

CURRITUCK COUNTY
NORTH CAROLINA
July 6, 2004

The Currituck County Board of Commissioners met prior to the regular meeting at 5:00 p.m. to discuss airport hangars and with the District Health Department on septic systems.

The Currituck County Board of Commissioners met on Tuesday, July 6, 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 adding Item 8A "Consideration of bids for Southern Park".
Commissioner Martin seconded the motion. Motion carried.

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
New Business
- Item 3 Public Hearing and Action PB 01-08 Kilmarlic Club to allow for a new entry road with re-alignment located at the west end of SR 112 (West End Lane) near Harbinger, Tax Map 124, Parcels 52A, 52B, 57, 132, 134, 135, and 136, Poplar Branch-Township.
- Item 4 Public Hearing and Action PB 04-31: Amendment to Section 1310 of the UDO to prohibit major subdivisions within the Agricultural (A) zone.
- Item 5 Public Hearing and Action PB 02-12 WINSLOW FARMS: Sketch Plan/Special Use Permit for 82 lots located in Moyock on the east side of Caratoke Highway approximately 300' north of Brady Outdoor Equipment, Tax Map 9, Lot 29K, Moyock Township.
- Item 6 Public Hearing and Action PB 04-28 GRANDY WOODS, PHASE 2: Sketch Plan/Special Use Permit for 5 lots located in Grandy at 634 Grandy Road, Tax Map 95, Lot 64F, Poplar Branch Township.
- Item 7 Public Hearing and Action on amendment to Article 2 of the UDO to eliminate the minimum 40,000 Sq. Ft. lot allowance in the Agricultural zone.
- Item 8 Discussion on changing name of Airport to Currituck/Outer Banks Regional Airport.
- Item 9 Appointments to Incorporation Commission.
- Item 10 Appointment to Nursing Home Advisory Board.
- Item 11 Consent Agenda:
Approval of June 7, 21, Minutes
Resolution authorizing execution of Planning and Management Grant contract.
Request DOT to add Vincent Rd. to State System.
Waive transfer fee for Jarvisburg Church of Christ.
- Item 12 Commissioner's Report
- Item 13 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.

Jim Hartman, Eagle Creek, discussed the board taking no action on citizens requests on TAA.

Ann Klucznik, Eagle Creek, expressed concerns with Board's lack of consideration for citizens concerns.

John Morrison, County Attorney, reviewed the court process for the Board of Adjustment's decision on Tidewater Auto Auction. Mr. Morrison also reviewed concerns addressed by Tidewater Auto Auction.

Bob Henley, Economic Development Board, expressed his embarrassment of comments made by SaveMoyock while the Governor was visiting Currituck County.

New Business

Public Hearing and Action PB 01-08 Kilmarlic Club to allow for a new entry road with re-alignment located at the west end of SR 112 (West End Lane) near Harbinger, Tax Map 124, Parcels 52A, 52B, 57, 132, 134, 135, and 136, Poplar Branch-Township.

Gary Ferguson, Planning Director, reviewed the request.

ITEM: PB 01- 08 KILMARLIC CLUB

OWNER:	APPLICANT/AGENT:
Kilmarlic Residential, LLC	Bissell Professional Group
257 Caratoke Highway, Ste. B	PO Box 1068
Moyock, NC 27958	Kitty Hawk, NC 27949

ORIGINAL TAX ID: Tax Map 124, Parcels 52A, 52B, 57, 132, 134, 135, & 136

LOCATION: Located on the west side of Caratoke Hwy. (US 158) along West Side Lane (SR 1112). Property is shown on

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Fire Station, Residential, Woodlands, sludge disposal site - zoned A
SOUTH:	Mining, demolition landfill (incinerator), Residential, Wetlands - zoned HM & C
EAST:	Residential and Commercial - zoned GB
WEST:	Albemarle Sound

PURPOSE OF REQUEST:

The applicant requests an Amended Sketch Plan/Special Use Permit approval to allow a new entry road into Kilmarlic

Club from Caratoke Highway. The entry road will be located approximately 380' north of the intersection of West Side Lane and Caratoke Highway.

