

CURRITUCK COUNTY  
NORTH CAROLINA  
AUGUST 2, 2004

The Currituck County Board of Commissioners met prior to the regular meeting at 5:00 p.m. with the Knotts Island Fire Department to discuss a new building.

The Currituck County Board of Commissioners met on Monday, August 2, 2004, at 7:00 p.m. for their regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman O'Neal and Commissioners Miller, Martin, Bowden and Gregory.

Mr. Bob Henley was present to give the invocation.

### **Approval of Agenda**

Commissioner Gregory moved to amend the agenda by deleting Items 12 & 13 and adding appointment to ABC Board and Resolution Sheriff Dept. and resolution surplus property. Commissioner Martin seconded the motion. Motion carried.

6:00 Work Session  
Knotts Island Fire Dept. Bldg.

6:30 Discussion on Animal Control Ordinance amendment.

7:00 p.m. Invocation  
Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment  
***Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.***

**Old Business**

Item 3 Public Hearing and Action on extending moratorium in Whalehead Subdivision.

**New Business**

Item 4 Public Hearing and Action PB 04-29 SNOWDEN CROSSING: Sketch Plan/Special Use Permit for 20 lots located in Shawboro on the west side of Snowden Road approximately ½ mile north of the intersection with Shawboro Road, Crawford Township.

Item 5 Public Hearing and Action PB 04-50: Amendment to Articles 4, 13, and 25 of the UDO to create Use 2.140 Auction House.

Item 6 Public Hearing and Action PB 04-51 RONDA WILLIAMS: Rezone .23 acres from Agricultural (A) to Commercial (C) on property located in Powells Point at 8294 Caratoke Highway, Tax Map 124, Lot 51, Poplar Branch Township.

Item 7 Action PB 03-46 OWENS BEACH ESTATES: Preliminary Plat for 10 lots located in Harbinger at 307 Reggie Owens Drive, Tax Map 125, Lot 35D, Poplar Branch Township.

- Item 8            Public Hearing and Action PB 04-45 LAUREL WOODS SECTION C: Sketch Plan/Special Use Permit for 9 lots located in Aydlett on Wildflower Lane off of Aydlett Road, Tax Map 92, Lot 63F, Poplar Branch Township.
  
- Item 9            Public Hearing and Action PB 02-13 NAPOLITANO III, LLC PROPERTIES (aka POYNER/ CROSSNO) Sketch Plan/Special Use Permit for 62 lots located in Moyock at the intersection of SR 1222 (Tulls Creek Road) and SR 1221 (Sawyertown Road) Tax Map 14, Parcels 8A & 9A. Moyock Township
  
- Item 10           Public Hearing and Action PB 04-48 INDIAN RIDGE: Sketch Plan/Special Use Permit for 35 lots located in Shawboro on the south side of Shawboro Road approximately 600' west of the intersection with Indiantown Road, Tax Map 34, Lots 17, 24F, and 41, Crawford Township.
  
- Item 11           Public Hearing and Action PB 04-05 MILLER'S WAY: Sketch Plan/Special Use Permit for 10 lots located at the end of Fox Lane, approximately 800' from its intersection with Tulls Creek Road, Tax Map 9, Lot 37, Moyock Township.
  
- Item 12           Public Hearing and Action on amendment to Animal Control Ordinance.
  
- Item 13           Public Hearing and Action on ordinances dealing with Public Nuisance.
  
- Item 14           Public Hearing and Action on CAMA Regional Access Grant.
  
- Item 15           Public Hearing and Action on condemnation of structure located at 101 Ferry View Lane.
  
- Item 16           Appointment to Workforce Development Board.
  
- Item 17           Consideration of Grant Application for Hurricane Isabel Emergency Stream Cleanup.
  
- Item 18           Consent Agenda:  
                   Approval of fees paid to officials-Incorporation Study Commission members \$25 per meeting.  
                   Request DOT to add roads in Carolina Club and Teal Drive to State system.  
                   Sheriff's Department budget request.  
                   Resolution to declare surplus property for Emergency Services.
  
- Item 19           Commissioner's Report
  
- Item 20           County Manager's Report
  
- Adjourn

**Public Comment**

***Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.***

Chairman O'Neal opened the public comment period.

Tim Cooper, Mackay Island Wildlife Refuge Manager, presented a revenue check in the amount of \$56,434 in lieu of taxes.

Earl & Edith Brickhouse, Senior Tarheel Legislative representatives, reviewed legislative goals for the General Assembly.

Ronnie Cooper, was present to state his support for the mid county bridge.

Commissioner Miller requested a letter to state officials regarding the negative economic impact the traffic is having on businesses at the southern end of the county.

There being no further comments, Chairman O'Neal closed the public comment period.

**Old Business**

**Public Hearing and Action on extending moratorium in Whalehead Subdivision.**

Mr. Andy Deel, Engineer with Quible, reviewed the status of his engineering work to date on the storm water run-off and that he needed an additional 60 days to complete his study.

Chairman O'Neal opened the public hearing.

Herb Robbins, Whalehead, supports extending the moratorium.

Ginger Webster, supports extending the moratorium.

Bob Collins, WHPOA, supports extending the moratorium.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Martin, moved to create a new moratorium for 90 days pursuant to the Board's police power. Commissioner Miller seconded the motion. Motion carried.

**RESOLUTION OF CURRITUCK COUNTY BOARD OF COMMISSIONERS  
ESTABLISHING A MORATORIUM IN WHALEHEAD SERVICE DISTRICT**

WHEREAS, the Whalehead Service District has, and is experiencing a substantial and sustained growth in population, in significant part due to the proliferation of residential subdivisions;

WHEREAS, such growth taxes the ability of the District to provide a studied and careful review of subdivision projects and their effect on existing properties under the current administrative process, and;

WHEREAS, growth as experienced by the District, if not properly accommodated and thoughtfully channeled, may jeopardize the District's ability to protect private property owners from stormwater runoff and from any public health issue resulting from a conflict between wastewater and private wells, and;

WHEREAS, all of the above are of high concern to the people of the District and the Currituck County Board of Commissioners, who desire to thoughtfully review all legal, equitable facets of growth management and control, with appropriate regard for private

property rights and the general health, safety and welfare of all citizens of the District.

NOW, THEREFORE, BE IT RESOLVED, effective immediately **for a period of 90 days from August 3, 2004**, a moratorium shall exist for the approval of any land-disturbing activity, including the filling of a lot, or any construction that involves the increase of impervious surfaces. During the period of this moratorium, the engineers retained by the County shall develop a community-wide plan to remedy the existing drainage problems occurring in the Whalehead Service District. Such plan shall include, but is not limited to, consideration of the adequacy of District infrastructure to serve continued growth, water availability and quality, and water drainage issues.

All reasonable efforts should be made by the staff, the engineers, and the Board of Commissioners to limit the duration of this moratorium while at the same time allowing for a proper review so as to limit the necessity for a future moratorium. In this regard, the staff shall make reports to the Board of Commissioners as to the progress of their efforts to ensure that an expeditious attempt is being made to remedy the condition which gave rise to the necessity of this moratorium.

