half and will cut their employees in half. Again what they are asking that the existing markets be grandfathered in, keep their signage and do not put a number on how many signs they can have.

Mr. Byrum stated he is a farmer and has been raising produce all his life. He has been selling produce to this county since 1978. Mr. Byrum stated he has been selling to the Powell's since 1989 and their business has continued to grow.

Mr. Roberts stated he sells sweet corn and is only open 25 to 35 days. His window is very short so signage is very important to his business.

Mr. West stated he agrees with Mr. Kovacs that the Planning Board needs a special meeting with the farmers markets before a recommendation can be made. Mr. West stated that signage is important to the farmers markets. Mr. West stated that the farmers markets are producing employment for the young and well as the old. Mr. West stated all the markets signage is well maintained.

ADJOURNMENT

With there being no further business to discuss, Mr. Clark motioned for adjournment. Ms. Wilson seconded the motion and the motion carried unanimously. The meeting adjourned at 9:22 p.m.

Respectfully Submitted,

Susan M. Tanner/s/

Susan M. Tanner
Clerk to the Board