Kilmarlic Club received initial Sketch Plan approval for a 143-lot residential and golf course Common Open Space Subdivision from the Board of Commissioners on May 21, 2001. Minimum lot sizes range from 15,000-17,000sf. Subdivision will have two ingress/egress point along Caratoke Hwy. (US 158), a minor arterial, as classified by NCDOT within the 1988 county Thoroughfare Plan. Lots are connected to individual septic systems and lots are connected to the county's water system. A sound access area and contractual provisions that provide for access to the golf course by lot owners are included as recreational amenities

STAFF COMMENTS:

1. This parcel being located in the "Rural with Services" and "Conservation" classification.
2. Lower Currituck Fire & Rescue provides fire coverage for the area.
3. County water serves this development.
4. An Erosion & Sedimentation Control Plan will be required. In addition, the road work will be subject to state stormwater runoff policies and will be required to get stormwater approval.
5. The new road entrance at Caratoke Hwy. will require an encroachment agreement for the deceleration lane and utility work on Caratoke highway; drainage plans must be submitted to NCDOT for review & approval and a driveway permit will be required for the new road connection to Caratoke Highway.
6. Technical Review staff reviewed this application. Staffs concerns included the following:
 - a. That a 10" waterline together with required fire hydrants be installed along the new road. Plans shall be submitted for review & approval to insure proposed lines meet with county & state requirements.
 - b. That a deceleration lane be installed on Caratoke Highway.
 - c. That the road be shown with a dedicated right-of-way and not an easement.

- d. The road is splitting the Reserve Utility Open Space Lot and the Golf Maintenance Facilities in half and is creating non-conforming lots. These lots will need to be brought into conformance with the minimum lot size and width regulations at the time of final plat submittal.
- e. Show the location of the existing golf maintenance building and the building setbacks. The building will be required to meet the current setback requirements.
- f. The portions of the existing right-of-way for West Side Lane that are no longer being incorporated for the street shall be vacated and than combined with the respective adjoining properties at the time of final plat submittal.

STAFF RECOMMENDATION:

Staff has reviewed the request and recommends for **approval** subject to 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 10" water line; fire hydrants; and adequate drainage facilities to serve the development;
2. The applicant shall be required to install a deceleration lane from Caratoke Highway into the development;
3. 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

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.

Eddie Younts, questioned what would happen to the old entrance road.

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

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

Public Hearing and Action PB 04-31: Amendment to Section 1310 of the UDO to prohibit major subdivisions within the Agricultural (A) zone.

Gary Ferguson, Planning Director, reviewed the request.

Based on the Board of Commissioners/Planning Board work session that occurred on May 4, 2004 please find the attached UDO amendment that will eliminate "Major Subdivisions" from the Agricultural zoning district. Although the "use" (i.e.: residential single family homes) as well as minor subdivisions will continue to be authorized in the Agricultural district, all new major subdivisions will no longer be permitted within this zone.

For those land owners whose property is designated Agricultural and who wish to create a more than five (5) lot subdivision, they will need to first have their property rezoned before they can proceed with their major subdivision. This amendment will better control the locations of major subdivisions through the rezoning process.

Two (2) cautionary notes with this proposal:

1. This may encourage the practice of creating 10 plus acre exempt subdivisions if property owners are unsuccessful in their rezoning attempts; and,
2. The concept of "spot zoning" may become a more difficult issue as proportionally smaller areas are rezoned residential compared to the larger surrounding Agricultural zone.

Even with these concerns in mind, the benefits of excluding these major developments from rural areas far outweighs the potential negative consequences associated with this action and therefore staff recommends approval.

**CURRITUCK COUNTY
BOARD OF COMMISSIONERS
PB 04-31
UDO AMENDMENT REQUEST**

CURRITUCK COUNTY requests the following amendment to the Currituck County Unified Development Ordinance:

PB 04-31: Amendment to Section 1310 of the UDO to prohibit major subdivisions within the Agricultural (A) zone.

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 the following section be amended:

(Z - Zoning)

Permit; C -Conditional Use Permit; S - Special Use Permit)

USE #	DESCRIPTION								A	RA	R
	RO1	RO2	RR	GB	C	LBH	LM	HM			
30.000	Subdivisions										
	30.100 Major								S	S	S
	S	S	S	S	S	S	S	S			
	30.200 Minor								Z	Z	Z
	Z	Z	Z	Z	Z	Z	Z	Z			

Chairman O'Neal opened the public hearing.

