

CURRITUCK COUNTY
 NORTH CAROLINA
 JANUARY 5, 2004

The Currituck County Board of Commissioners met at 6:00 p.m. prior to the regular meeting with the Whalehead Board of Trustees to discuss Heritage Park.

The Currituck County Board of Commissioners met on Monday, January 5, 2004, at 7:00 p.m. at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman O'Neal, Commissioners Miller, Martin, Bowden and Gregory.

Bob Henley was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to delete Item 13, and add budget amendment for pay plan and approval of Whalehead access dredging project. Commissioner Miller seconded the motion. Motion carried.

6:00 Whalehead Board of Trustees site plan

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 Discussion on No Wake signs in the Intracoastal Waterway.

New Business

Item 4 Valerie Person, Currituck County Schools, presentation on National Board Certification.

Item 5 Public Hearing and Action PB 03-31 ROB LAWSON: Special Use Permit for an indoor tennis center, outdoor tennis facility, and a health club, located in Harbinger adjacent to the Kilmarlic Club at 101 Wimbledon Court, Tax Map 124, Parcel 57B, Poplar Branch Township.

Item 6 Public Hearing and Action PB 02-13 POYNER/CROSSNO PROPERTIES: Sketch Plan/Special Use Permit of 81 lots located in Moyock on the north side of Tulls Creek Road (SR 1222) at the intersection with Sawyertown Road (SR 1221), Tax Map 14, Lots 8A and 9, Moyock Township.

Item 7 Public Hearing and Action PB 03-35 TUCKER'S LAIR: Rezone 2 acres from Agricultural (A) to Residential (R) located in Grandy on the west side of Poplar Branch Road (SR 1131) across from the intersection with Woodhouse Drive (SR 1175), Tax Map 94, Parcel 172C, Poplar Branch Township.

Item 8 Public Hearing and Action PB 03-35 TUCKER'S LAIR: Sketch Plan/Special Use Permit of five lots located in Grandy on the west side of Poplar Branch Road (SR 1131) across from the intersection with Woodhouse Drive (SR 1175), Tax Map 94, Parcel 172C, Poplar Branch Township.

- Item 9 Public Hearing and Action PB 03-39 NEW COLONY LANDING: Sketch Plan/Special Use Permit for 19 lots located in Moyock at the intersection of Tulls Creek Road (SR 1222) and Copeland Drive (SR 1267), Tax Map 39, Lot 16, Crawford Township.
- Item 10 Public Hearing and Action PB 00-44 Clover Bend, Sketch Plan for 17 Single Family Lots, northwest of Guinea Road (SR 1214) approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.
- Item 11 Public Hearing and Action PB 03-48 POPLAR RIDGE: Sketch Plan/Special Use Permit for 18 lots located in Poplar Branch at 390 Poplar Branch Road, Tax Map 93, Lot 175, Poplar Branch Township.
- Item 12 Public Hearing and Action PB 03-49 PINEY LANE: Sketch Plan/Special Use Permit for 6 lots located in Harbinger on the east side of Owens Beach Road (SR 1117) beginning at the intersection with Harbinger Ridge Road (SR 1103), Tax Map 132, Lot 154D, Poplar Branch Township.
- Item 13 Appointment to Airport Board.
- Item 14 Discussion and consideration of Resolution on General Obligation Refunding Bonds.
- Item 15 Consent Agenda:
Budget Amendments
Approval of December 1, 2003 Minutes.
Resolution on Elected Officials Salary.
Resolution to DOT for mile post signs.
- Item 16 Commissioner's Report
- Item 17 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.

John Pickett, expressed concerns with the development in county.

Richard Barkalow, Moyock, questioned Commissioners salaries and when the Board would discuss the Adequate Facility Ordinance.

Commissioner Miller asked DOT to respond when the stop light at North Point would be installed.

There being no further business, the public comment period was closed.

Old Business

Discussion on No Wake signs in the Intracoastal Waterway.

Terry Miles, Coinjock, expressed concerns with enforcement of No Wake in intracoastal waterway and the need for large signs and the County to patrol the waterway.

Tom Wood, Coinjock, expressed his concerns with lack of enforcement.

Bill Tate, Coinjock, damage caused by the large boats are responsible for and how do you determine what a wake is.

Newton Hampton, presented pictures of damage done by large boats and their wakes.

Rebecca Mattox, expressed need for more enforcement.

Richard Davis, expressed concerns with public safety of swimmers and boaters.

Sgt. Jarvis, WRC, discussed the need for larger signs and a sign on the bridge.

Commissioner Martin moved to direct staff to place larger signs and a sign on the bridge and sign north of the boat ramp. Commissioner Gregory seconded the motion. Motion carried.

New Business

Valerie Person, Currituck County Schools, presentation on National Board Certification.

Valerie Person, Currituck County Schools, reviewed the National Board Certification. Also present was Mike Warren, Superintendent.

Ms. Person stated the certification process is where teachers demonstrate what accomplishments teachers should know and be able to do.

The Board thanked Ms. Person for the information.

Public Hearing and Action PB 03-31 ROB LAWSON: Special Use Permit for an indoor tennis center, outdoor tennis facility, and a health club, located in Harbinger adjacent to the Kilmarlic Club at 101 Wimbledon Court, Tax Map 124, Parcel 57B, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

ANALYSIS OF ITEMS FOR THE BOARD OF COMMISSIONERS MEETING DATE: JANUARY 5, 2004

**ITEM: PB 03-31 ROB LAWSON
SPECIAL USE PERMIT – KILMARLIC TENNIS AND FITNESS
CENTER**

OWNER
WGH&L Investments, LLC
4112 N. Croatan Hwy.

APPLICANT
Rob Lawson
1248 Duck Road, Suite 201

Kitty Hawk, NC 27949

Duck, NC 27949

PURPOSE OF REQUEST

The applicant requests Special Use Permit approval for an indoor tennis center, outdoor tennis facility and a health club located in Harbinger adjacent to the Kilmarlic Club Subdivision.

