



CURRITUCK COUNTY PLANNING BOARD

March 9, 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, Manly West, Fannie Newbern, Lynne Wilson, Susan Taylor, John Wright, Jim Clark and Forrest Midgette. Absent: William Etheridge.

Ben Woody, Planning Director, Holly White, Senior Planner, 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.

APPROVAL OF AGENDA

Mr. West motioned to remove Item #6 PB 10-07 The Inn at Corolla Light and to hear Item #9 10-10 Currituck Chamber of Commerce first. Ms. Newbern seconded the motion. Motion carried unanimously.

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| 6:30 p.m. | Work Session |
| 7:00 p.m. | Call to Order
Pledge of Allegiance and Moment of Silence |
| Item 1 | Approval of Agenda |
| Item 2 | Approval of February 9, 2010 Minutes |

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

NEW BUSINESS:

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| Item 3 | PB 10-10 Currituck Chamber of Commerce: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to allow the display of sandwich board and real estate signs in Corolla year round. |
| Item 4 | PB 10-04 Outer Banks Harley-Davidson: Request for a special use permit to allow special events (Outer Banks Bike Week and Outer Banks Bike Fest) located at 8739 Caratoke Highway, Tax Map 131, Parcel 88, Poplar Branch Township. |
| Item 5 | PB 10-05 Corolla Jeep Rentals & Tours: Request for a special use permit for |

an outdoor tour operator located at 1070 Ocean Trail, Tax Map 115B, Parcel P4B2, Poplar Branch Township.

Item 6 **PB 10-06 Corolla Outback:** Request for a special use permit for an outdoor tour operator located at 1148 Ocean Trail, Tax Map 114, Parcel 42A, Poplar Branch Township.

~~Item 6 **PB 10-07 The Inn at Corolla Light:** Request for a special use permit for an outdoor tour operator located at 1066 Ocean Trail, Tax Map 115B, Parcel P4B3, Poplar Branch Township.~~

REMOVED

Item 7 **PB 10-09 Heirs of Olie Ballance:** Request to establish a Residential Multi-Family (RMF) overlay zoning for 12.8 acres located on Bells Island Road, approximately 875 east of Caratoke Highway, Tax Map 58, Parcel 11, Crawford Township.

Item 8 **PB 09-28 Maple Commerce Park:** Request for a Preliminary Plat/Special Use Permit for an 11 lot commercial subdivision located at 204 Airport Road, adjacent to the Currituck County Airport, Tax Map 52, Parcel 14A, Crawford Township.

Item 9 **PB 10-12 Currituck County:** Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 17: Definitions to clarify how Roadside Markets are defined and regulated in Currituck County.

Item 10 **ADJOURNMENT**

APPROVAL OF MINUTES

Ms. Newbern motioned to approve the Planning Board minutes for February 9, 2010 as presented. Mr. West seconded the motion. Motion carried unanimously.

NEW BUSINESS:

PB 10-10 Currituck Chamber of Commerce: Request to amend the Unified Development Ordinance, Chapter 4: Overlay Districts to allow the display of sandwich board and real estate signs in Corolla year round.

Shannon Kinser, Currituck Chamber of Commerce, Alicia McDonnell, Jacqueline MacKenzie, Bonny McCarthy, Keith Cummings, and Gary Smith appeared before the board.

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

[Link for case analysis for PB 10-10 Currituck Chamber of Commerce](#)

DISCUSSION

Mr. West asked if the request states the number of signs each business could have.

Mr. Woody stated one sign per business.

Ms. Kinser stated the Chamber is looking for a long-term solution but in order to assist the businesses during these economic times the Chamber is requesting that sandwich board and real estate signs be year round in Corolla. Ms. Kinser stated that businesses don't have enough exposure and they are tucked away in the back of the shopping centers. Visitors have one week to find businesses and without signage the businesses are losing business. The Chamber is looking at this as a temporary solution to help the businesses make money this season and then look for a long-term option as part of the UDO rewrite to assist businesses with visibility issues.

Mr. West asked how did the signage timeframe of October 1 through May 1 get established.

Ms. Kinser stated it was with the last rewrite of the sign ordinance. Ms. Kinser stated visitors are still coming because the occupancy tax is up but the sales tax is down. They just aren't buying.

Mr. West asked Ms. Kinser if this could be because of the economy.

Ms. Kinser stated the sales tax has increased in Dare County.

Mr. Clark asked Ms. Kinser to define temporary.