Commissioner Bowden stated that this amendment was for the Knotts Island area of the county only at the request of the citizens that live there.

Harvey Roberts, Shawboro, stated that the Board was taking away the rights of the property owners and opposed the amendment.

Margaret Garrett, Moyock, opposed the amendment.

James Innes, Attorney, opposed the amendment as written.

Charlie Dozier, Jarvisburg, opposed the amendment.

Charlie Morris, opposed the amendment.

Moe Moore, opposed the amendment.

H.D. Newbern, opposed the amendment.

Jim Dowdy, opposed the amendment.

Eddie Younts, opposed the amendment.

Colin Grandy, opposed the amendment.

Susie Sullivan, opposed the amendment.

Jerry Wright, Jarvisburg, stated that he would like to see phasing of development.

Chairman O'Neal closed the public hearing.

The Board would like to meet with farmers and discuss the concerns that have been raised.

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

The Board requested a sign up sheet for concerned citizens to meet with Board to come up with other options.

This amendment will be amended at a later date to include only Knotts Island.

Public Hearing and Action PB 02-12 WINSLOW FARMS: Sketch Plan/Special Use Permit for 82 lots located in Moyock on the east side of Caratoke Highway approximately 300' north of Brady Outdoor Equipment, Tax Map 9, Lot 29K, Moyock Township.

Gary Ferguson, Planning Director, reviewed the request.

SUBDIVISION

LOCATION: Located in Moyock on the east side of Caratoke Hwy. approximately 1,300' north of intersection with Tulls Creek Road, Moyock Township.

TAX ID: 0009-000-029K-0000

ZONING DISTRICT: Residential

OWNER:

CTX, Inc.
1669 Tulls Creek 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: Vacant Industrial & Woodland - zoned LM & A
SOUTH: Farmland - zoned R & A
EAST: Vacant Residential - zoned R
WEST: Vacant Commercial - zoned GB

NARRATIVE OF REQUEST:

CTX, Inc. is requesting Sketch Plan/Special Use Permit approval for 82 single family lots to be developed as

a conservation subdivision. The proposed development will be located on 145.04 acres on the east side of Caratoke Highway, approximately 1,300 feet north of the intersection with Tulls Creek Road. Approximately 24.22 acres of the site consists of adjacent 404 wetlands.

The Yield Plan rendered a density of 101 lots. When the 5% density bonus allowed under Section 930, is applied the resulting yield for this site is 106 lots. On the Yield Plan, the lots range in size from 40,000 sf to 5 acres. The lots that are impacted by wetlands contain a minimum of 42,000 sf of upland area, well in excess of the required 20,000 sf minimum.

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 49 acres. The project is proposing to dedicate approximately 76 acres of open space.

The subdivision will have one point of entry from Caratoke Highway. The access to Caratoke Highway demands the crossing of the existing railroad line. It is proposed that this crossing will be gated. The site offers opportunities for future street connections along the northern and southern boundaries in Parcels C & D. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

The applicant has been working with the Wildlife Resource Commission (WRC) on developing Parcel E as a public boat ramp. An additional feature of the proposed recreational facilities is a trail system interconnecting the open space areas with the development.

According to the initial and updated Development Impact Statements, typical houses will be a mix of "modern upscale one and two story homes" with four bedrooms ranging in size from 2,000 sf to 3,000 sf. The anticipated home/lot sale price ranges from \$225,000 to \$300,000. In the initial Development Impact Statement, the projected sales were 20-25 per year. Based upon this projection, it will take approximately three to four years for the project to build-out. According to

the initial Development Impact Statement, the traffic generation was 636 trips per day for the proposed 63 lots. The updated Impact Statement lowers the trips per day to 492 for 82 homes.

In April 2004, the property received approval to have 145 acres of the total 180 acre tract rezoned from Agriculture to Residential. The developer is in the process of preparing an exempt subdivision plat to divide the 145 acre residential property from the remaining agriculture property.

A Sketch Plan/Special Use Permit was previously applied for in March 2002 for a 63 lot common open space subdivision, however a subdivision moratorium was adopted prior to review of the application by the Board of Commissioners. At that time, the subdivision was proposed as a common open space subdivision.