LOCATION OF PROPERTY

The site of the proposed development is located north of West Side Lane adjacent to Kilmarlic Club. The property is shown on Tax Map 124, Parcels 57A, 54 and 56, Poplar Branch Township.

EXISTING CONDITIONS

The current zoning of this property is General Business. The total area consists of 14.07 acres with a current ingress/egress easement off of West Side Lane. The developers of the Kilmarlic Club are seeking to realign the subdivision entrance that will run directly south of this site's property boundaries. If this realignment occurs, the applicant proposes to access the property directly off of the new entrance road.

Article 13 of the UDO requires a Special Use Permit for privately owned outdoor recreational facilities. Within this proposal, the applicant intends to construct 15 tennis courts (12 outdoor and 3 indoor), a basketball court, a playground, a pool, and an indoor fitness center and pro shop. Lot coverage is proposed to be 36.9% and 157 parking spaces will be provided. A 35,200 sf. retention pond is proposed to address stormwater runoff. Wastewater treatment will be provided through an on-site septic system.

In July, the applicant appeared before the Board of Adjustment and was granted a variance from Section 206, Building Height Limitations. This variance will allow the indoor tennis facility to be constructed to 40' in height (5' taller than the 35' maximum).

STAFF FINDINGS:

Criteria: (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

Findings: The applicant is requesting a Special Use Permit for an indoor tennis center, outdoor tennis facility and a health club in Harbinger.

Section 1310 (Use # 6.210) of the UDO requires a Special Use Permit for outdoor recreational facilities.

A minimum of 130 parking spaces are required in accordance with Section 402 of the UDO including; 20 spaces for tennis courts; 64 spaces for the indoor facilities; 15 spaces for the pool; 4 spaces for the basketball court, playground and lap pool; 10 spaces for employee parking; and 17 spaces for outdoor stadium seating. Applicant has proposed to provide 157 parking spaces.

The applicant has been granted a variance from Section 206, Building Height Limitations. This variance will allow the indoor tennis facility to be constructed to 40' in height (5' taller than the 35' maximum).

Criteria: (b) Will the proposed use materially endanger the public health or safety?

Findings: To address fire protection, the applicant enlisted East Coast Fire Protection to test water flows and design a system for the indoor tennis facility. The Fire Marshall has reviewed the plans and stated that the fire suppression system proposed will satisfy the guidelines set by the ISO and no habitable area will be above 35'. In addition, provisions for the maneuvering of emergency vehicles within the parking areas have been provided.

Wastewater treatment and stormwater management will be provided for on site. The development will be served by County water.

Criteria: (c) Will the proposed use substantially injure the value of adjoining or abutting property?

Findings: The surrounding land uses for the property include:

North: Vacant	Zone: A
South: Vacant, Residential and Manufacturing	Zone: HM & A
East: Residential & Fire Station	Zone: GB
West: Residential (Kilmarlic Club)	Zone: R

Criteria: (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

Findings: The site will be in harmony with the area in which it is located and will provide recreational amenities for the residents that live in the area.

Criteria: (e) Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

Findings: The 1990 Land Use Plan classifies the property as Limited Transition. The Limited Transition class is to provide for development in areas that have some services, but are suitable for lower densities than those associated with the urban transition class, and/or geographically remote from existing towns and municipalities. The proposed use is consistent with the Limited Transition classification.

Currently access for the property is located along West Side Lan, a two-lane Local Road according to the 1988 Thoroughfare Plan. No direct access from this site onto Caratoke Highway will be provided.

Criteria: (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.

Findings: Approval of this request should have slight, if any, impact on public facilities.

STAFF COMMENTS

The site plan was reviewed by staff during the August Technical Review meeting. The site has since been revised based upon Technical Review Staff comments.

The adjoining property owner notice of the Board of Commissioners’ Public Hearing was mailed by staff on October 20, 2003.

The legal advertisement for this request ran on December 16, 2003 and January 4, 2003.

The public hearing sign was posted on the property on December 19, 2003.

STAFF RECOMMENDATION

In consideration of the suggested Findings of Fact, staff recommends approval with the following conditions:

1. The Sketch Plan for Kilmarlic Subdivision must be amended to reflect the proposed entrance road (including the adjustments on open space and reserve county facilities area); and
2. 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 October 14, 2003 the Planning Board recommended approval (9-0) of this request subject to the following:

1. The applicant shall provide staff with a copy of the approval letter for Erosion and Sedimentation Control, the state stormwater permit, encroachment agreement from Dominion Power, and the septic permit (*Note: This information has been provided since the Planning Board meeting*);
2. The subdivision plans must be amended for the Kilmarlic Entrance road (including the adjustments on open space and reserve county facilities area); 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. There being no comments, he closed the public hearing.

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

Public Hearing and Action PB 02-13 POYNER/CROSSNO PROPERTIES: Sketch Plan/Special Use Permit of 81 lots located in Moyock on the north side of Tulls Creek Road (SR 1222) at the intersection with Sawyertown Road (SR 1221), Tax Map 14, Lots 8A and 9, Moyock Township.

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

ANALYSIS OF ITEMS FOR THE BOARD OF COMMISSIONERS MEETING DATE: January 5, 2004

ITEM:	PB 02-13 POYNER CROSSNO, SKETCH PLAN/SPECIAL USE PERMIT FOR 81 COMMON OPEN SPACE LOTS
LOCATION:	Moyock Township at the intersection of SR 1222 (Tulls Creek Road) and SR 1221 (Sawyertown Road). Property is shown on Tax Map 14, Parcels 8A & 9.
ZONING DISTRICT:	Residential
OWNERS:	APPLICANT/AGENT
Kenneth Crossno	Napolitano III, LLC
Robert S. Crossno	4099 Foxwood Drive, Suite 200
John L. Crossno	Virginia Beach, VA 23462
123 Longview Lake Drive	
Raleigh, NC 27610	

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

Napolitano III, LLC is requesting Sketch Plan/Special Use Permit approval for 81 single family lots. The proposed development is located on 111.4 acres near the intersection of Tulls Creek Road and Sawyertown Road. Approximately 28.83 acres of the site consists of Adjacent 404 wetlands.