**New Business**

**Public Hearing and Action PB 04-29 SNOWDEN CROSSING: Sketch Plan/Special Use Permit for 20 lots located in Shawboro on the west side of Snowden Road approximately ½ mile north of the intersection with Shawboro Road, Crawford Township.**

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

**STAFF ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: AUGUST 2, 2004**

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**ITEM:** PB 04-29 SNOWDEN CROSSING, SKETCH PLAN FOR 20 SINGLE FAMILY LOTS

**LOCATION:** On Snowden Road, at the rail road crossing, approximately 0.6 miles from its intersection with Shawboro Road, Crawford Township.

**TAX ID:** 0033-000-0005-0000

**ZONING DISTRICT:** Agricultural

**OWNER:**  
Three of a Kind, Inc.  
257 Caratoke Highway, Ste. B  
Moyock, NC 27958

**APPLICANT/AGENT**  
Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Low Density Residential, Farmland & Woodland - zoned A  
**SOUTH:** Farmland - zoned A  
**EAST:** Farmland & Woodland - zoned A  
**WEST:** Farmland - zoned A

**NARRATIVE OF REQUEST:**

Three of a Kind, Inc. is seeking Sketch Plan/Special Use Permit approval for 20 single family lots through the major subdivision process. The parent parcel for this development is approximately 99.6 acres and is divided into three separate tracts of land due to public street and railroad right-of-ways. The proposed subdivision is located on the west side of Snowden Road and comprises the western portion of the parent parcel. The total acreage for this development is approximately 53.8 acres.

This property is zoned Agricultural. In the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots. The lot sizes within this development range from 40,000 sf to 3.1 acres.

The subdivision will have one point of entry from Snowden Road. There is a dedicated right-of-way to the south for a future street connection. The lots will be served by individual septic systems. Since there is no county water available for this site, the lots will be served by individual wells. However, water improvements shall be bonded and water connection fees paid for each lot.

According to the Development Impact Statement, the typical houses will be four bedrooms with two bathrooms and will range in size from 2,000 sf to 2,500 sf in size. The anticipated total sale price for all of the lots is \$1.1 million, or approximately \$55,000 per lot. It is projected that the vacant lots will sell out within a year or two.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** The proposed streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

**WATER:** County water is not available to this site at this time.

**FIRE:** This development will be located within the jurisdiction of the Crawford Volunteer Fire Department.

**WASTEWATER:** Individual on-site septic systems are proposed.

**SOILS:** There are five soils types found at the site: Augusta fine sandy loam which consists of somewhat poorly drained, moderately permeable soils; Roanoke fine sandy loam which consists of poorly drained soils that have slow permeability; Nimmo loamy sand which consists of poorly drained soils that have moderate permeability; Tomotley fine sandy loam which consists of poorly drained soil with

moderate to moderately slow permeability; and Pasquotank silt loam which consists of poorly drained soils that have moderate permeability;

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 jr. high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect eight elementary students, two junior high students, and three high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

**OPEN SPACE:**

No open space is required or provided.

**DRAINAGE:**

Roadside and property line swales/ditches will be used to address drainage for this property.

**FLOOD ZONES:**

The property is located outside of a 100 year floodplain (flood zone C).

**LAND USE PLAN:**

The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is "to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed residential uses on lots approximately one unit per gross acre with on-site water and sewer are consistent with the intent of the rural class. The proposed density for the 20 lot subdivision is approximately 0.4 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- On May 13, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. Three of the lots slightly exceeded the 4:1 lot width to length ratio mandated by Section 921 of the UDO. Lot 9 has a ratio of 5.6:1; Lot 11 has a lot ratio of 5.6:1; and Lot 18 has a lot ratio of approximately 5:1. It should be noted that Lots 9 and 11 are cul-de-sac lots while Lot 18 meets the ratio when based on the average lot width. The UDO does allow this ratio to be exceeded where the Board finds that the physical dimensions of the tract provide no other practical alternative. The subject property has a slightly triangular shape.

2. Plans reviewed at the TRC meeting did not address the tentative drainage of the site.
  3. The Fire Marshall had concerns in regards to the access to the fire pond access.
  4. The Albemarle Regional Health Services has concerns with the soils and the ability of the project to support conventional wastewater systems.
  5. A temporary turnaround shall be placed at the end of Floyd Lane. The turn around shall be improved with a minimum 35' radius graveled turnaround.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
    - Lot 9 was reconfigured to meet the 4:1 lot width to length ratio;
    - A temporary turnaround was placed at the end of Floyd Lane;
    - Tentative storm drainage has been addressed and approved;
    - The Fire Marshal's concerns have been addressed and approved.
  - The project will require state stormwater and erosion & sedimentation control permits.
  - This case was heard at the June 8, 2004 Planning Board. At that meeting the decision was tabled due to an inadequate adjacent property owner notification of the meeting. There were concerns in the audience regarding the adequacy of Snowden Road to handle the additional traffic. The Planning Board directed the Planning Staff to get comments from NCDOT regarding this concern.
  - NCDOT's response to the adequacy of Snowden Road is that based on 10 vehicle trips per day per lot, "it would have an impact on the surrounding roadway, but I don't know if it would be a detriment to the existing level of service...Should it become obvious that the pavement width is causing problems, there is always a chance the road could be widened."
  - NCDOT has concerns regarding the drainage and the oddly shaped cul-de-sac/"T" intersection as to whether it would meet NCDOT standards.

#### **QUESTION(S) BEFORE THE BOARD:**

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan Rural classification and with the Thoroughfare Plan;

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect eight elementary students, two junior high students, and three high school students from this development.

According to the current school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is reflected in the student population count.

**STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

**PLANNING BOARD RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection and adequate drainage facilities to serve the development.

2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Chairman O'Neal opened the public hearing.

Margaret Burnett, Snowden Road, expressed concerns with drainage and the road.

Sandra Roberts, expressed concerns with drainage.

George Berryman, expressed concerns with drainage, soils and the DOT right of way.

Richard Twiddy, presented photos of drainage problems.

Cassie Payne, Bullyard Road, expressed concerns with drainage.

Mark Bissell, Engineer, reviewed the concerns with drainage and other issues.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Gregory moved to deny. Commissioner Bowden seconded the motion. Motion carried.

**Public Hearing and Action PB 04-50: Amendment to Articles 4, 13, and 25 of the UDO to create Use 2.140 Auction House**

Gary Ferguson, Planning Director, reviewed the request.

**UDO AMENDMENT REQUEST**

**Albemarle Engineering, Inc.**, representing **Charles Hardy**, requests the following amendment to the Currituck County Unified Development Ordinance:

An amendment to the Currituck County Unified Development Ordinance, Article 4, Section 402 Number of Parking Spaces Required.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part 1. That Article 4, Section 402 be amended as follows:

Article 4  
Section 402 Number of Parking Spaces Required

<b>USE#</b>	<b>DESCRIPTION</b>	<b>Parking Requirement</b>
<b>2.140</b>	<b>Auction House</b>	<b>1 space for each 300 square feet of gross floor area of auction area.</b>

An amendment to the Currituck County Unified Development Ordinance, Article 13, regarding permissible uses and table to allow an auction house as a permitted use in the GB zoning district.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part 2. That Article 13 be amended as follows:

Article 13  
Permissible Uses and Table

<b>USE#</b>	<b>DESCRIPTION</b>	<b>A</b>	<b>RA</b>	<b>R</b>	<b>RO1</b>	<b>RO2</b>	<b>RR</b>	<b>GB</b>	<b>C</b>	<b>LBH</b>
	<b>LM HM</b>									
<b>2.140</b>	<b>Auction House</b>							<b>C</b>		

An amendment to the Currituck County Unified Development Ordinance, Article 25, regarding definitions to define the term auction house within Section 2501 Definitions of Basic Terms.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part 3. That Article 25, Section 2501 be amended as follows:

Article 25  
Section 25 Definitions of Basic Terms

**Auction House. A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.**

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Martin moved to approve with staff and Planning Board recommendations. Commissioner Miller seconded the motion. Motion carried.

