

CURRITUCK COUNTY  
NORTH CAROLINA  
NOVEMBER 15, 2004

The Currituck County Board of Commissioners met on Monday, November 15, 2004, at 4:00 p.m. prior to their regular meeting to receive information on flood maps. The Board met 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, Commissioners Martin, Bowden and Gregory. Commissioner Miller was out due to surgery.

Bob Henley was present to give the invocation.

**Approval of Agenda**

Commissioner Gregory moved to delete item 8, 9, and 10.  
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.*
- Item 3            **New Business**  
Action PB 04-04 OWENS BEACH EXTENDED Preliminary Plat for 5 lots on property located at the end of Owens Beach Rd. Extended approximately 800' from Owens Beach Rd. Tax Map 125, Lot 135E, Poplar Branch Township
- Item 4            Public Hearing and Action PB 00-27 Currituck Motocross Amended Special Use Permit to allow two additional tracks and a 1,500 sf building to be used as a showroom, restroom facilities, and a workshop. Tax Map 23, Parcel 66D, Crawford Township.
- Item 5            Public Hearing and Action on PB 87-56 Monterey Shores Phase 3, Corolla Bay Phase 1, Amended sketch plan/special use permit to create 36 residential lots and a commercial area for a temporary disposal area located immediately north of Monterey Shores, Phase 1, Poplar Branch Township.
- Item 6            Public Hearing and Action PB 04-57 John Leatherwood Rezone .53 acres from Mixed Residential (RA) to General Business (GB) on property located at the intersection of Bells Island Rd and Caratoke Highway. Tax Map 58, Lot 23, Crawford Township.
- Item 7            Public Hearing and Action PB 04-58 Mickey and Julia Loening Rezone 1.5 acres from Agricultural (A) to Commercial (C) on property located at the intersection of Barnard Rd. and Caratoke Highway. Tax Map 94, Lot 25, Poplar Branch Township.
- Item 8            Public Hearing and Action PB 04-61 AKE Properties LLC/FORBES HEIRS Rezone 143 acres from Agricultural (A) to Residential (R) on property located on the west side of Harbinger Ridge Rd. approximately 800' S. of W. Mobile Rd. Tax Map 125, Lot 31, Poplar Branch Township.
- Item 9            Action PB 03-43 ALBEMARLE ESTATES Preliminary Plat for 35 lots on the south side of Harbinger Ridge Rd. approximately 650' east of Owens Beach Rd. Tax Map 132, Lots 155, and Lots 179-184, Poplar Branch Township
- Item 10           Public Hearing and Action PB 04-63 Currituck County amendment to UDO section 811 and Article 25 to allow family and church cemeteries in all zoning districts.
- Item 11           Public Hearing and Action PB 04-53 Brumsey Woods Sketch Plan/Special Use Permit for 17 lots located on Brumsey Road approximately 500' West of the intersection with Tulls Creek Rd., Tax Map 49, Lots 34S and 34 T, Crawford Township.
- Item 12           Public Hearing and Action on ordinance ordering demolition of Adkins property 131 Seaward Court Poplar Branch Township.
- Item 13           Consideration of Waterlily Fire Department bids.
- Item 14           Appointment to Library Board
- Item 15           Consent Agenda:  
Budget Amendments  
Approval of Work First Project  
Albemarle Mental Health quarterly report  
Proclamation on Family Caregivers' Month.  
Approval of October 18 and November 1 minutes.  
Approval of bids for paving of Courthouse parking lot.
- 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.

Jeff Newbern, requested the Board to consider amending his SUP to allow hauling sand on Saturday.

Commissioner Bowden moved to allow request until January 2005. Commissioner Gregory seconded the motion. Motion carried.

Joyce Smith and other residents of Walnut Island, presented a plaque in appreciation for the Board's support in cleaning up their neighborhood. They also presented a plaque of appreciation to Sheriff Johnson.

Tim Walter, requested a stop light at Tulls Creek Road and NC 168 along with reducing the speed limit.

Chairman O'Neal requested staff to contact WRC and Senator Basnight to offer support for Monkey Island. He also requested a meeting with the Board of Education to discuss school facilities.

Chairman O'Neal requested that a letter be sent to the Board of Education requesting them to consider a teacher's workday and closing school on election day in the future.

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

**New Business**

**Action PB 04-04 OWENS BEACH EXTENDED Preliminary Plat for 5 lots on property located at the end of Owens Beach Rd. Extended approximately 800' from Owens Beach Rd. Tax Map 125, Lot 135E, Poplar Branch Township**

Gary Ferguson, Planning Director, reviewed the request.