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 Moyock Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed. After the Yield Plan was submitted for review, the Albemarle Regional Health Services conducted 44 soil samples throughout the site. The locations chosen verified the lots on the Yield Plan while being representative of the proposed lots shown on the Sketch Plan. As required per Section 929, 10% of the lots shown on the Yield Plan were tested and passed.

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; **Cb** - Conaby muck is a very poorly drained soil and is not favorable for development; **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; **Wa** - Wahee fine sandy loam is a somewhat 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 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*).

Based on these pupil generation figures, Currituck can expect 38 elementary students, seven junior high students, and 13 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 79 acres of open space, or 55% of the gross tract area.

DRAINAGE:

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

FLOOD ZONES:

The property is located within a 100 year floodplain with a base flood elevation of 6' (Flood Zone A3).

LAND USE PLAN:

The 1990 Land Use Plan classifies this site as "Rural" and "Urban Transition". The Rural classification 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 82 lot subdivision is approximately 0.6 units per gross acre. The "Urban Transition" area described in the LUP calls for areas which are "presently being developed for urban purposes or will be developed in the next 5-10 years to accommodate anticipated population & urban growth. 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. The WRC is requesting a five acre site for the public boat ramp area. The plat is showing a 1.5 acre site.
 2. The applicant is required to submit a water availability letter.

3. The Fire Marshall is requesting a 16' pavement section in the cul-de-sacs with islands. There are concerns with the spacing of some of the fire hydrants not meeting the maximum 1,000' requirement. Lot 1 does not appear to be within 500' of a hydrant.
 4. Applicant is required to submit a proposed street name list.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the maximum 1,000' fire hydrant spacing.
 - The revised plan reflects a 3.9 acres site for the boat ramp area. The applicant is currently working with the WRC to determine exactly how much space is required for the development of the boat ramp site.
 - The project is over 40 lots and shall be required to construct a deceleration turn lane in accordance with NCDOT standards.
 - Section 914, Streets, requires that the developer shall be required to install concrete sidewalks along one side of all proposed streets in accordance with NCDOT regulations.
 - The project shall be required to obtain state stormwater and erosion & sedimentation control permits.
 - To assist with traffic control speed, staff recommended that the main road coming into the development from Caratoke Highway include some curvature to the road to assist in slowing down the traffic going to the boat ramp site..
 - The developer is proposing to offer a dedication of approximately 30 acres to Currituck County, which includes the public boat ramp site.

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 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 38 elementary students, seven junior high students, and 13 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, 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 June 8, 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.

Harvey Roberts, commented on the length ration of the lots.

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

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

Public Hearing and Action PB 04-28 GRANDY WOODS, PHASE 2: Sketch Plan/Special Use Permit for 5 lots located in Grandy at 634 Grandy Road, Tax Map 95, Lot 64F, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Gary Ferguson, Planning Director, reviewed the request.

ITEM: PB 04-28 GRANDY WOODS PHASE 2, SKETCH PLAN FOR 5 SINGLE FAMILY LOTS

LOCATION: Off of Grandy Road, approximately one third mile from its intersection with Garrenton Road, Poplar Branch Township.

TAX ID: 0095-000-064A-0000 & 0095-000-064F-0000

ZONING DISTRICT: Agricultural

OWNER:	APPLICANT/AGENT
C.A. Howard, Jr.	Hyman & Robey, PC
P.O. Box 94	150-A US Hwy 158 East
Currituck, NC 27959	Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Low Density Residential, Farmland & Woodland - zoned A

SOUTH: Farmland & Woodland - zoned A

EAST: Low Density Residential & Farmland - zoned A

WEST: Woodland - zoned A

NARRATIVE OF REQUEST:

C.A. Howard is seeking Sketch Plan/Special Use Permit approval for five single family lots, with a residual parcel, through the major subdivision process. The total acreage of the entire development is approximately 29.61 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 1.47 acres to 4.07 acres with a 15.07 acre residual parcel.

In April 2004, the property owner did a minor subdivision, Grandy Acres, to create the first four lots of this subdivision. Three of these lots were less than 3 acres. Under the exception rule found in Section 202, the property as it existed in March 1995 is permitted to have two more additional lots less than three acres in size. The proposed subdivision includes one lot that is less than three acres in size.