**Public Hearing and Action PB 04-51 RONDA WILLIAMS: Rezone .23 acres from Agricultural (A) to Commercial (C) on property located in Powells Point at 8294 Caratoke Highway,**

**Tax Map 124, Lot 51, Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request.

**Zoning Staff Report: PB 04-51  
Ronda Williams Rezoning**

**TYPE OF REQUEST:** Request for rezoning a 10,000 sf lot from Agricultural (A) to Commercial (C).

**LOCATION:** This site is located in Powells Point along the west side of Caratoke Highway (US 158) across the street from Freedom Business Park, Tax Map 124, Parcel 51.

**PROPERTY OWNER:** Ronda L. Williams & Retta S. Lawrence

**APPLICANT:** Ronda Williams

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<b>ZONING:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Agricultural	General Business

**ZONING HISTORY:** Property has been zoned Agricultural since 1989.

**SURROUNDING ZONING/LAND USE:**

NORTH:	Agricultural/Farmland & residential
SOUTH:	Agricultural, General Business/Farmland, residential & mining
EAST:	General Business/Developing business park, warehouses, retail and residential
WEST:	Agricultural/Farmland & woodland

**EXISTING LAND USE:** Single Family Home

**PROPOSED LAND USE:** The applicant has stated that she wishes to relocate her real estate business from Nags Head into the existing structure. Most of her business transactions are via telephone and mail.

**LAND USE PLAN:** The 1990 Land Use Plan this property is designated Limited Transition. The purpose of the Limited Transition class is "to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class. This class is also intended for nonresidential areas along major transportation routes. In addition, the Land Use Plan notes that "Along 158/168 it is not intended that the urban

transition area be used as strip commercial development. This rezoning is consistent with the Land Use designation.

**PUBLIC SERVICES  
AND UTILITIES:**

Lower Currituck South Volunteer Fire Department provides fire protection for this area. County water, electric, telephone and cable are currently available at this location.

**TRANSPORTATION:**

Property has direct access onto Caratoke Highway (US 158) classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan.

**FLOOD ZONE:**

According to FEMA maps, the property is located in outside of the 100 year floodplain (Flood Zone C).

**SOILS:**

According to the Currituck County Soil Survey, the property consists of Munden loamy sand. This soil is moderately well drained soil and requires extensive drainage and site modifications to improve the area for septic systems.

**STAFF COMMENTS:**

- The property is only 10,000 sf and this could be considered as spot zoning;
- There is currently a single family home on the property. Residential uses are not permitted in the Commercial zone. If the property is to be rezoned, the General Business zone would keep the land uses in conformance with the UDO;
- Across the Caratoke Highway the properties are zoned General Business as are properties located approximately 500' south and 800' north;
- Property has direct access and frontage on Caratoke Highway (US 158).

**STAFF**

**RECOMMENDATION:**

Although the proposed rezoning would be consistent with the Land Use Plan, this property is only 10,000 sf in size and is not contiguous with the Commercial, nor General Business districts. Staff recommends denial of this application on the basis of spot zoning

**PLANNING BOARD**

**RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended denial (8-0) of this rezoning on the basis of spot zoning.

Chairman O'Neal opened the public hearing.

Ronda Williams, requested commercial rezoning at the direction of the planning staff.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Gregory moved to deny and requested to bring back as general business and not commercial. Commissioner Miller seconded the motion. Motion carried.

**Action PB 03-46 OWENS BEACH ESTATES: Preliminary Plat for 10 lots located in Harbinger at 307 Reggie Owens Drive, Tax Map 125, Lot 35D, Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request.

**STAFF ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: AUGUST 2, 2004**

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**ITEM:** PB 03-46 OWENS BEACH ESTATES, PRELIMINARY PLAT FOR 10 SINGLE FAMILY LOTS

**LOCATION:** In Harbinger at 307 Reggie Owens Drive, Poplar Branch Township.

**TAX ID:** 0125-000-035D-0000

**ZONING DISTRICT:** Residential

**OWNER:**  
North Beach Development  
4826 N. Croatan Highway  
Kitty Hawk, NC 27949

**APPLICANT/AGENT**  
North Beach Development  
4826 N. Croatan Highway  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Residential - zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Residential - zoned R  
**WEST:** Residential - zoned R

**NARRATIVE OF REQUEST:**

North Beach Development is seeking Preliminary Plat approval for 10 single family lots off of Reggie Owens Drive. The total acreage of the entire development is approximately 11 acres.

This property is zoned Residential. Since the subdivision consists of less than 20 lots, no open space is required or provided. Lots within this development range from approximately 40,000 sq. ft. to 51,800 sq. ft with an average lot size of about 44,300 sf.

The subdivision will have one point of entry onto Reggie Owens Drive. The lots will require individual septic systems. At the present time county water is not available to this subdivision. It is expected that in the fall of 2004 that the county will be completing a waterline extension which will connect to this development.

#### **OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** The proposed subdivision will contain one street which will be built to NCDOT Design and Construction Standards.
- WATER:** This development will be required to connect to county water. It is anticipated that the waterline expansion to the site will be completed in the fall of 2004.
- FIRE:** This development will be served by fire hydrants and is located within the Lower Currituck Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed. The lots have been tested and were classified as provisionally suitable with fill by Albemarle Regional Health.
- SOILS:** Two soil types are found at the site: **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems and **Ds** – Dragston loamy fine sand is a somewhat poorly drained soil which requires extensive drainage and site modifications to improve the potential for septic systems. The primary soil is the Conetoe Loamy Sand.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764.
- Based on these pupil generation figures, Currituck can expect 3 elementary students, 1 junior high student, and 1 high school student from this development.
- According to the January 2004, school population projections, Griggs Elementary School has (-41) additional student capacities after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision **is** reflected in the student population count.

- OPEN SPACE:** No open space is provided, nor required, within the proposed development.
- DRAINAGE:** A drainage swale is proposed along the exterior north and southwestern property lines of the development for a stormwater discharge to Reggie Owens Drive. There will be roadside ditches along the new road. Stormwater will be retained in accordance with the Division of Water Quality and the Currituck County Soil and Water Conservation office.
- FLOOD ZONES:** A majority of the property is located within the 100 year floodplain (flood zone A4) with a base flood elevation of 8 feet with the remaining portion being located out of the floodplain.
- CAMA CLASS:** The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is "to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas. Proposed density for the total 10 lot subdivision is approximately 0.9 units per gross acre and therefore the development is consistent with the Land Use Plan.