A Sketch Plan/Special Use Permit was previously applied for last year for this development, however a subdivision moratorium was adopted prior to review of the application by the Board of Commissioners. Section 913 of the recently adopted subdivision regulations mandates all subdivisions over 40 lots to be developed as Conservation Subdivisions. The development has been redesigned to meet this requirement and 45% of the gross tract area (after deducting primary conservation areas and street right-of-ways) is proposed to be set aside as open space.

The Yield Plan density for this site is 77 lots and a 5% density bonus, as allowed under Section 930, has been utilized resulting in a total of 81 lots. The majority of lots within this proposal contain from 20,000 sq. ft. to 22,000 sq. ft. of upland area.

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.

WASTEWATER: On-site septic systems will be utilized for the treatment of wastewater.

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 .9349. Based on these pupil generation figures, Currituck can expect 33 elementary students, 7 Jr. high students, and 12 high school students from this development.

OPEN SPACE: Under the Conservation Subdivision provisions a minimum 45% of the total tract (after deducting primary conservation areas and street rights-of-ways) must be set aside as open space. 33.48 acres has

been provided as undivided open space, slightly more than the 33.44 acre minimum required.

FLOOD ZONES: This property is located in zone C (not within the 100 year flood plain) and zone A3 EL6 (within the 100 year flood plain 6 foot elevation required).

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural and Rural with Services. The Rural area described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre." The purpose of the Rural with Services area is "to provide for low density land uses where limited water services are provided." This development would be consistent with the Land Use Plan.

STAFF COMMENTS:

- The Yield Plan for this proposal reflected Averi Lane being aligned with Sawyertown Road. Staff has noted that the road alignment is a preferred design to what is currently reflected on the Sketch Plan (which shows the entrance to the development just south of a curve on Tulls Creek Road).

The applicant has responded that the entrance was shifted north to better accommodate existing on-site stormwater drainage features.

- 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 5 of the 8 lots selected were noted as being of concern due to questionable sufficient available space due to the presence of wetlands (swamp) which make up a large percentage of these lots and in turn make much of the area of these lots unsuitable for a conventional septic system. In addition, the following conclusion was noted:

"Because of lot soil conditions (low soil application rates) due to clay loam soils which will require large areas to install required conventional septic systems and reserve/repair area along with the useable available space needed for proposed dwelling and septic system on these lots; Albemarle Regional Health Services may approve and encourage 40,000 square ft. minimum lot sizes to be required as shown on yield plan for this proposed subdivision."

- The adjoining property owner notice of the Board of Commissioners' Public Hearing was mailed by staff on October 20, 2003.
- The initial legal advertisement for this request ran on December 16, 2003 and January 4, 2003.
- The public hearing sign was posted on the property on December 19, 2003.
- On November 3, 2003 the Board of Commissioners remanded this request back to the Planning Board to allow for a complete review of the application.

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.* In consideration of the findings noted within the evaluations from Albemarle Regional Health Services, the 20,000 square foot lots proposed do not appear sufficient to support conventional septic systems. Therefore, this standard is not supported by the current application.
 - (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 1990 Land Use Plan classifies this site as Rural and Rural with Services. The Rural area described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre." The purpose of the Rural with Services area is "to provide for low density land uses where limited water services are provided." This development would be consistent with the Land Use 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. 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). In addition, the occupancy rate for Moyock Township is .9349. Based on these pupil generation figures, Currituck can expect 33 elementary students, 7 Jr. high students, and 12 high school students from this development.*

According to the current school population projections elementary schools in Moyock and Crawford Townships have -169 additional student capacity after full development of approved subdivisions. Therefore, adequate public facilities do not exist to serve the proposed development.

STAFF RECOMMENDATION:

In consideration of the facts stated within this analysis, staff recommends **denial** on the basis that this proposal does not meet the following standard for Special Use Permits;

- 1) *The proposal may endanger the public health or safety.* In consideration of the findings noted within the evaluations from Albemarle Regional Health Services, the 20,000 square foot lots proposed do not appear sufficient to support conventional septic systems.

In addition, staff has concerns regarding the existence of adequate school facilities to serve this proposed development. The Board of Commissioners may deny this request if it concludes that this development will exceed the county's ability to provide adequate public facilities, including schools.

PLANNING BOARD RECOMMENDATION

On December 9, 2003 the Planning Board recommended approval (5-3) of this request.

Chairman O'Neal opened the public hearing.

County Attorney Morrison questioned Joe Hobbs, District Health Department, on his qualifications as a witness. Mr. Hobbs did a site evaluation of the property and stated that 40,000 sq. ft. lots were needed; 20,000 sq. ft. lots may not provide adequate area for swelling, septic area, reserve area.

Ike McRee, Attorney for developer, cross examined Mr. Hobbs.

Tim Peebles, District Health Dept., expressed concerns with open space subdivisions. Also recommended 40,000 sq. foot lots.

Commissioner Bowden questioned DOT right-of-way.

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

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

Public Hearing and Action PB 03-35 TUCKER'S LAIR: Rezone 2 acres from Agricultural (A) to Residential (R) located in Grandy on the west side of Poplar Branch Road (SR 1131) across from the intersection with Woodhouse Drive (SR 1175), Tax Map 94, Parcel 172C, Poplar Branch Township.

Gary Ferguson, Planning Director, reviewed the request.

Zoning Staff Report: PB 03-35 Tucker's Lair

TYPE OF REQUEST: Request for rezoning approximately 2 acres from Agricultural (A) to Residential (R).

LOCATION: This site is located in Poplar Branch Township off of Poplar Branch Road, Tax Map 94, Lot 172C.

PROPERTY OWNER: John McCandless

CONTACT PERSON: Sean Robey, Hyman & Robey, PC

ZONING:
Zoning

Current Zoning

Proposed

Agricultural

Residential

ZONING HISTORY: Property has been zoned Agricultural since the county's adoption of zoning maps in 1989.