Ms. Kinser stated they are just asking that the restriction for the signage be lifted during the peak season so the businesses can have signage year round.

Mr. Woody stated the Board of Commissioners have requested planning staff to examine sign ordinances which could take up to 1 ½ years.

Ms. McDonnell stated that the timeframe sandwich boards are allowed has been in the ordinance since 1990. When they had the rewrite the business community had no objections so it was put back in. Ms. McDonnell provided a list of 31 people who worked on the rewrite of the ordinance which took over four years. Ms. McDonnell stated the sign ordinance is not the bad guy; it is the economy and competition. Ms. McDonnell suggested using Channel 16 on public television to advertise. Ms. McDonnell provided pictures of various sandwich board signs on NC12. The signs will create a safety problem during high winds and create more work for the Code Enforcement Officer. Ms. McDonnell is asking that this request be denied.

Ms. MacKenzie stated she was reading USA Weekend which said Corolla is one of the most desirable upscale vacation destinations in the country. This upscale town is paid for by 90% of homeowners who rent their property. Ten percent of the population lives year round and several hundred businesses who own shops. The majority of the tax dollars comes from homeowners who rent their homes. Ms. MacKenzie provided an overview of why Corolla is desirable. If the commissioners need a comprehensive sign ordinance on the mainland, they can

do what Corolla did, and spend four years and come up with one for their needs. Corolla already has a sign ordinance in place as a dedication of the residents and businesses. Ms. MacKenzie stated to educate the tourist there is a phone book available in each rental property, the tourist can use the internet, and each rental company provides a package that list the businesses in Corolla. Ms. MacKenzie is asking that the request be denied.

Ms. McCarthy stated she is a permanent resident in Corolla and has been a business owner too. Ms. McCarthy refers to the United States Sign Council which addresses the 35 and 45 mph on a simple two lane road. At 35 mph the viewer reaction time is 8 seconds for a sign size 98 square feet and 45 mph viewer reaction time is 8 seconds for a sign size 162 square feet. This can cause accidents. Ms. McCarthy is asking that the request be denied.

Mr. Cummings stated that his business has been down by 40% and sandwich signs have increased his business by 50%. Mr. Cummings is in favor of sandwich signs year round.

Mr. Smith stated he is a business owner in Corolla and they are not asking that the sign ordinance be rewritten, but to allow sandwich signs year round. Mr. Smith stated the signs weigh approximately 40 pounds and most businesses take them up during a storm. Mr. Smith stated as a business owner they want to reach the market when the people are in Corolla during the peak months. Mr. Smith stated the sandwich boards won't fix the economy but if the sandwich boards increase his business by 20% that helps them. Mr. Smith is in favor of sandwich signs year round.

Ms. Kinser stated that the business owners have stated that these signs do make a difference in their business. When businesses are doing well it helps the county.

Mr. West stated that TimBuck II could have sixty signs and it would be hard to read them if you were driving down the road.

Ms. Kinser stated TimBuck II could put some restrictions on how many signs could be put there.

Mr. Kovacs asked staff about having an internal signage which would have a directory listing the businesses.

Mr. Woody stated the county would only regulate the free standing signage visible from NC12.

Mr. Wright asked if there are any issues with signage that is in the Department of Transportation (DOT) right-of-ways.

Mr. Woody stated there are some businesses where the signs are located in the right-of-way. Mr. Woody stated the multi-use path could affect the signs but the business owner has the right to put their sign back as it exists. Mr. Woody asked if a businesses sales increase by 20% when the sandwich boards are up does another similar business decrease by 20%. Mr. Woody also asked if there was any data that would show that sandwich boards prompt new spending or if spending was just moved around.

Mr. Cummings stated the tourist needs guidance to be able to see his tackle store and the sandwich boards provides this; otherwise they go to Dare County.

Mr. Smith stated that businesses aren't getting the impulse buyers because of poor signage.

ACTION

Ms. Taylor move to **deny** PB 10-10 Currituck Chamber of Commerce due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development and creates safety issues. Mr. Clark seconded the motion. Motion carried unanimously.

PB 10-04 Outer Banks Harley-Davidson: Request for a special use permit to allow special events (Outer Banks Bike Week and Outer Banks Bike Fest) located at 8739 Caratoke Highway, Tax Map 131, Parcel 88, Poplar Branch Township.

Kevin Johnson appeared before the board.