**STAFF COMMENTS:**

1. The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on December 1, 2003 for 10 lots.
2. Developer will be required to install all of the necessary waterlines, water services, and required fire hydrants. This system will connect to the county water system once the waterline expansion is completed.
3. Developer will be required to plant trees along both sides of the newly created street constructed in accordance with the public street standards as required in Section 513 of the Zoning Ordinance (UDO).
4. Developer is required to obtain all necessary state permits and approvals from NCDRC for the waterline construction.
5. Technical Review Staff:

On June 10, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage and the outlet ditch on Reggie Owens Road. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff.

- (a) County Engineer - reviewed & approved
- (b) Soil Conservation Service - reviewed & approved
- (c) Health Services – reviewed & approved
- (d) County Water Department - reviewed & approved
- (e) County Recreation – reviewed with no comments
- (f) County Fire Marshall - reviewed & approved
- (g) Lower Currituck VFD Fire Chief – no comments received

- (h) NCDOT – will require a driveway permit; NCDOT will be evaluating the 18” culvert under Reggie Owens Drive leading to the drainage outfall.
- (i) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; issued letter of approval
- (j) NCDEHNR, Div. of Environmental Management (stormwater requirements) – no comments received
- (k) CAMA - no comment; not within CAMA's jurisdiction
- (l) Phone Company - no comments received
- (m) Superintendent of Schools - no comments received
- (n) N C Power - no comments received

#### **STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner’s determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That the following corrections be made to the preliminary plat:
  - (a) Sheet C-1 – correct the street cross sections to reflect a 3:1 slope; correct the driveway culverts to 15”.
  - (b) Sheet C-2 – Ditch slopes be shown
2. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval. The trees shall be located 50’ off the street centerline. Large trees with a minimum height of 4’ shall be planted 50’ on center while small trees with a minimum height of 3’ shall be planted 30’ on center.
3. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
4. That drainage improvements shall be installed and certified prior to submission for final plat approval.
5. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to its expiration.
6. That the applicant shall complete the development strictly in accordance with the plans submitted to, and approved by, the Board of Commissioners.

#### **PLANNING BOARD RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That the following corrections be made to the preliminary plat:
  - (a) Sheet C-1 – correct the street cross sections to reflect a 3:1 slope; correct the driveway culverts to 15”. **(Corrected)**
  - (b) Sheet C-2 – Ditch slopes be shown **(Corrected)**

2. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval. The trees shall be located 50' off the street centerline. Large trees with a minimum height of 4' shall be planted 50' on center while small trees with a minimum height of 3' shall be planted 30' on center.
3. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
4. That drainage improvements shall be installed and certified prior to submission for final plat approval.
5. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to its expiration.
6. That the applicant shall complete the development strictly in accordance with the plans submitted to, and approved by, the Board of Commissioners.

Commissioner Martin moved to approve. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action PB 04-45 LAUREL WOODS SECTION C:  
Sketch Plan/Special Use Permit for 9 lots located in  
Aydlett on Wildflower Lane off of Aydlett Road, Tax Map 92,  
Lot 63F, Poplar Branch Township.**

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: AUGUST 2, 2004**

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**ITEM:** PB 04-45 LAUREL WOODS SECTION C, SKETCH PLAN  
FOR 9 SINGLE FAMILY LOTS

**LOCATION:** Wildflower Lane off of Aydlett Road, Poplar Branch  
Township.

**TAX ID:** 0092-000-063F-0000

**ZONING DISTRICT:** Residential & Agricultural

**OWNER:**  
Charles & Mary Ellen Angus  
P.O. Box 113  
Aydlett, NC 27916

**APPLICANT/AGENT**  
Albemarle Engineering  
P.O. Box 3989  
Kill Devil Hills, NC 27948

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Residential & Vacant Wetland - zoned R & A  
**SOUTH:** Residential & Vacant Wetland – zoned R & A  
**EAST:** Low Density Residential & Vacant - zoned R  
**WEST:** Vacant Wetland - zoned A

**NARRATIVE OF REQUEST:**

Charles Angus is seeking Sketch Plan/Special Use Permit approval for nine single family lots through the major subdivision process. The total acreage of the entire development is approximately 26 acres.

This property has split zoning of Residential and Agricultural. In the Residential zoning district the minimum lot size is 40,000 sf while in the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots. The lot sizes within this development range from 40,000 sf to 16.6 acres. The 16.6 acre lot is located in the Agriculture zone.

In March 1995 a two lot minor subdivision was approved which created Laurel Woods Section A. In July 2002, another two lot minor subdivision was approved, Laurel Woods Section B.

The lots will be served by individual septic systems and will be connected to the county's water system. The lots will front on an extension of Wildflower Lane, a private gravel road which will be upgraded.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** All of the proposed lots will front on Wildflower Lane. The existing Wildflower Lane is a private gravel road which will be improved to NCDOT standards out to Aydlett Road, an existing NCDOT maintained right-of-way.

**WATER:** This development will be served by county water.

**FIRE:** This development will be located within the jurisdiction of the Lower Currituck Volunteer Fire Department.

**WASTEWATER:** Individual, on-site septic systems are proposed.

**SOILS:** There are four soils types found at the site: **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems; **Ds** – Dragston loamy fine sand is a somewhat poorly drained soil which requires extensive drainage and site modifications to improve the potential for septic systems; **Po** – Ponzer muck is a very poorly drained soil found in the Dismal Swamp and is unfavorable for septic systems; **Ws** – Wasda muck is a very poorly drained soil which is not favorable for septic systems.

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 jr. high students and .1568

High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764

Based on these pupil generation figures, Currituck can expect 3 elementary students, 1 junior high student, and 1 high school student from this development.

According to the January 2004, school population projections, Griggs Elementary School has (-41) additional student capacities after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision is **not** reflected in the student population count.

**OPEN SPACE:**

No open space is required or provided.

**DRAINAGE:**

Roadside and property line swales/ditches will be used to address drainage for this property.

**FLOOD ZONES:**

A majority of the property is located outside of the 100 year floodplain (flood zone C) with the residual parcel and the western edge of the lots located within the 100 year floodplain (flood zone A4) with a base flood elevation of 6'.

**LAND USE PLAN:**

The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total nine lot subdivision is 0.35 units per gross acre which is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. The street system does not provide for interconnectivity in addition to showing a 1' non-ingress/egress easement along the northern property line.
  2. Under this proposal, Wildflower Lane will be extended to a total length of approximately 1,600'. The maximum allowable cul-de-sac length allowed under Section 914 is 1,000'. The proposed "bump-out" does not meet NCDOT standards nor exempt the street from meeting the maximum allowable cul-de-sac length.
  3. The Albemarle Regional Health Services is aware of serious drainage issues in the area which have caused septic system failures. For the septic systems to work, the lots will require a good ditch system.
  4. Plans reviewed at the TRC meeting did not address the tentative drainage of the site nor the required waterline installation and fire protection.

- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following changes:
  - The tentative storm drainage is addressed;
  - The existing and proposed waterlines are shown together with the fire hydrant locations;
  - The “bump-out” was removed and reconfigured as a cul-de-sac. The street now meets the cul-de-sac length requirements.
  - The non-ingress/egress easement has been replaced with a 1' buffer strip along the property to the north.
- On the revised sketch plan NCDOT had concerns with the way the pavement was now flared at the intersection with Aydlett Road. There are concerns regarding only a 4' separation between the proposed edge of pavement and the property corner; keeping the drainage ditches within the street right-of-way; and driveway radii overlapping. These issues will need to be resolved at the preliminary plat stage.

#### **QUESTION(S) BEFORE THE BOARD:**

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, and access for emergency services have been adequately addressed within this proposal.

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan and with the Thoroughfare Plan;

- (f) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage,*

*the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect four elementary students, one junior high student, and one high school student from this development.

According to the current school population projections Griggs Elementary School has (-41) additional student capacity after full development of the currently approved subdivisions. The proposed subdivision is **not** reflected in the student population count.

#### **STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a 6" water line; fire hydrants; water services, and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

#### **PLANNING BOARD RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a 6" water line; fire hydrants; water services, and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Chairman O'Neal opened the public hearing.

Ronnie Cooper, was not opposed to the request but had concerns with drainage on his property.

Jason Mizell, Albemarle Engineering, will meet with Mr. Cooper on drainage issues.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Miller moved to approve with request that drainage be addressed on adjacent property. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action PB 02-13 NAPOLITANO III, LLC PROPERTIES (aka POYNER/ CROSSNO) Sketch Plan/Special Use Permit for 62 lots located in Moyock at the intersection of SR 1222 (Tulls Creek Road) and SR 1221 (Sawyertown Road) Tax Map 14, Parcels 8A & 9A. Moyock Township**

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: AUGUST 2, 2004**

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**ITEM:** PB 02-13 NAPOLITANO III, LLC PROPERTIES, SKETCH PLAN/SPECIAL USE PERMIT FOR 62 RESIDENTIAL OPEN SPACE LOTS

**LOCATION:** Moyock Township at the intersection of Tulls Creek Road and Sawyertown Road.

**TAX ID:** Tax Map 14, Parcels 8A & 9A

**ZONING DISTRICT:** Residential

**OWNERS:**  
Napolitano III, LLC  
1492 South Independence Rd., Ste 200  
Virginia Beach, VA 23462

**APPLICANT/AGENT**  
Quibble & Associates  
PO Drawer 870  
Kitty Hawk, NC 27949

Estate of Grace O. Poyner  
C/o Mary P. Stokes  
702 Canal Drive  
Kill Devil Hills, NC 27948

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

- NORTH:** Farmland - zoned A
- SOUTH:** Farmland, Residential – zoned GB & A
- EAST:** Residential (Cypress Landing) – zoned R
- WEST:** Moyock Elementary, Residential, Farmland – zoned R & A

**NARRATIVE OF REQUEST:**

Napolitano III, LLC is requesting Sketch Plan/Special Use Permit approval for 62 single family lots located off Tulls Creek Road adjacent to Moyock Elementary

School. The site is approximately 111 acres and is comprised of two parcels of approximately 42 acres and 69 acres. There are approximately 29 acres of wetlands located within the site. The proposed development is located at the intersection of Tulls Creek Road and Sawyertown Road.

This site was approved in December 2003 by the Planning Board for an 81 lot subdivision known as Poyner/Crossno. The approved Sketch Plan contained lots which averaged between 20,000 sf and 22,000 sf with a minimum 100' lot width. The larger lots within this development contained wetlands. The point of entry to the subdivision was off-set from Sawyertown Road.

The Board of Commissioners tabled the Sketch Plan approval primarily because several lots had poor soils that would not be supportive of on-site septic systems. Since that time, the developer has gone back and redesigned the subdivision. The subdivision has been reduced from 81 lots to 62 lots. The minimum lot size has been increased to 40,000 sf with an average lot size of 41,400 sf. The minimum lot width has been increased to a minimum of 125' on all but a few lots. Rather than being incorporated into the home lots, the wetlands are now protected within open space lots.

The open space requirements mandate that a minimum 30% of the total tract(s) area be dedicated as open space. In addition, 50% of the required open space shall be lands suitable for development and shall not include wetlands. The minimum required open space for this project is 33 acres with approximately 16 acres being located in uplands. The project is proposing to dedicate approximately 44 acres of open space with 16 acres of it being uplands.

The subdivision will have one point of entry from Tulls Creek Road. The revised Sketch Plan has the entry aligned with Sawyertown Road which both the Planning Board and Board of Commissioners supported. Due to the site being bordered by Shingle Landing Creek, the site does not offer any opportunities for future street connections. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

According to the Development Impact Statement, typical houses will be a mix of stick built one and two story homes with three or four bedrooms ranging in size from 1,850 sf to 2,800 sf. The anticipated home/lot sale price ranges from \$175,000 to \$230,000. It is projected that the final build out for the project will be in 5-7 years. The developer is not proposing a phased development. The traffic generation is predicted to be about 372 trips per day. The 2000 traffic count for Tulls Creek Road was 2,000 average daily trips.

In summary, the following positive changes have been incorporated into this plan:

1. The minimum lot size has been increased from 20,000 sf to 40,000
2. The total number of lots has been reduced from 81 to 62, a 23% reduction.
3. There will be no off-site septic systems.
4. The wetlands will remain in protected open space and not apart of any individual lot.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** All streets will be built to NCDOT design and construction standards. The developer expects to dedicate streets for maintenance by the NCDOT.
- WATER:** This development will be served by the County water system.
- FIRE:** Moyock Volunteer Fire Department provides fire coverage for the area. The development will have fire hydrants.
- WASTEWATER:** On-site septic systems will be utilized for the treatment of wastewater.
- SOILS:** There are five soils types found at the site: **AaA** – Altavista fine sandy loam is a moderately well drained soil and is considered unfavorable for septic systems due to soil wetness; **At** - Augusta fine sandy loam is a somewhat poorly drained soil which requires an extensive drainage system and site modifications to improve the site for a septic system; **Do** – Dorovan mucky peat is a very poorly drained soil found in the flood plains and is not favorable for septic systems; **Ro** - Roanoke fine sandy loam which consists of poorly drained soils which are not favorable for septic systems; **StA** – Statefine sandy loam is a well drained soil which is favorable for septic systems.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Moyock Township has an occupancy rate of .9349.
- Based on these pupil generation figures, Currituck can expect 25 elementary students, 5 junior high students, and 9 high school students from this development. The proposed subdivision is **not** reflected in the student population count.
- OPEN SPACE:** Under the open space provisions a minimum 30% of the total tract(s) must be set aside as open space. Approximately 44 acres has been provided as undivided open space, more than the 33 acre minimum required.
- FLOOD ZONES:** The majority of the property is located within a 100 year floodplain with a base flood elevation of 6' (Flood Zone A3). A small portion of the site adjacent to Tulls Creek Road is located outside of the 100 year floodplain.
- LAND USE PLAN:** The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a

gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 62 lot subdivision is 0.6 units per gross acre which is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. A few lots did not meet the minimum lot width requirements.
  2. There are concerns with the spacing of some of the fire hydrants not meeting the maximum 1,000' requirement.
  3. NCDOT might need additional right-of-way for the turn lanes
  4. There is a major drainage ditch which runs through Lot 1. This issue will need to be addressed.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the maximum 1,000' fire hydrant spacing; all of the lots meet the minimum lot width.