SURROUNDING

ZONING/LAND USE: NORTH: Agricultural/Farmland
 SOUTH: Residential/Farmland & Residential
 EAST: Residential & Recreational/Residential
 WEST: Agricultural/Commercial, Farmland & Residential

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential Subdivision (40,000 s.f. lots)

LAND USE PLAN

CLASSIFICATION: According to the 1990 Land use Plan this area is designated *Rural with Services*. The purpose of the rural with services class is to "provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem. The proposed rezoning would be consistent with the *Rural with Services* classification.

PUBLIC SERVICES AND UTILITIES:

Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, telephone, county water and cable are currently available.

TRANSPORTATION: Property fronts on Poplar Branch Road. Poplar Branch Road is classified as a Minor Collector in the 1998 Thoroughfare Plan.

FLOOD ZONE: According to FEMA maps, the property is located in Flood Zone C (outside of the 100 year flood plain).

SOILS: Approximately 50% of this property consists of Portsmouth fine sandy loam. This soil type is characterized as poorly drained and unsuitable for development. The remaining area consists

of Conetoe loamy sand and Dragston loamy fine sand which are well drained soils that are suitable for development.

STAFF COMMENTS: In conjunction with this application, applicant is requesting Special Use Permit/Sketch Plan approval for a five lot subdivision on property that is currently split zoned Agricultural and Residential.

The adjoining property owner notice of the Board of Commissioners' Public Hearing was mailed by staff on October 20, 2003.

The legal advertisement for this request ran on December 16, 2003 and January 4, 2004.

The public hearing sign was posted on the property on December 19, 2003.

STAFF

RECOMMENDATION: The proposed rezoning is consistent with the Land Use Plan. In addition, the area proposed to be rezoned is adjacent to Residential. Staff recommends approval of this request.

PLANNING BOARD

RECOMMENDATION: On December 9, 2003, the Planning Board recommended approval (8-0) of this request as presented.

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

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

Public Hearing and Action PB 03-35 TUCKER'S LAIR: Sketch Plan/Special Use Permit of five lots located in Grandy on the west side of Poplar Branch Road (SR 1131) across from the intersection with Woodhouse Drive (SR 1175), Tax Map 94, Parcel 172C, Poplar Branch 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: JANUARY 5, 2004**

ITEM: PB 03-35 TUCKER'S LAIR, SKETCH PLAN FOR 5 SINGLE FAMILY LOTS

LOCATION: Off of Poplar Branch Road near the intersection of Woodhouse Drive, Poplar Branch Township.

ZONING DISTRICT: Agricultural & Residential

OWNER:
John McCandless
P.O. Box 111
Jarvisburg, NC 27947

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Agricultural & Residential – zoned A
SOUTH: Residential (Grandy Acres) - zoned R
EAST: Residential (Waterview Shores) - zoned RR
WEST: Agricultural - zoned A

NARRATIVE OF REQUEST:

John McCandless is seeking Sketch Plan/Special Use Permit approval for 5 single family lots in Poplar Branch. The property proposed for subdivision is currently split zoned Agricultural and Residential, however the applicant has applied for rezoning the entire tract Residential in conjunction with the Sketch Plan/Special Use Permit application. The total area of the site is 5.15 acres.

In order to meet the 40,000 sf minimum lot size requirement, the developer proposes to recombine 8,048.54 sf of Grandy Acres lot 5 with Tucker's Lair lot 2.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

In order to provide for interconnectivity for future development, a 45' improved right-of-way should be provided along lots 4 and 5 to the northern property line.

WATER: This development will be served by County water.

FIRE: Lower Currituck Volunteer Fire Department will provide fire protection to this development.

WASTEWATER: Individual septic systems are proposed for the treatment of wastewater. Approximately 50% of the property (including lots 2, 3 & 4) contains Portsmouth fine sandy loam which is characterized as poorly drained and unsuitable for development. The remaining area consists of Conetoe loamy sand and Dragston loamy fine sand which are well drained soils that are suitable 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*). Based on these pupil generation figures, Currituck can expect 2 elementary students, 1 Jr. high student, and 1 high school student from this development.

- OPEN SPACE:** Since this development consists of only five lots, no open space is required under Section 913 of the UDO.
- DRAINAGE:** Use of existing drainage is proposed. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.
- FLOOD ZONES:** This development contains flood zone C (not within the 100 year flood area).
- CAMA CLASS:** According to the 1990 Land Use Plan, this property is designated Rural with Services. The purpose of the Rural with Services class is to “provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem.”

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 standards within the UDO have been met in the most recently submitted revision.
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;
 - (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 with Services 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. 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). Based on these pupil generation figures, Currituck can expect 2 elementary students, 1 Jr. high student, and 1 high school student from this development.

According to the current school population projections, Griggs Elementary School has -30 additional student capacity after full development of approved subdivisions within Poplar Branch Township.

STAFF COMMENTS

- The adjoining property owner notice of the Board of Commissioners' Public Hearing was mailed by staff on October 20, 2003.
- The legal advertisement for this request ran on December 16, 2003 and January 4, 2004.
- The public hearing sign was posted on the property on December 19, 2003.
- On November 3, 2003 the Board of Commissioners remanded this request back to the Planning Board to allow for a complete review of the application.

STAFF RECOMMENDATION:

Staff has concerns regarding the existence of adequate school facilities to serve this proposed development. The Board of Commissioners may deny this request if it concludes that this development will exceed the county's ability to provide adequate public facilities, including schools.

If approval of this request is granted, staff recommends the following conditions;

1. A 45' improved right-of-way shall be provided along lots 4 and 5 to the northern property line in order to provide the potential for interconnectivity for future development;
2. A ten foot non-access zone shall be provided along the side property line boundaries which front Poplar Branch Road;
3. That applicant shall be required to meet all requirements of the UDO including but not limited to, planting trees along any newly paved streets;
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 December 9, 2003 the Planning Board recommended denial (5-3) of this request because of interconnectivity issues.

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

Commissioner Gregory moved to approve without the connective roads. Commissioner Bowden seconded the motion. Motion carried with Commissioner Martin voting no.