<b>ITEM:</b>	<b>PB 04-04 OWENS BEACH EXTENDED, PRELIMINARY PLAT FOR 5 SINGLE FAMILY LOTS</b>
<b>LOCATION:</b>	At the end of Owens Beach Road Extended, approximately 800' from its intersection with Owens Beach Road, Poplar Branch Township.
<b>TAX ID:</b>	0125-000-035E-0000
<b>ZONING DISTRICT:</b>	Residential

**OWNER:**

Shirley Lynn  
105 S. Spot Road  
Powells Point, NC 27966

**APPLICANT/AGENT**

Donnie Wood  
P.O. Box 433  
Kitty Hawk, NC 27949

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

**NORTH:** Residential - zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Proposed Owens Beach Estates, Residential – zoned R  
**WEST:** Residential - zoned R

**NARRATIVE OF REQUEST:**

Shirley Lynn is seeking Preliminary Plat approval for five single family lots through the major subdivision process. The total acreage of the entire development is approximately 5.15 acres.

This property is zoned Residential. Since the subdivision consists of less than 20 lots, no open space is required or provided. Lots within this development are 44,866 sf.

All of the lots front on Owens Beach Road Extended. The lots will require individual septic systems. The county will be installing a waterline to service this development.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** Lots front on Owens Beach Road Extended, an existing NCDOT right-of-way.

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

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

**WASTEWATER:** Individual, on-site septic systems have been approved for the lots.

**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*). The Poplar Branch occupancy rate is 0.7764. Based on these pupil generation figures, Currituck can expect 2 elementary students, 1 junior high student and 1 high school student from this development.

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

**DRAINAGE:** Roadside and rear property line swales/ditches will be used to for the drainage.

**FLOOD ZONES:** This development is within the 100 year floodplain with a base flood elevation of 8' (zone A4).

**LAND USE PLAN:** The 1990 Land Use Plan classifies this site as Rural. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural class This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on February 2, 2004 for 5 lots.
- Due to all the proposed subdivisions in the vicinity of this development, the county will be bringing a waterline into the neighborhood to service these developments.
- The county will be installing a waterline down Owens Beach Road Extended to service the lots within this development. This waterline will be extended to the adjacent subdivision to the east, Owens Beach Estates, where it will loop back up to the waterline on Harbinger Ridge Road.
- To connect to Owens Beach Estates, the County Engineer is requesting that the waterline be placed on the property line between Lots 1 and 2 with a 30' easement.
- The Lynn's object to any waterline being placed between their lots and the requirement of a 30' easement.
- It should be noted that all lots in the county currently are platted with a 10' drainage and utility easement along the side property lines give a total easement width of 20'. The purpose of the easement is to allow utilities to connect to other properties and for drainage.
- The Director of the Water Dept. states that a 20' waterline easement is adequate.
- On August 12, 2004 Technical Review staff reviewed this application. Areas of concern were showing ditch inverts and the waterline easement between Lots 1 and 2. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff. The drainage plan has been approved by the County Engineer and Soil & Water Conservation.

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That street trees shall be planted along the street prior to submission for final plat approval.

- 2. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions.

**PLANNING BOARD RECOMMENDATION**

On October 12, 2004 the Planning Board reviewed this request and recommended approval (9-0) with staff comments and the following condition:

- 1. That the 30' dedicated waterline easement be removed.

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

Public Hearing and Action PB 00-27 Currituck Motocross Amended Special Use Permit to allow two additional tracks and a 1,500 sf building to be used as a showroom, restroom facilities, and a workshop. Tax Map 23, Parcel 66D, Crawford Township.

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS OF ITEM FOR THE BOARD OF COMMISSIONERS  
AGENDA MEETING DATE: NOVEMBER 15, 2004**

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**ITEM:** PB 00-27 CURRITUCK MOTOR SPORTS PARK AMENDED SUP

**LOCATION:** 140 Wildwood Farms Ave. on the west side of Caratoke Highway adjacent to Currituck Auto Parts.

**ZONING DISTRICT:** Heavy Manufacturing (HM)

**TAX ID:** 0023-000-066D-0000

**OWNER**  
Eric Lashley  
140 Wildwood Farms Ave.  
Moyock, NC 27958

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

**ADJACENT/SURROUNDING PROPERTY:**

**NORTH** (Side): Farmland (agricultural operations) - zoned HM  
**SOUTH** (Side): Coastal Readymix - zoned HM  
**EAST** (Front): Currituck Auto Parts - zoned HM  
**WEST** (Rear): Farmland - zoned HM