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

[Link for case analysis for PB 10-04 Outer Banks Harley-Davidson](#)

DISCUSSION

Mr. Midgette asked Mr. Johnson if they would consider an alternate location that would allow for more parking.

Mr. Johnson stated the rallies are designed to be at the dealership. The dealership will have some onsite activities. Dealership parking is for motorcycles only. They put up signs along the highway stating "No Parking" and if someone parks there they will be towed at their expense.

Mr. West stated he had a concern with the two alternative parking areas across the highway which are located in a curve and people are trying to cross 5 lanes of traffic.

Mr. Johnson stated they have a contract with the Currituck Sheriff's office to have officers for security and traffic. Mr. Johnson stated 500 motorcycles can be

parked in 60 parking spaces. Usually the alternate parking is used during inclement weather when people can't ride their motorcycles.

Mr. West stated that an added condition of the special use permit be that satellite parking on the west side of US 158 be low priority and only utilized when the parking areas on the east side of the highway are full.

Mr. Clark asked staff if the speed limit could be changed temporarily for this event for a certain part of the highway.

Mr. Woody stated it would have to be done through the Department of Transportation (DOT).

Mr. Johnson stated they have approached DOT for temporary electronic signage which says "Slow or Caution" but have not had any luck.

Mr. Woody stated you can have temporary signage with an approved special event. On the mainland you can have two temporary signs year round. Mr. Woody stated the Planning Department will look into temporary electronic signage from DOT for the event.

Ms. Wilson asked Mr. Johnson if they had looked into a shuttle running from the satellite parking.

Mr. Johnson stated they are looking into it.

ACTION

Mr. West move to **approve** PB 10-04 Outer Banks Harley-Davidson with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Satellite parking on the west side of US158 is low priority and only utilized when the parking areas on the east side of highway are full.
- Planning Department checks with the Department of Transportation for electronic signs to be used during these events.

Ms. Taylor seconded the motion. Motion carried unanimously.

Mr. Woody presented PB 10-05 Corolla Jeep Rentals & Tours and PB 10-06 Corolla Outback together.

PB 10-05 Corolla Jeep Rentals & Tours: Request for a special use permit for an outdoor tour operator located at 1070 Ocean Trail, Tax Map 115B, Parcel P4B2, Poplar Branch Township.

W.B. Meredith appeared before the board.

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

[Link for case analysis for PB 10-05 Corolla Jeep Rentals & Tours](#)

DISCUSSION

Mr. West asked if the reserved vehicles are only used when one of the other vehicles are out of commission.

Mr. Woody stated yes.

Mr. Midgette asked Mr. Meredith if he was okay with staff recommendations.

Mr. Meredith stated yes.

ACTION

Mr. West move to **approve** PB 10-05 Corolla Jeep Rentals & Tours with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

PB 10-06 Corolla Outback: Request for a special use permit for an outdoor tour operator located at 1148 Ocean Trail, Tax Map 114, Parcel 42A, Poplar Branch Township.

Jay Bender appeared before the board.

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

[Link for case analysis for PB 10-06 Corolla Outback](#)

DISCUSSION

Mr. Midgette asked Mr. Bender if he was okay with staff recommendations.

Mr. Bender stated yes.

ACTION

Mr. Clark move to **approve** PB 10-06 Corolla Outback with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

PB 10-09 Heirs of Olie Ballance: Request to establish a Residential Multi-Family (RMF) overlay zoning for 12.8 acres located on Bells Island Road, approximately 875 east of Caratoke Highway, Tax Map 58, Parcel 11, Crawford Township.

George Midgette, Robert Lewis, Carolyn Harris, Melvin Evans, Jacqueline Zagon, Elliot Susser, Barbara Courtney, Pamela Murray, Carole Kemp, Paul Martin, Mildred Guard, Frank O'Hara, Rich Slocum, David Palmer, Steve Zellner, Buss Petree, and Tim Tant appeared before the board.

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

[Link for case analysis for PB 10-09 Heirs of Olie Ballance](#)

DISCUSSION

Mr. West asked Mr. Woody how could this development, if approved, attach to the 8" water line for Snowden Landing since they paid for the water line.

Mr. Woody stated it is the county's water line.