**Public Hearing and Action PB 03-39 NEW COLONY LANDING:
Sketch Plan/Special Use Permit for 19 lots located in
Moyock at the intersection of Tulls Creek Road (SR 1222)
and Copeland Drive (SR 1267), Tax Map 39, Lot 16, 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: JANUARY 5, 2004

ITEM: PB 03-39 NEW COLONY LANDING, SKETCH PLAN
FOR 19 SINGLE FAMILY LOTS

LOCATION: At the intersection of Tulls Creek Road (SR 1222) and
Copeland Drive (SR 1267), Moyock Township.

ZONING DISTRICT: Residential

OWNER:
Nolton Hill
805 Puddin Ridge Road
Moyock, NC 27958

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Vacant- zoned R
SOUTH: Residential & Farmland - zoned R
EAST: Residential & Farmland - zoned R
WEST: Residential & Farmland - zoned R

NARRATIVE OF REQUEST:

Nolton Hill is seeking Sketch Plan/Special Use Permit approval for 19 single family lots. The total acreage of the entire development is approximately 20.14 acres.

This property is zoned Residential. No open space is required or provided. Lots within this development are proposed to range from 40,000 sq. ft. to 54,458 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.
- WATER:** This development will be served by County water.
- FIRE:** This development will be located within the Moyock Volunteer Fire Department which currently has a State ISO rating of 9.
- WASTEWATER:** Individual on-site septic systems are proposed. The property contains Roanoke soils which consist of poorly drained, slowly permeable soils on nearly level to sloping uplands.
- 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*). Based on these pupil generation figures, Currituck can expect 8 elementary students, 2 Jr. high students, and 3 high school students from this development.
- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** Existing agricultural ditches supplemented by new lot line swales are proposed. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.
- FLOOD ZONES:** This development contains flood zone C (not within the 100 year flood area).
- CAMA CLASS:** The 1990 Land Use Plan classifies this site as Rural with Services. The intent behind the Rural with Services class is "to provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem." In addition "Areas meeting the intent of this class are appropriate for very low density residential uses with a gross density of approximately one unit per acre, where lot sizes are large and where the provision of services will not disrupt the primary rural character of the landscape."

STAFF COMMENTS:

- The adjoining property owner notice of the Board of Commissioners' Public Hearing was mailed by staff on October 20, 2003.
- The legal advertisement for this request ran on December 16, 2003 and January 4, 2004.
- The public hearing sign was posted on the property on December 19, 2003.

- On November 3, 2003 the Board of Commissioners remanded this request back to the Planning Board to allow for a complete review of the application.

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 application meets all standards within the UDO including minimum lot sizes and dimensions, street rights-of-ways and open space.
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 with Services 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. Based on these pupil generation figures, Currituck can expect 8 elementary students, 2 Jr. high students, and 3 high school students from this development.*

According to the current school population projections elementary schools in Moyock and Crawford Townships have -169 additional student capacity after full development of approved subdivisions.

STAFF RECOMMENDATION:

Although this application meets the technical requirements for approval, staff has concerns regarding the existence of adequate school facilities to serve this proposed development. The Board of Commissioners may deny this

request if it concludes that this development will exceed the county's ability to provide adequate public facilities, including schools.

PLANNING BOARD RECOMMENDATION

On December 9, 2003 the Planning Board recommended **approval** (6 – 2) of this request.

Chairman O'Neal opened the public hearing.

Earl Springle, questioned the density and drainage issues.

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

Commissioner Martin moved to approve with drainage issues addressed. Commissioner Miller seconded the motion. Motion carried.

Public Hearing and Action PB 00-44 Clover Bend, Sketch Plan for 17 Single Family Lots, northwest of Guinea Road (SR 1214) approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock 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: JANUARY 5, 2004

ITEM: **PB 03-39 NEW COLONY LANDING, SKETCH PLAN FOR 19 SINGLE FAMILY LOTS**

LOCATION: At the intersection of Tulls Creek Road (SR 1222) and Copeland Drive (SR 1267), Moyock Township.

ZONING DISTRICT: Residential

OWNER:
Nolton Hill
805 Puddin Ridge Road
Moyock, NC 27958

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Vacant- zoned R
SOUTH: Residential & Farmland - zoned R
EAST: Residential & Farmland - zoned R
WEST: Residential & Farmland - zoned R

NARRATIVE OF REQUEST:

Nolton Hill is seeking Sketch Plan/Special Use Permit approval for 19 single family lots. The total acreage of the entire development is approximately 20.14 acres.

This property is zoned Residential. No open space is required or provided. Lots within this development are proposed to range from 40,000 sq. ft. to 54,458 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.
- WATER:** This development will be served by County water.
- FIRE:** This development will be located within the Moyock Volunteer Fire Department which currently has a State ISO rating of 9.
- WASTEWATER:** Individual on-site septic systems are proposed. The property contains Roanoke soils which consist of poorly drained, slowly permeable soils on nearly level to sloping uplands.
- 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*). Based on these pupil generation figures, Currituck can expect 8 elementary students, 2 Jr. high students, and 3 high school students from this development.
- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** Existing agricultural ditches supplemented by new lot line swales are proposed. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.
- FLOOD ZONES:** This development contains flood zone C (not within the 100 year flood area).
- CAMA CLASS:** The 1990 Land Use Plan classifies this site as Rural with Services. The intent behind the Rural with Services class is "to provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem." In addition "Areas meeting the intent of this class are appropriate for very low density residential uses with a gross density of approximately one unit per acre, where lot sizes are large and where the provision of services will not disrupt the primary rural character of the landscape."

STAFF COMMENTS:

- The adjoining property owner notice of the Board of Commissioners' Public Hearing was mailed by staff on October 20, 2003.
- The legal advertisement for this request ran on December 16, 2003 and January 4, 2004.

- The public hearing sign was posted on the property on December 19, 2003.
- On November 3, 2003 the Board of Commissioners remanded this request back to the Planning Board to allow for a complete review of the application.