The major drainage ditch crossing through Lot 1 will be addressed at the Preliminary Plat stage.

**QUESTION(S) BEFORE THE BOARD:**

1. *Is the application complete?* The application is complete.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?* The application meets the requirements within the UDO for Sketch Plan approval.
3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*
  - (a) *Will not endanger the public health or safety*  
Public health and safety issues including fire protection, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.
  - (b) *Will not injure the value of adjoining or abutting property.*  
The proposed residential subdivision should have no negative impact on adjoining property.
  - (c) *Will be in harmony with the area in which it is located.*  
This development would consist of residential properties. The area in which it is to be located includes residences, an elementary school, farmland and wetlands.
  - (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other*

*plans officially adopted by the Board. .*

The proposal will be consistent with the CAMA Land Use Plan Rural and Urban Transition classifications and with the Thoroughfare Plan.

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect 25 elementary students, 5 junior high students, and 9 high school students from this development.

According to the current school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

**STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and fire hydrants; and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet, and continue to meet, all requirements of the County's Unified Development Ordinance.

**PLANNING BOARD RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and fire hydrants; and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and

- 3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Chairman O'Neal opened the public hearing.

Ken Farmer, Tulls Creek Road, questioned if stop light would be installed.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Miller moved to approve. Commissioner Martin seconded the motion. Motion carried.

**Public Hearing and Action PB 04-48 INDIAN RIDGE: Sketch Plan/Special Use Permit for 35 lots located in Shawboro on the south side of Shawboro Road approximately 600' west of the intersection with Indiantown Road, Tax Map 34, Lots 17, 24F, and 41, Crawford Township.**

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: AUGUST 2, 2004**

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**ITEM:** PB 04-48 INDIAN RIDGE, SKETCH PLAN FOR 35 LOT RESIDENTIAL CONSERVATION SUBDIVISION

**LOCATION:** Located in Shawboro on the south side of Shawboro Road approximately 600' west of the intersection with Indiantown Road, Crawford Township.

**TAX ID:** 0034-000-0017-0000, 0034-000-024F-0000 & 0034-000-0041-0000

**ZONING DISTRICT:** Agricultural

<b>OWNER:</b> James H. Ferebee, Jr. P.O. Box 110 Shawboro, NC 27973	<b>APPLICANT/AGENT</b> Hyman & Robey, PC 150-A US Hwy 158 East Camden, NC 27921
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**LAND USE/ZONING OF SURROUNDING PROPERTY:**

<b>NORTH:</b>	Farmland - zoned A
<b>SOUTH:</b>	Farmland - zoned A
<b>EAST:</b>	Residential - zoned A
<b>WEST:</b>	Farmland - zoned A

**NARRATIVE OF REQUEST:**

James H. Ferebee, Jr. is requesting Sketch Plan/Special Use Permit approval for 35 single family lots to be developed as a conservation subdivision. The proposed development will be located on approximately 354 acres on the south side of Shawboro Road, NC 34, approximately 600 feet west of the intersection with Indiantown Road. The property is located outside of the 100 year flood and does not contain any wetlands.

A Yield Plan was presented which showed 71 lots ranging in size from 3 acres to 3.41 acres. In the Agricultural zone a 20% density bonus is granted with an additional 5% density bonus if at least 50% of the open space remains actively farmed.

This development is proposing only 35 lots and is not taking advantage of the additional density that is allowed. The proposed lots range in size from approximately 25,000 sf to 62,000 sf with an average lot size of about 31,000 sf.

The open space regulations for a conservation subdivision, Section 932, require 45% of the gross tract area (after deducting primary conservation areas and street rights-of-ways) be dedicated as open space. The minimum required open space for this project is approximately 143 acres. The project is proposing to dedicate approximately 154 acres of open space.

The proposed subdivision will have one point of entry from Shawboro Road. There is a dedicated right-of-way to the southern property line to allow for future street connectivity. The lots will require individual septic systems and the developer will be required to install waterlines and fire hydrants.

According to the Development Impact Statement, the lots will be developed with three bedroom custom built homes starting at 1,600 sf in size. The anticipated home/lot sale price ranges from \$172,000 to \$227,000. According to the initial Development Impact Statement, the traffic generation is 210 trips per day for the proposed 35 lots. The NCDOT 2002 traffic count has Shawboro Road with 4,600 trips and Indiantown Road at 850 trips.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** The proposed streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

**WATER:** This development will be served by county water. A water availability letter has been submitted.

**FIRE:** This development will be located within the jurisdiction of the Crawford Volunteer Fire Department.

**WASTEWATER:** Individual on-site septic systems are proposed. Section 929, Determining Density or Yield, requires that 10% of the lots shown on the yield plan be tested for septic suitability. If all of these lots pass the soil evaluation, the remaining lots will be considered suitable for septic systems for the

purpose of determining the total lot yield. If any of the initial lots fail, several others will be chosen and tested until all the lots in a given sample pass.

The Albemarle Regional Health Services conducted eight soil samples throughout the site. Of the lots tested, only three of the lots passed as being suitable septic systems.

**SOILS:**

There are seven soils types found at the site: **AaA** – Altavista fine sandy loam is a moderately well drained soil and is considered acceptable for septic systems; **At** - Augusta fine sandy loam is a somewhat poorly drained soil which requires an extensive drainage system and site modifications to improve the site for a septic system; **BoA** – Bojac loamy sand is a well drained soil which requires special planning, design or maintenance for septic systems; **Ca** – Cape Fear loam is a poorly drained soil and is not favorable for development because of flooding, wetness, slow permeability and low strength; **No** - Nimmo loamy sand which consists of poorly drained soils that are unfavorable for septic systems due to wetness.

**SCHOOL CAPACITIES:**

Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect 14 elementary students, three junior high students, and five high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

**OPEN SPACE:**

Under the Conservation Subdivision provisions, a minimum 45% of the gross tract area (after deducting primary conservation areas and street rights-of-ways) must be dedicated as open space. The project is proposing to dedicate approximately 154 acres of open space, or 48% of the net tract area.

**DRAINAGE:**

Roadside swales/ditches tying into the existing roadside and lead ditches will be used to address the drainage for this property.

**FLOOD ZONES:**

The property is located outside of the 100 year floodplain (Flood Zone C).