**PURPOSE OF REQUEST:**

The applicant requests an Amended Special Use Permit (ASUP) to expand an existing motocross facility. The ASUP will add a dumpster pad, a 1,500 sf building which will serve as the restroom facilities in conjunction with a showroom and a parts/mechanic work area. Additional changes include adding a fire protection pond, a peewee MX track, and an advanced MX tract for a total of six tracks on the site. The new tracks are maintaining a 120' setback from the property lines. The applicant is requesting that the hours of operation be changed to permit nighttime operations of the tract on Wednesday and Friday nights until 11 pm.

**PROJECT DESCRIPTION:**

A Special Use Permit (SUP) was initially granted in June 2000 to allow the operation of a recreational motor sports park for 2, 3 & 4 wheel bikes and go-carts. The site plan submitted with the application depicted five track areas. The hours of operation were approved to be Tuesday to Sunday 8 am to sunset. The current SUP stipulates that no alcoholic beverages are allowed on the property and that no camping or overnight staying is allowed.

**STAFF COMMENTS:**

The property is surrounded by parcels zoned HM. To the north and west there is active agricultural operations and grain bins. Between Caratoke Highway and the site there is the Currituck Auto Parts, offices, and a railroad line. On the southern side is the Coastal Readymix facility. The on-site woodlands create a large natural buffer between the proposed improvements and the surrounding properties. According to aerial photos, the nearest residential dwelling to the site is on the northeast side of Caratoke Hwy, approximately 800' away.

Saturday April 10, 2004 the Currituck County Sheriffs Department was requested by Sarah Koch to take some noise level readings of the Currituck Motocross site. Readings were taken at the entrance to the site at Caratoke Highway, from the Wildwoods Farms Ave. property line, from properties on Pinto Dr. in Ranchland and on Windchaser Way near the railroad tracks. With the exception of the reading at the site entrance, the readings ranged from 50 to 68 dB. The highest reading of 71 was taken at the entrance on Caratoke Highway. The noise levels near the residential lots ranged from a low of 50 dB to a high of 63 dB. According to Deputy Homer, the noise readings were not in violation of the county noise ordinance.

The County Code of Ordinances allows off-road vehicles, including non-commercial racing vehicles, motorcycles and go-carts, to generate a noise level of 76 dB measured at the property line when moving at 35 mph or less. A noise level of 80 is permitted at the property line when traveling more than 35 mph.

Below is a list of commonly experienced sounds in order to provide a sense of the relative magnitude of noise:

Very loud 100dBA  
90dBA

jet flyover @ 1,000'  
motorcycle @ 25'

Moderately  
loud 80dBA  
60dBA

passenger car, 65mph @ 25'  
air conditioner @ 20'

Generally speaking, every reduction of 10 decibels results in reducing the apparent loudness by 1/2.

A soil and erosion control plan has been approved. A high density stormwater permit has been approved for the track expansion.

Moyock Volunteer Fire Department provides fire and emergency rescue coverage for the area. Fire protection will be from an on-site fire pond.

The property is served by a private well.

The 1990 Land Use Plan designates this property as Limited Transition.

This project was reviewed by the Technical Review Committee with the following comments:

Prior to approval the fire pond needs an engineer certification for a 50 year drought. The pipe from the pond to the manhole is required to be 18" diameter.

Fire Marshall requires the access road to be an all-weather road and that the entry gate shall be a minimum width of 20',

The County Engineer and Soil & Water Conservation District have approved the plans.

#### **STAFF RECOMMENDATION:**

Staff has reviewed the request and recommends for **approval** subject to the following conditions:

1. That any comments received from the county's Fire Marshall be incorporated within this approval:
  - a. The fire pond requires an engineer certification for a 50 year drought.
  - b. The pipe from the fire pond to the manhole is required to be 18" diameter.
  - c. The entry gate shall be a minimum width of 20', the access road and turnaround shall be an all-weather road.
2. That the hours of operation be set at 8:00 am to sunset Tuesday, Thursday, Saturday, and Sunday. The hours of operations of Wednesday and Friday shall be 8:00 a.m. to 11:00 pm;
3. That no alcoholic beverages be allowed on the property;
4. That all track areas will be located at least 120 feet from any property line;
5. That no camping or overnight staying be allowed on the property;

- 6. 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.