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 application meets all standards within the UDO including minimum lot sizes and dimensions, street rights-of-ways and open space.
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 with Services classification 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. Based on these pupil generation figures, Currituck can expect 8 elementary students, 2 Jr. high students, and 3 high school students from this development.*

According to the current school population projections elementary schools in Moyock and Crawford Townships have -169 additional student capacity after full development of approved subdivisions.

STAFF RECOMMENDATION:

Although this application meets the technical requirements for approval, staff has concerns regarding the existence of adequate school facilities to serve this proposed development. The Board of Commissioners may deny this request if it concludes that this development will exceed the county's ability to provide adequate public facilities, including schools.

PLANNING BOARD RECOMMENDATION

On December 9, 2003 the Planning Board recommended **approval** (6 – 2) of this request.

Chairman O'Neal opened the public hearing.

James Trainor, questioned drainage issues.

There being no further comments, the public hearing was closed.

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

Public Hearing and Action PB 03-48 POPLAR RIDGE: Sketch Plan/Special Use Permit for 18 lots located in Poplar Branch at 390 Poplar Branch Road, Tax Map 93, Lot 175, Poplar Branch 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: January 5, 2004

ITEM: **PB 03-48 POPLAR RIDGE, SKETCH PLAN/SPECIAL USE PERMIT FOR 18 SINGLE FAMILY LOTS**

LOCATION: On the west side of Poplar Branch Road (SR 1131) approximately 1,800 feet south of the intersection with Macedonia Church Road, Poplar Branch Township.

ZONING DISTRICT: Residential & Agricultural

OWNER:

C.A. Howard
P.O. Box 94
Currituck, NC 27929

APPLICANT/AGENT

Hyman & Robey, PC
150 A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Vacant- zoned R & A
SOUTH: Farmland & Vacant - zoned R & A
EAST: Residential & Farmland - zoned R
WEST: Vacant - zoned A

NARRATIVE OF REQUEST:

C.A. Howard is seeking Sketch Plan/Special Use Permit approval for 18 single family lots through the major subdivision process. The total acreage of the entire development is approximately 24.84 acres.

Lots 1 – 13 are zoned Residential. Lot 14 is divided by the Residential and Agricultural zones, with lots 15 – 18 zoned Agricultural. Section 202 of the UDO allows for the creation of a total of 5 lots within the Agricultural zone at 40,000 sq.ft. The 40,000 sq. ft. allowance is utilized with lots 14 through 18. Lot sizes within this development range from 40,000 – 265,194 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** There is one street proposed and it will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT. Although the cul-de-sac exceeds 1,000 sq. ft., the street is located adjacent to the property line which allows for future connectivity to adjoining properties, if the Board of Commissioners chooses to require it.
- WATER:** This development will be served by County water.
- FIRE:** This development will be located within the Lower Currituck Volunteer Fire District.
- WASTEWATER:** Individual on-site septic systems are proposed.
- SOILS:** The soils on this property consist of Conetoe loamy sand, Portsmouth fine sandy loam, State fine sandy loam, Nimmo loamy sand and Wasda muck. Conetoe and State soils are well drained soils with moderate permeability. Portsmouth and Nimmo soils are poorly drained with moderate permeability. The portion of this property that is designated as 404 wetlands contains Wasda muck, which is very poorly drained with a surface layer of black muck.
- 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*). Based on these pupil generation figures, Currituck can expect 7 elementary students, 2 Jr. high students, and 3 high school students from this development.
- OPEN SPACE:** No open space is required, however a small area of open space (approximately 16,000 sq. ft.) is provided to accommodate an existing private cemetery.
- DRAINAGE:** Infiltration swales will be installed as needed along lot lines. Since the soils are sandy and the development will be low density, it is not anticipated that infiltration ponds will be needed. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.
- FLOOD ZONES:** This development is located within flood zone C (not within the 100 year flood area).
- 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 where lot sizes are large and where densities do not require the provision of urban type services.

STAFF COMMENTS:

- On November 20, 2003 Technical Review staff reviewed this application. The Sketch Plan has been revised to address concerns expressed by the Technical Review staff.
- Legal Advertisements for this request ran on December 16, 2003 and January 4, 2004.
- Adjoining property owner notices for the Board of Commissioners' public hearing were mailed on December 19, 2003.
- Public hearing sign was posted on the property at least 10 days prior to the public hearing.

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 provisions 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 with Services 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. Based on these pupil generation figures, Currituck can expect 7 elementary students, 2 Jr. high students, and 3 high school students from this development.

According to the current school population projections Griggs Elementary Schools has -30 additional student capacity after full development of currently approved subdivisions.

STAFF RECOMMENDATION:

Although this application meets the technical requirements for Sketch Plan/Special Use Permit approval, staff has concerns regarding the existence of adequate school facilities to serve this proposed development. The Board of Commissioners may deny this request if it concludes that this development will exceed the county's ability to provide adequate public facilities, including schools.

PLANNING BOARD RECOMMENDATION

On December 9, 2003 the Planning Board recommended approval (7-1) of this request as presented.

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

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

Public Hearing and Action PB 03-49 PINEY LANE: Sketch Plan/Special Use Permit for 6 lots located in Harbinger on the east side of Owens Beach Road (SR 1117) beginning at the intersection with Harbinger Ridge Road (SR 1103), Tax Map 132, Lot 154D, Poplar Branch 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: January 5, 2004**

**ITEM: PB 03-49 PINEY LANE, SKETCH PLAN/PRELIMINARY PLAT FOR
6 SINGLE FAMILY LOTS**

LOCATION: On the east side of Owens Beach Road (SR 1117) approximately 1,000 feet south of the intersection with Harbinger Ridge Road, Poplar Branch Township.

ZONING DISTRICT: Residential

OWNER:
Holly Houska Wyler & Amanda Houska
2727 Mackinnon Ranch Road
Cardiff, CA 92007

APPLICANT/AGENT
William S. Jones, Jr.
303 West Archdale Street
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential- zoned R
SOUTH: Vacant (proposed Albemarle Estates) - zoned R
EAST: Vacant (proposed Albemarle Estates) - zoned R
WEST: Residential - zoned R

NARRATIVE OF REQUEST:

Holly Houska Wyler and Amanda Houska are seeking Sketch Plan/Special Use Permit/Preliminary Plat approval for 6 single family lots through the major subdivision process. The total acreage of the entire development is approximately 6.929 acres.