**LAND USE PLAN:** The 1990 Land Use Plan classifies this site as "Rural" and "Rural with Services". The Rural and Rural with Services classifications described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre are appropriate." The proposed density for the 35 lot subdivision is approximately 0.1 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- The development has yet to prove that the proposed 71 lot Yield Plan is feasible. Eight lots were tested and five of the lots are not suitable for conventional septic systems.
- Section 929 requires that 10% of the lots shall be tested for septic suitability. If all of these lots pass the soil evaluation, the remaining lots will be considered suitable for septic systems for determining the total lot yield. If any of the initial lots fail, several others will be chosen and tested until all the lots in a given sample pass.
- The requirements under Section 929 have not been satisfied. The applicant shall test additional lots "until all the lots in a given sample pass".
- Once the total yield for a site is determined a density bonus is awarded to the development. It should be noted that the application is for 35 lots with an average lot size of 31,000 sf which is less than what is shown on the yield plan.
- At the time of Final Plat, the major drainage canal crossing through Open Space Area "B" shall be protected with a drainage maintenance easement.
- The engineer is required to submit the "Preliminary Engineering Certification" as per Section 933(5).
- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. Staff has concerns with access to the site. For traffic safety, staff requests that access to the site come from Indiantown Road rather than Shawboro Road, NC 34. The current traffic count on Shawboro Road is 4,200 trips per day while Indiantown is only 850 trips per day.
  2. The plat shows individual lot recombinations with off-site properties. It is not clear where the recombination area is accounted for in the area calculations.
  3. The total tract area does not reflect all of the parcels involved in the development.
  4. The conservation & open space summary is incorrect.
  5. The full boundary of the property is not delineated. Ferebee Acres Road needs to be shown.
  6. A 50' buffer strip is required between the lots and the active farming.
  7. NCDOT requests that access to Lots 1 and 8 have no direct access to NC 34. Once the preliminary plan is developed, NCDOT needs the drainage outfall locations delineated.
  8. To allow for future water connections, the water line shall be stubbed out at the southern property line within the dedicated right-of-way.

9. If Donoma Court were to be extended for a connection to Indiantown Road, the Fire Marshal requests that the fire hydrant located in Lot 15 be located on the Donoma Court side of the lot.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following:
    1. The individual lot recombinations were removed
    2. The total tract area has been corrected.
    3. A 50' farming buffer has been added.
    4. The conservation & open space summary has been corrected.
    5. The exterior boundary of the tract has been corrected to reflect all of the parcels involved in the subdivision.
  - The following items were not addressed on the revised site plan:
    1. It is unclear where the land set aside for the lot recombinations is accounted for in the summaries. This needs to be clarified.
    2. The waterline needs to end at the southern property line to allow for future connections.
    3. Additional soil tests are required to satisfy the requirements of Section 929, Determining Density or Yield.

#### **QUESTION(S) BEFORE THE BOARD:**

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal does **not** comply with all UDO requirements for Sketch Plan approval. The septic system evaluations required under Section 929 have not been satisfied.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.* In regards to wastewater disposal the applicant has failed to show that the property is suited for conventional septic systems. In determining density/yield, the applicant was required to have 10% of the lots shown on the Yield Plan tested by Albemarle Regional Health. This evaluation has been performed and five of the eight lots selected were unsuitable for conventional septic systems. Public health and safety issues including fire protection, stormwater management, and access for emergency services have been adequately addressed within this proposal.

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan and the Thoroughfare Plan;

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Based on these pupil generation figures, Currituck can expect 14 elementary students, three junior high students, and five high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count

#### **STAFF RECOMMENDATION:**

In consideration of the facts stated within this analysis, staff recommends **denial** on the basis that this application does not meet the technical requirements for Sketch Plan approval due to the lack of adequate soil testing for septic systems. ***(Soil testing requirements have been satisfied)***

Once the soil testing requirement of Section 929 is satisfied, staff will recommend approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and fire hydrants; and adequate drainage facilities to serve the development.
2. The engineer shall submit the "Preliminary Engineering Certification".
3. That the following corrections be made to the sketch plan:
  - i. The area summaries shall clarify where the land for the future lot recombinations is accounted for; The waterline shall stub out at the southern property line.
4. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
5. That as a continuing condition to this approval, the applicant will meet, and continue to meet, all requirements of the County's Unified Development Ordinance.

**PLANNING BOARD RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended approval (7-1) with the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and fire hydrants; and adequate drainage facilities to serve the development.
2. The engineer shall submit the "Preliminary Engineering Certification".  
**(Submitted)**
3. That the following corrections be made to the sketch plan:
  - i. The area summaries shall clarify where the land for the future lot recombinations is accounted for; **(Corrected)**
  - ii. The waterline shall stub out at the southern property line. **(Corrected)**
4. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
5. That as a continuing condition to this approval, the applicant will meet, and continue to meet, all requirements of the County's Unified Development Ordinance.
6. The Planning Board recommends that the entrance to the subdivision be relocated from Shawboro Road to Indiantown Road.

Chairman O'Neal opened the public hearing.

Joe Etheridge, expressed a concern with drainage and Hog Ditch.

Horace Etheridge, expressed a concern with drainage issues.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Gregory moved to approve. Commissioner Bowden seconded the motion. Motion carried.

**Public Hearing and Action PB 04-05 MILLER'S WAY: Sketch Plan/Special Use Permit for 10 lots located at the end of Fox Lane, approximately 800' from its intersection with Tulls Creek Road, Tax Map 9, Lot 37, Moyock Township.**

Sworn testimony was given prior to making statements.

Commissioner Gregory moved to recuse Commissioner Miller from this item. Commissioner Martin seconded the motion. Commissioner Miller left the room.

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: AUGUST 2, 2004**

**ITEM:** **PB 04-05 MILLER'S WAY, SKETCH PLAN FOR 10 SINGLE FAMILY LOTS**

**LOCATION:** At the end of Fox Lane, approximately 800' from its intersection with Tulls Creek Road, Moyock Township.

**TAX ID:** 0009-000-0037-0000

**ZONING DISTRICT:** Agricultural

**OWNER:**  
E.L. Miller, Jr.  
P.O. Box 127  
Moyock, NC 27958

**APPLICANT/AGENT**  
Quible & Associates, P.C.  
P.O. Drawer 870  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Vacant (proposed Winslow Farms Subdivision) - zoned A&R  
**SOUTH:** Residential - zoned A  
**EAST:** Farmland - zoned A  
**WEST:** Commercial - zoned GB

**NARRATIVE OF REQUEST:**

E.L. Miller, Jr. is seeking Sketch Plan/Special Use Permit approval for 10 single family lots through the major subdivision process. The total acreage of the entire development is approximately 21.20 acres.

This property is zoned Agricultural. In the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots. Five of the proposed lots range in size from 40,038 sf to 45,132 while the remaining lots are 3.0 acres in size.

The subdivision will be served by one point of entry which connects to Tulls Creek Road via the existing Fox Lane. The project is providing future street access and a water connection for the property to the east. The lots will be served by individual septic systems and the county's water system. The lots will front on an extension of Fox Lane.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** The proposed streets will be built to NCDOT Design and Construction standards. The developer expects the street will be dedicated to NCDOT for maintenance.