Mr. G. Midgette stated he agrees with a lot of what Mr. Woody stated. Mr. Midgette stated that only four people attended the community meeting. Some of the concerns shared at the meeting were: water pressure, speed limits, entrance of development, drainage along roads, low cost housing, street lights, and developer going bankrupt. Mr. Midgette stated he disagrees with staff comments about the Land Use Plan policies. The property is located in a Full Service District. Mr. Midgette stated the soils on this piece of property are very good. Mr. Midgette stated they proposed three story buildings but are open to working with staff and making changes. They would put in buffers between the development and adjacent agricultural properties; work with Parks and Recreation to determine appropriate recreational improvements; and an archaeological survey. There is very little multi-family housing in Currituck. This proposed project meets all the development standards. Mr. Midgette showed where the flood zones are located on the property.

Mr. Clark asked Mr. G. Midgette if they are going to put a private sewage treatment facility on the property.

Mr. G. Midgette stated yes.

Mr. F. Midgette stated the way the property is zoned now you can put one to two units per acre. If it were to be rezoned to multi-family you could increase it to three to four units per acre.

Mr. G. Midgette stated yes.

Mr. Lewis stated his property adjoins this property. Mr. Lewis stated he has concerns with higher density, flooding, and runoff. Mr. Lewis is against the request.

Mr. F. Midgette asked Mr. Lewis if he was aware of the public meeting.

Mr. Lewis stated no.

Ms. Harris stated she lives next to the proposed development. The proposed entrance to the development is on the worst curve on Bells Island Road. Ms. Harris stated the environmental impact would be harmful to the area. Ms. Harris is concerned with traffic, water pressure, private sewage system, odor from the sewage system, and flood drainage.

Mr. Evans stated he was one of the developers for Snowden Landing. The county required them to put in an 8" water line. Mr. Evans stated the engineer would like to increase it to a 10" line for future development and the county pays the difference. When they started the funding was not available through the county to run the 10" line so they ran the 8" water line. Mr. Evans stated this 8" line ties into the 6" water line on Bells Island and there is not a separate line. Mr. Evans stated his concern is the water.

Mr. Woody stated he spoke to the county engineer and water superintendent and this proposed development does not affect water pressure on Bells Island.

Ms. Zagon stated she is a permanent resident of Bells Island and opposes this request.

Mr. Susser stated he is a permanent resident of Bells Island and opposes this request.

Ms. Courtney stated she is the president of the Property Owners Association of Bells Island. Ms. Courtney stated she attended the public community meeting with Eddie Moore who is purchasing the property and Mr. Midgette who is the engineer who put together this proposed plan. Ms. Courtney asked Mr. Woody was this request a conditional GB rezoning or a residential multi-family development overlay (RMF).

Mr. Woody stated a RMF overlay.

Ms. Courtney stated the water supply is not sufficient for an additional development and concerned about the water pressure. During the public community meeting Ms. Courtney asked Mr. Moore and Mr. Midgette what do they intend to sheath the outside the building? Ms. Courtney stated she did not get a response. Ms. Courtney stated that in putting a conceptual plan together that Mr. Moore and Mr. Midgette would have a vision of the product they were going to bring to Currituck County. Ms. Courtney stated they are concerned with what the sale price range will be because the Bells Island residents do not want a multi-family, low to moderate income development which would be a detriment to the people in the area. The Bells Island community is concerned with the influx of people who do not have the same feelings for their property and environment. Ms. Courtney stated the public community meeting was advertised in the Daily Advance and the ad was after the foreclosure notices. The roads are in bad

shape and there is concern with the environmental impacts. Ms. Courtney is asking that the board deny this request.

Ms. Murray stated she lives across from the proposed development. The road will not be able to service an additional 54 units. The drain fields that are proposed are in the flood zone and she is concerned with flooding. It will be detrimental to the environmental impact in Currituck County. Ms. Murray is asking the board to deny the request.

Ms. Kemp stated she is concerned with water pressure and stormwater runoff.

Mr. Woody stated that in Currituck County the ordinances are much more sophisticated now than when Bells Island was built. The post development stormwater runoff cannot exceed the predevelopment stormwater runoff.

Mr. Martin stated the intent to allow high density was to build condominiums so firemen, policemen, and teachers would have affordable housing. Mr. Martin stated it is being abused by developers to get the highest impact they can for their dollar. Mr. Martin stated you can have families living in these condominiums not paying taxes. Every new family that moves into the county increases the tax rate by \$2,000 above what they are paying for taxes. Mr. Martin asked the board to deny this request because it does not fit at this site.

Ms. Guard stated she supports everything Barbara Courtney stated.

Mr. O'Hara stated this development is not compatible to the area. The public community meeting held by the developer was not well publicized. Mr. O'Hara asked the board to deny this request.