This property is zoned Residential and fronts on Owens Beach Road. It is located adjacent to the proposed Albemarle Estates subdivision, which is currently under consideration by the Board of Commissioners.

Existing houses are located on Lots 8 and 4. A jog in the side lot lines shared by lots 8 and 9 has been shown to provide the required space for the existing septic system on Lot 8.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All proposed lots will front on Owens Beach Road which is an existing NCDOT maintained right-of-way.

WATER: This development will be served by individual private wells.

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

WASTEWATER: On-site septic systems are proposed for disposal of wastewater.

SOILS: Property consists of Conetoe loamy sand which is a well drained soil with moderately rapid 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*). Based on these pupil generation figures, Currituck can expect 2 elementary students, 1 Jr. high student, and 1 high school student from this development.

OPEN SPACE: No open space is required or provided within this development.

DRAINAGE: Roadside drainage swales will be installed along front property lines.

FLOOD ZONES: This development is located within flood zone C (not within the 100 year flood area).

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 where lot sizes are large and where densities do not require the provision of urban type services.

STAFF COMMENTS:

- On November 20, 2003 Technical Review staff reviewed this application. The Plan has been revised to address concerns expressed by the Technical Review staff.
- Legal Advertisements for this request ran on December 16, 2003 and January 4, 2004.
- Adjoining property owner notices for the Board of Commissioners' public hearing were mailed on December 19, 2003.
- Public hearing sign was posted on the property on December 19, 2003.

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 subdivision appears to comply with all 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 with Services classification 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. Based on these pupil generation figures, Currituck can expect 2 elementary students, 1 Jr. high student, and 1 high school student from this development.*

According to the current school population projections Griggs Elementary Schools has -30 additional student capacity after full development of currently approved subdivisions.

STAFF RECOMMENDATION:

Although this application meets the technical requirements for Sketch Plan/Special Use Permit/Preliminary Plat approval, staff has concerns regarding the existence of adequate school facilities to serve this proposed development. The Board of Commissioners may deny this request if it concludes that this development will exceed the county's ability to provide adequate public facilities, including schools.

PLANNING BOARD RECOMMENDATION

On December 9, 2003 the Planning Board recommended approval (7-1) of this request as presented.

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

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

Discussion and consideration of Resolution on General Obligation Refunding Bonds.

Chairman O'Neal read the following resolution for refunding bonds.

BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004 OF CURRITUCK COUNTY IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 FOR THE PURPOSE OF REFUNDING, IN PART, CERTAIN MATURITIES OF THE COUNTY'S GENERAL OBLIGATION SCHOOL BONDS, SERIES 1995 AND ITS 1989 WATER BONDS, SERIES A AND SERIES B

WHEREAS, Board of Commissioners of Currituck County (the "Board") has decided to pursue the issuance of general obligation refunding bonds in a maximum aggregate principal amount of not to exceed \$15,000,000 under the Local Government Bond Act (the "Act") to refund, in part, certain maturities of the Currituck County General Obligation School Bonds, Series 1995 and the Currituck County 1989 Water Bonds, Series A and Series B; and

WHEREAS, the Board has filed an application with the Local Government Commission of North Carolina for approval of such bonds as required by the Act;

NOW, THEREFORE, the Board of Commissioners of the County of Currituck, meeting in regular session at Currituck, North Carolina, on January 5, 2004, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CURRITUCK:

1. It is hereby determined necessary and expedient for Currituck County to borrow money, and there are hereby authorized to be issued general obligation refunding bonds of Currituck County for the purpose of providing money to refund, in part, certain maturities of the Currituck County General Obligation School Bonds, Series 1995 and the Currituck County 1989 Water Bonds, Series A and Series B.

2. The bonds shall be in an aggregate principal amount not to exceed \$15,000,000.

3. The Bonds shall be general obligations of Currituck County for the payment of principal of and the interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds.

4. A sworn statement of debt has been filed with the Clerk to the Board pursuant to G.S. § 159-55 and is open to public inspection.

5. The Bond order will take effect 30 days after its publication following adoption.

Commissioner Bowden moved the foregoing Bond Order be introduced, and Commissioner Gregory seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners O'Neal, Miller, Bowden, Gregory and Martin.

WHEREAS, there has been introduced to the Board of Commissioners of Currituck County a Bond Order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004 OF CURRITUCK COUNTY IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$15,000,000 FOR THE PURPOSE OF REFUNDING, IN PART, CERTAIN MATURITIES OF THE COUNTY'S GENERAL OBLIGATION SCHOOL BONDS, SERIES 1995 AND ITS 1989 WATER BONDS, SERIES A AND SERIES B; and

WHEREAS, G.S. § 159-54 provides there shall be a public hearing on the Bond Order and G.S. § 159-56 provides for publication of the Bond Order and notice of the hearing;

NOW, THEREFORE, the Board of Commissioners of the County of Currituck, meeting in regular session at Currituck, North Carolina, on January 5, 2004, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CURRITUCK:

1. A public hearing on the Bond Order shall be held at 7:00 p.m. in the Commissioners Meeting Room in the Historic Courthouse, Currituck, North Carolina on January 20, 2004.

2. The Clerk to this Board of Commissioners shall cause the Bond Order, with a statement appended in form described by G.S. § 159-56, to be published in The Daily Advance.

3. The County Finance Officer is hereby designated to file the statement of debt required by G.S. § 159-55.

4. The completed form of application to the Local Government Commission with respect to the proposed bonds is hereby approved.

5. This resolution shall take effect immediately.

Commissioner Bowden moved the passage of the foregoing resolution, and Commissioner Gregory seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners- O'Neal, Miller, Bowden, Gregory and Martin

Consent Agenda:

Budget Amendments

Approval of December 1, 2003 Minutes.