**WATER:** This development will be served by County water.

- FIRE:** This development will be located within the jurisdiction of the Moyock Volunteer Fire Department which currently has a State ISO rating of 9. Currently there is a 4" water line in Fox Lane which is not adequate for fire suppression. For fire protection, a 6" line will be required to be installed down the existing Fox Lane and connected on Tulls Creek Road.
- WASTEWATER:** Individual, on-site septic systems are proposed.
- SOILS:** There are three soils types found at the site: **AaA** – Altavista fine sandy loam is a moderately well drained soil and is considered unfavorable for septic systems due to soil wetness; **At** - Augusta fine sandy loam is a somewhat poorly drained soil which requires an extensive drainage system and site modifications to improve the site for a septic system; **Cb** – Conaby muck is a very poorly drained soil and is not favorable for development.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Moyock Township has an occupancy rate of 0.9349
- Based on these pupil generation figures, Currituck can expect four elementary students, one junior high student, and two high school students from this development.
- According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.
- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** Roadside and property line swales/ditches will be used to address drainage for this property.
- FLOOD ZONES:** The property is located within of the 100 year floodplain (flood zone A3) with a base flood elevation of 6'
- CAMA CLASS:** The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 10 lot subdivision is 0.47 units per gross acre which is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- On June 10, 2004 Technical Review staff reviewed this application. Staff's concerns included the following:
  1. The existing waterline in Fox Lane is only 4" and is inadequate for providing fire protection.
    - The Board has three options regarding the waterline and fire protection for this subdivision. They are as follows:
      - Option 1: Extend the existing 4" waterline into the new subdivision. This will provide drinking water but **no** fire protection.
      - Option 2: Install a 6" waterline and fire hydrants. The waterline will be stubbed out at the CTX/Winslow Farms property line to the north to allow for a future water connection. When the waterline to serve the Winslow Farms subdivision is constructed, the stubbed out line will be extended and connected.
      - Option 3: Install a 6" waterline through the subdivision and extend a new 6" waterline down the existing Fox Lane to Tulls Creek Road. Since the existing waterline in this portion of Tulls Creek Road is only 4", the waterline in Tulls Creek Road will be required to be upgraded to a 6" minimum. The Fire Marshal is requesting that fire hydrants be installed along the existing portion of Fox Lane to provide fire protection for the existing homes. The waterline upgrade in Tulls Creek Road would be at the county's expense. .
    - The water department prefers Option 2 since it will create a looped water system for both the Miller's Way and Winslow Farms subdivisions.
  2. To allow for water connectivity, a 6" minimum sized waterline shall be extended down the future access road and to the CTX property to the north.
  3. NCDOT requires that the minimum street centerline radius be 150'.
  4. Cul-de-sac lots 4 and 5 have a lot length to width ratio of approximately 7:1 which exceeds the 4:1 lot ratio mandated by Section 921 of the UDO. The UDO does allow this ratio to be exceeded where the Board finds that the physical dimensions of the tract provide no other practical alternative.
  5. Lots 5 and 8 do not meet the minimum lot width requirements of Section 921. Lot 5 is a cul-de-sac lot and is required to be a minimum of 100' wide within 75' of the right-of-way. Lot 5 does not meet the minimum lot width until approximately 280' back from the right-of-way and Lot 8 approximately 80' from the right-of-way.
  6. The existing lead ditch will be required to have a 25' wide maintenance easement.
  7. The applicant shall submit a water availability letter from the Water Dept.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
  - The waterline was extended down the future access road;
- On the revised site plan there were no changes made to Lots 5 and 8 to bring them

into compliance with the required minimum lot widths.

- Lots 4 and 5 were not changed and exceed to the required lot length to width, however the Board of Commissioners may waive this requirement per the UDO.

**QUESTION(S) BEFORE THE BOARD:**

1. *Is the application complete?* Based on staff review all required information has been submitted for review.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*  
The proposal does **not** comply with UDO requirements, specifically Section 921, which regulates the minimum lot widths and lot ratios.
3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*
  - (a) *Will not endanger the public health or safety.* Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal. Adequate fire protection shall be provided by the installation of a 6" waterline and fire hydrants;
  - (b) *Will not injure the value of adjoining or abutting property.* The proposed residential subdivision should have no negative impact on adjoining property;
  - (c) *Will be in harmony with the area in which it is located.* The subdivision would consist of residential properties that would be in harmony with the surrounding area;
  - (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.* The proposal will be consistent with the CAMA Land Use Plan and with the Thoroughfare Plan;
  - (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect four elementary students, one junior high student, and two high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

**STAFF RECOMMENDATION:**

In consideration of the facts stated within this analysis, staff recommends **denial** on the basis that this application does not meet the technical requirements for Sketch Plan approval in that:

1. Lots 5 and 8 do not meet the minimum lot width requirement.
2. Lots 4 and 5 exceed the 4:1 lot length to width ratio

The Board of Commissioners may deny this request if it determines that the development will exceed the county's ability to provide adequate public facilities, including schools.

The applicant has requested that this project go before the Board of Commissioners on July 19, 2004, immediately after the Planning Board review.

**PLANNING BOARD RECOMMENDATION:**

On July 13, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That the applicant installs a 6" waterline and fire hydrants. The waterline will be stubbed out at the CTX/Winslow Farms property line to the north to allow for a future water connection. When the waterline to serve the Winslow Farms subdivision is constructed, the stubbed out line will be extended and connected. (Option #2).
2. That the lots not meeting the minimum lot width requirements be corrected prior to the submittal to the Board of Commissioners for sketch plan approval. **(These lots have been corrected)**

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Bowden moved to approve with findings of fact with option 2 for water. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action on amendment to Animal Control Ordinance.**

**Item was deleted**

**Public Hearing and Action on ordinances dealing with Public Nuisance.**

**Item was deleted**

**Public Hearing and Action on CAMA Regional Access Grant.**

Gary Ferguson, Planning Director, reviewed the application for the Corolla Village Road Access. The proposed

improvements include a bathhouse, Classroom/visitor contact area and other amenities. The cost of the project is \$243,953. The local match will be \$97,581.00.

Commissioner Martin moved to approve the access grant. Commissioner Miller seconded the motion. Motion carried.

**Public Hearing and Action on condemnation of structure located at 101 Ferry View Lane.**

This is the restaurant next to the ferry dock that burned.

Chairman O'Neal opened the public hearing. There being no comments, the public hearing was closed.

Commissioner Gregory moved to approve. Commissioner Miller seconded the motion. Motion carried.

**Appointment to Workforce Development Board.**

Chairman O'Neal moved to appoint William Midgett and Marlee Dozier. Commissioner Gregory seconded the motion. Motion carried.

**Appointment to ABC Board**

Commissioner Gregory moved to appoint Donnie Jones. Commissioner Martin seconded the motion. Motion carried.

**Consideration of Grant Application for Hurricane Isabel Emergency Stream Cleanup.**

Commissioner Gregory moved to approve. Commissioner Martin seconded the motion. Motion carried.

RESOLUTION

WHEREAS, the Currituck County Board of Commissioners desires to sponsor the Hurricane Isabel Emergency Stream Cleanup project to restore drainage, reduce flooding and improve navigation;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to Currituck County in the amount of \$116,600 (100 percent funding) for project construction costs;

- 2) The Board will obtain all necessary state and federal permits;
- 3) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 4) The Board and the local Soil and Water District will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 5) The Board will obtain suitable disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 6) The Board will assure that the project is open for use by the public on an equal basis;
- 7) The board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 8) The Board accepts responsibility for the operation and maintenance of the completed project;

**Consent Agenda:**

**Approval of fees paid to officials-Incorporation Study**

**Commission members \$25 per meeting.**

**Request DOT to add roads in Carolina Club and Teal Drive to State system.**

**Sheriff's Department budget request.**

**Resolution to declare surplus property for Emergency Services.**

Commissioner Martin moved to approve. Commissioner Gregory seconded the motion. Motion carried.

**Adjourn**

There being no further business, the meeting adjourned.