The lots will be served by individual septic systems and will be connected to the county's water system. The lots will front on Grandy Road, an existing improved state road.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** All of the proposed lots will front on Grandy Road, an existing NCDOT maintained right-of-way.
- WATER:** A 4" waterline currently exists on Grandy Road with the line ending at the southern end of the subdivision. The 4" line can adequately provide drinking water, however it will not be adequate for the installation of fire hydrants as required by Section 916 of the UDO.
- 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:** The majority of the property contains Conetoe loamy sand with Dragston loamy fine sand found at the western edges of the proposed lots. The Conetoe soil is well drained with a moderate permeability and is well suited for

development. The Dragston is a somewhat poorly drained soil with a moderately rapid permeability and is poorly suited for development. In the western 2/3's of the residual parcel are 404 wetlands with Dorovan mucky peat soils.

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 two elementary students, one junior high student, and one 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 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 five lot subdivision is approximately 0.3 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. Lots 5, 6, 7, and 8 have a lot width to length ratio of approximately 8:1 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. The subject property has a few development constraints: there is a 120' power line easement running through the property approximately 200' off the Grandy Road right-of-way; the unusual shape of the property and the presence of wetlands.
 2. Plans reviewed at the TRC meeting did not address the tentative drainage of the site.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the tentative storm drainage.
- A grading and drainage plan will be required for county review and approval. Since the project is disturbing less than one acre of land no state permits will be required.

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;

(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 two 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 installation of a 4" water line, 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 June 8, 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 installation of a 4" water line, 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.

Harvey Roberts, questioned the length ratio.

There being not further comments, Chairman O'Neal closed the public hearing.

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

Public Hearing and Action on amendment to Article 2 of the UDO to eliminate the minimum 40,000 Sq. Ft. lot allowance in the Agricultural zone.

Gary Ferguson, Planning Director, reviewed the request.

Staff was directed to prepare the attached amendment addressing the 40,000 sq. ft. minimum lot size allowance for the first five lots of a major subdivision in the Agricultural (A) zone. This amendment will require that all subdivision lots within the A zone be a minimum of three acres in size.

If you have any questions, please call me at 232-3055, extension 262.

PLANNING BOARD RECOMMENDATION

On May 11, 2004 the Planning Board recommended approval (8-0) of this amendment as presented.

**CURRITUCK COUNTY
BOARD OF COMMISSIONERS
PB 04-27
UDO AMENDMENT REQUEST**

CURRITUCK COUNTY BOARD OF COMMISSIONERS requests the following amendment to the Currituck County Unified Development Ordinance:

PB 04-27: Amendment to Article 2 and Article 9 of the UDO to delete the 40,000 sq. ft. minimum lot size allowance for the first five lots of a subdivision in the Agricultural zone.

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 the following sections be amended:

Section 202 Maximum Residential Density.

1. Subject to Subsection (2) and the provisions of Article 11 (Planned Residential Developments), Article 10 (Planned Unit Developments), Article 9 (Common Open Space Subdivisions) and Section 207 (Multi-Family, Two-Family, and Retirement/Assisted Living Communities).

(Amended 11-1-99)

(a) every lot developed for residential purposes except as provided herein and lots within Planned Residential Developments, Planned Unit Developments, Common Open Space Subdivisions or A zoning districts, shall have or contain a minimum lot size of 40,000 square feet. When in an A district, every lot developed for residential purposes shall contain a minimum of 3 acres except as provided below. **(Amended 2-20-95)**

~~(2) On each parcel of land in an A zone, as such parcel existed as of March 1, 1995, a total of five lots may be created with a minimum lot size of 40,000 sq. ft. each. Regardless of the number of times a parcel is subdivided after March 1, 1995, the total number of 40,000 sq. ft. lots shall not exceed 5 on the parcel as it originally existed on March 1, 1995. If the parcel, as it existed on March 1, 1995 is recombined with another parcel or parcels at some later date or is adjacent to another parcel under the same ownership, then the total number of 40,000 sq. ft. lots on the parcel or parcels shall not exceed five. (Amended 5-15-95)~~