Mr. Slocum stated he is concerned with drainage, stormwater runoff, accidents on the curve, and lighting. Mr. Slocum stated he does not want this development in his backyard.

Mr. Palmer stated he is a very concerned citizen of the community. Mr. Palmer stated there is a need for high density housing. When the Land Use Plan was approved the concept was for nodal development or mixed use development, with commercial, high density housing and then single family around it. This is a way that you can have high density without it having an impact on the community. This particular setting does not appear suitable to this condition. Mr. Palmer stated he would encourage this board to have a vision for the future of the county and to take the steps to work with the planning department; and encourage the commissioners to adopt changes in the Unified Development Ordinance to encourage nodal development or mixed use development to allow this kind of development where it is suitable.

Mr. Zellner stated this development will be right in his front yard. He is concerned with stormwater runoff and sewer odor. Mr. Zellner stated he is against multi-family housing.

Mr. Petree stated that unless you have 51% of the condominiums sold you can not get financing.

Mr. Tant stated he is the president of the Homeowner's Association of Currituck Landing and they do not agree with the proposed development.

Mr. G. Midgette stated people are afraid of the unknown. This project will improve the drainage and they are open to working with staff.

ACTION

Mr. Clark move to **deny** PB 10-09 Heirs of Olie Ballance due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promotes orderly growth and development and the comments from the public. Mr. West seconded the motion. Motion carried unanimously.

PB 09-28 Maple Commerce Park: Request for a Preliminary Plat/Special Use Permit for an 11 lot commercial subdivision located at 204 Airport Road, adjacent to the Currituck County Airport, Tax Map 52, Parcel 14A, Crawford Township.

Sean Robey, Hyman & Robey and John Snowden appeared before the board. Ms. White presented the following case analysis to the board.

[Link for case analysis for PB 09-28 Maple Commerce Park](#)

DISCUSSION

Mr. Kovacs asked when this park is done will there be a traffic light on US158.

Mr. Robey provided a map that shows the location of the YMCA, athletic park, and Commerce Park. The county has identified that a traffic impact analysis should be performed.

Ms. White stated staff has been working with the Currituck Goes Green Committee which involves the NC Coastal Studies Institute, NC Sea Grant, and NC Cooperative Extension. They all have been working together to make the site more green for this type of development.

Mr. Robey showed where the stormwater drainage will be placed on the site and discussed the types of plants within the ponds. Sewage will be handled with a sewage treatment facility that will be constructed on site.

Mr. Snowden stated he is not opposed to the project but he is concerned with developing this property which is adjacent to an old landfill that has relic contamination. This should be disclosed in the covenants. Mr. Snowden is concerned with the impact it may have on agricultural property and with the increased traffic on Maple Road. Mr. Snowden asked to restrict industrial park traffic on Maple Road. The park needs to have restrictions on full cut-off fixtures. Mr. Snowden wants to make sure this project is compatible with the airport.

Mr. Robey stated they discussed the location of the stormwater ponds with Harry Bailey, Division of Water Quality, and they have been set back an additional 100 feet. They are not within 200 feet of either one of the wellheads. Mr. Robey stated they have not been made aware of any contamination issues on the property.

Mr. West stated that Mr. Snowden was exactly right that there was a longtime landfill which was not regulated in any way.

Mr. Robey stated he will have Pat Irwin look into it.

Mr. Woody stated the long term quality of the drinking water supply is the number one priority of the county.

ACTION

Mr. Kovacs move to approve PB 09-23 Maple Commerce Park with the findings of fact and staff recommendations included in the case analysis and the following condition:

- Check to ensure the water quality will not be affected by the old landfill.

Mr. Clark seconded the motion. Motion carried unanimously.

PB 10-12 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 17: Definitions to clarify how Roadside Markets are defined and regulated in Currituck County.

John Snowden appeared before the board.

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

[Link for case analysis for PB 10-12 Currituck County](#)

DISCUSSION

Mr. Snowden asked if he would be able to sell produce that he grows in front of his house.

Mr. Woody stated he would be allowed to sell under this text amendment.

ACTION

Mr. West moved to approve PB 10-12 Currituck County due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Wilson seconded the motion. Motion carried unanimously.

ADJOURNMENT

With there being no further business to discuss, Mr. West motioned for adjournment. Mr. Clark seconded the motion and the motion carried unanimously. The meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Susan M. Tanner/s/

Susan M. Tanner
Clerk to the Board