Resolution on Elected Officials Salary.

Resolution to DOT for mile post signs.

Resolution approving Whalehead Access Dredging Project

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10450-532000	Supplies	\$ 3,000	\$
10450-514000	Travel		2,000
10450-514500	Training & Education		1,000
		\$ 3,000	\$ 3,000

EXPLANATION: Tax (450) – To transfer funds to supplies for unexpected charges associated with printing tax listing forms created by tax software update.

NET BUDGET EFFECT: Operating Fund (10) – No change.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10415-502000	Salaries - Regular	\$ 3,691	\$
10415-505000	FICA	283	
10415-507000	Retirement	361	
10430-502000	Salaries - Regular	1,193	
10430-505000	FICA	92	
10430-507000	Retirement	117	
10440-502000	Salaries - Regular	1,310	
10440-505000	FICA	101	
10440-507000	Retirement	129	
10441-502000	Salaries - Regular	1,304	
10441-505000	FICA	100	
10441-507000	Retirement	128	
10445-502000	Salaries - Regular	1,853	
10445-505000	FICA	142	
10445-507000	Retirement	182	
10450-502000	Salaries - Regular	2,744	
10450-505000	FICA	210	
10450-507000	Retirement	263	
10460-502000	Salaries - Regular	2,482	
10460-505000	FICA	190	
10460-507000	Retirement	243	
10480-502000	Salaries - Regular	510	
10480-505000	FICA	39	
10480-507000	Retirement	50	
10510-502000	Salaries - Regular	1,606	
10510-505000	FICA	123	
10510-507000	Retirement	78	
	Supplemental		
10510-508000	Retirement	80	
10511-502000	Salaries - Regular	97	
10511-505000	FICA	8	
10511-507000	Retirement	10	
10530-502000	Salaries - Regular	32,408	
10530-502100	Overtime	1,480	
10530-505000	FICA	2,593	
10530-507000	Retirement	3,315	
10531-502000	Salaries - Regular	843	
10531-505000	FICA	65	
10531-507000	Retirement	83	
10535-502000	Salaries - Regular	3,557	
10535-505000	FICA	273	

10535-507000	Retirement	348	
10541-502000	Salaries - Regular	337	
10541-505000	FICA	26	
10541-507000	Retirement	33	
10640-502000	Salaries - Regular	400	
10640-505000	FICA	31	
10640-507000	Retirement	40	
10650-502000	Salaries - Regular	1,419	
10650-505000	FICA	109	
10650-507000	Retirement	139	
10660-502000	Salaries - Regular	6,209	
10660-505000	FICA	475	
10660-507000	Retirement	608	
10750-502000	Salaries - Regular	11,425	
10750-505000	FICA	874	
10750-507000	Retirement	1,118	
10775-502000	Salaries - Regular	2,718	
10775-505000	FICA	208	
10775-507000	Retirement	266	
10795-502000	Salaries - Regular	1,485	
10795-505000	FICA	114	
10795-507000	Retirement	146	
61818-502000	Salaries - Regular	9,539	
61818-505000	FICA	730	
61818-507000	Retirement	933	
10960-509000	Pay for Performance		70,458
10340-456000	Planning Fees		22,406
61360-471000	Tap and Connection Fees		11,202
		\$ 104,066	\$ 104,066

EXPLANATION: Various Departments – To increase budgeted line items to implement the Maximus pay study with an effective date of January 1, 2004.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$22,406
Mainland Water Fund (61) – Increased by \$11202.

RESOLUTION
ELECTED OFFICIALS
SALARY

NOW, THEREFORE BE IT RESOLVED, all Elected officials (Sheriff and Register of Deeds) will be paid based on the current grade and step table of the Currituck County Pay Plan.

RESOLUTION REQUESTING MILE POST SIGNAGE

WHEREAS, Currituck County continues to be the gateway into northeastern North Carolina and the Outer Banks for over 7 million of visitors very year; and

WHEREAS, this number continues to grow and a responsive transportation system is critical for safety and the county's future development; and

WHEREAS, NC 168, US 158, NC 12 are primary corridors Currituck County and are a vital part of the state intrastate highway system; and

WHEREAS, the Currituck County Board of Commissioners believes that erecting mile post signage along the county's major corridors will promote safety, enhance emergency service response time, and will be an effective advertising tool for our businesses; and

NOW, THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners respectfully requests that the North Carolina Department of Transportation erect mile post signs along NC 12 from US 158 to Corolla and along NC 168 and US 158 – Caratoke Highway – from the Virginia line to the Wright Memorial Bridge.

WHALEHEAD ACCESS DREDGING PROJECT

RESOLUTION FOR CURRITUCK COUNTY

WHEREAS, the County of Currituck and the Currituck Board of Education, desire to sponsor the Whalehead Access Dredging Project to create access for a new school passenger ferry system and improve boat access to the Whalehead Museum and Recreation Area;

NOW, THEREFORE BE IT RESOLVED THAT:

- 1) The Board of Commissioners and the Board of Education request the North Carolina Division of Water Resources to provide Cost-Share assistance to the County for the Access Dredging Project in the amount of \$36,000 or 80% of project costs;
- 2) The Boards assume full obligation for payment of the balance of project costs;
- 3) The Boards will obtain all necessary State and Federal permits;
- 4) The Boards will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) The Boards and other sponsors 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;
- 6) The Boards will obtain all easements and right-of-ways that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Boards will assure that the public will have access to any waters benefited by the project;
- 8) The Boards will hold the State harmless from any damages that may result from the implementation of the project;
- 9) The Boards accept responsibility for the operation and maintenance of the completed project.

Commissioner's Report

Commissioner Bowden commented on the flooding situation on the Outer Banks.

Chairman O'Neal stated the Board would now need to take a serious look at the Adequate Facility Ordinance and the fact that the Board has been fair to all that were in the review process.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

S. Paul O'Neal

ATTEST:

Eldon L. Miller, Jr.

Gwen H. Tatem, CMC
Clerk to the Board

Ernie Bowden

Gene A. Gregory

Paul R. Martin