Part 1. That the following section be amended and the footnotes be renumbered:

Section 921 Lots

MINIMUM LOT SIZES AND WIDTHS		
	Minimum Lot Size	Minimum Lot Width
Private Access Subdivision	40,000 square feet; 3 acres in "A" Zoning District [±] 120,000 square feet in R02 Zoning District.	125'
Family Subdivision	40,000 square feet; 3 acres in A Zoning District [±]	125'
Conventional Subdivision	5 acres; <u>or</u>	200'
	up to 10 Lots - 40,000 square feet; 3 acres in "A" Zoning District [±] 120,000 square feet in R02 Zoning District.	125'
Open Space Subdivision	Up to 40 Lots 20,000 square feet ²	100'
Conservation Subdivision	20,000 square feet ³	100'
Planned Residential Development	10,000 square feet with centralized water <u>and</u> centralized sewer ⁴ ; 15,000 square feet with centralized water <u>or</u> centralized sewer; 20,000 square feet if there is no centralized water or centralized sewer.	65'
Planned Unit Development	10,000 square feet with centralized water <u>and</u> centralized sewer ⁴ ; 15,000 square feet with centralized water <u>or</u> centralized sewer; 20,000 square feet if there is no centralized water or centralized sewer.	65'
Residential Airpark Development	40,000 square feet	125'

- 1 ~~In the A zoning district, each parcel as it existed on March 1, 1995 may create a total of five 40,000 sf lots.~~
- 2 The required lot size (40,000 sf or 3 acres) may be reduced to 20,000 sf if the lot size reduction is applied to the open space area. In the R02 zoning district the lots may be reduced to 1.5 acres.
- 3 In the R02 zoning district minimum lot size may be reduced to 1.5 acres.
- 4 May be reduced to 7,500 sf if the lot size reduction is added to the Open Space area.

Chairman O'Neal opened the public hearing.

Commissioner Miller moved to table for further discussion.
Commissioner Gregory seconded the motion.
Commissioner Bowden moved to rescind the motion.
Commissioner Gregory seconded the motion. Motion carried.

Chairman O'Neal opened the public hearing.

Harvey Roberts, opposed the amendment and to leave as is.

James Innes, opposed amendment.

Charlie Dozier, opposed amendment.

H. D. Newbern, opposed amendment.

Eddie Younts, opposed amendment.

Jerry Wright, stated the board needed to look at overall density.

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

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

Commissioner Bowden requested that this amendment be for Knotts Island and have a public hearing. The Staff will bring back at a later date.

Discussion on changing name of Airport to Currituck/Outer Banks Regional Airport.

Commissioner Bowden moved to name the airport The Currituck County Regional Airport. Commissioner Gregory seconded the motion. Motion carried.

Consideration of Sound Park Bids.

County Manager Scanlon, stated that he had received two bids for the park and recommended that the Board accept the base bid plus bid alternate one in the amount of \$1,037,330 with Barnhill Contracting.

Commissioner Gregory moved to accept the recommendation as presented by staff and to approve the project in its entirety. Commissioner Martin seconded the motion. Motion carried.

Appointments to Incorporation Commission.

Commissioner Martin moved to appoint Kay Cole, Harold Capps, Tommy Bowden and Sara L. Jordan. Commissioner Gregory seconded the motion. Motion carried.

Appointment to Nursing Home Advisory Board.

Chairman O'Neal moved to appoint Judith Passerini. Commissioner Martin seconded the motion. Motion carried.

Commissioner Miller moved to table his appointment. Commissioner Gregory seconded the motion. Motion carried.

Consent Agenda:

Approval of June 7, 21, Minutes

Resolution authorizing execution of Planning and Management Grant contract.

Request DOT to add Vincent Rd. to State System.

Waive transfer fee for Jarvisburg Church of Christ.

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

Commissioner's Report

Commissioner Miller requested staff to contact DOT about Gallop Road. He also requested staff to move forward on phasing residential development.

Commissioner Bowden requested an update on re-surfacing NC 615, bridge replacement and paving of Parkers Lane.

County Manager's Report

County Manager Scanlon stated that the new "no wake" signs in Coinjock have been cut down.

Adjourn

There being no further business the meeting adjourned.