Richard Well, East Coast Demolition, adjacent property owner stated that dust and noise were a problem.

Eric Lashley, owner, stated that he was improving the property and working on the dust.

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

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

**Public Hearing and Action on PB 87-56 Monterey Shores Phase 3, Corolla Bay Phase 1, Amended sketch plan/special use permit to create 36 residential lots and a commercial area for a temporary disposal area located immediately north of Monterey Shores, Phase 1, Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request.

**ITEM: PB 87-56 MONTERAY SHORES, PUD, AMENDED SKETCH PLAN APPROVAL**

**LOCATION:** Immediately north of Monterey Shores Phase 1, Section 3, and west of Whalehead Club Section 7, Poplar Branch – Outer Banks Township.

**ZONING DISTRICT:** RO1

**OWNER:**  
Corolla Bay LLC  
821 Ocean Trail  
Corolla, NC 27927

**APPLICANT/AGENT**  
Coastal Engineering & Surveying  
934 W. Kitty Hawk Road  
Kitty Hawk, NC 27949

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

**NORTH:** Corolla Light PUD – zoned RO1  
**SOUTH:** Buck Island - zoned R01  
**EAST:** Whalehead Subdivision - zoned R01  
**WEST:** Currituck Sound

**PURPOSE OF REQUEST:**

On August 16, 2004 the Board of Commissioners reviewed an Amended Sketch Plan request for Corolla Bay, located in Monterey Shores Phase 3, and it was not approved.

The applicant has submitted a revised Amended Sketch Plan for Board of Commissioner review and approval. The only change on the revised Amended Sketch Plan since August 2004 is the conversion of a previously approved pond area located in Phase 3 into Open Space #3.

The Amended Sketch Plan includes the following changes which were shown on the sketch plan reviewed in August:

1. Phasing lines within Corolla Bay;
2. Approval for 36 single family home sites located in Phase 1; and
3. To show the location of the wastewater treatment system. The wastewater treatment facility will serve the 36 home sites in Phase 1 in addition to the 7.32 acre Commercial Site #1 in Phase 1 and the 1.23 acre Commercial Site #2 located in Phase 2. The water for the development will be provided by Currituck County.

The wastewater treatment plant is designed in accordance with the new guidelines requiring 200 gallons per day per bedroom for resort oriented housing in addition to the providing sufficient capacity for the two commercial areas. The plant will be designed to produce an effluent quality that meets or exceeds the reclaimed water standards, yet it is not permitted as a reclaimed water system. This plant will be expandable to handle future demands as they arise. It must be noted that the initial wastewater treatment plant **will not** have the capacity to serve all of the proposed development in Corolla Bay. The plant will require expansion as future areas are developed.

In conjunction with the wastewater treatment system, and because no holding pond is proposed, a low-flow spray bed area is required. It is proposed to locate the spray bed in a temporary disposal area over 21 home sites which were originally allocated to Phase 3. The term "temporary" might become permanent.

As noted on previous sketch plans, Herring Street is proposed to be improved and continue through Whalehead Club subdivision for vehicular traffic. If opposition to this occurs, and the BOC does not wish for this connection, than the developer will be required to provide a cul-de-sac or redesign Virgin Gorda Crescent to provide a turnaround

#### **CHANGES APPROVED BY BOC ON DECEMBER 6, 1999**

1. Decrease density from 658 units to 598 units (lose of 60 units). Overall density will be reduced from 2.36 units/acre to 2.14 units/acre which is below the 3 units/acre allowed within PUD's.
2. Increase of open space from 38.6% (137.22 ac.) to 39.3% (139.75 ac.) which exceeds the minimum 35% required within PUD's.
3. Increase commercial area from 20.05 ac. to 34.1 ac. which equals 9.59% (up to 10.0% allowed). Applicant is requesting a LBH designation.
4. Addition of 2 amenities areas (1 at south end; 1 at north end) plus dedication of a sound access easement to Currituck County at the south end.
5. Proposed roadway connections with Whalehead Subdivision at both Herring and Perch Streets.

**CHANGES APPROVED BY BOC ON SEPTEMBER 11, 2000**

1. To show a 33,000sf. Food Store on northernmost commercial parcel;
2. To depict a minor variation in the overall commercial boundary ("404" wetland areas have been delineated and taken out of the original commercial area);
3. To convert 72 SF lots to 24 MF and 48 Hotel units;
4. To show parking lot within area to be dedicated to Currituck County for public sound access; and,
5. Increase minimum lot area within all SF lots.

**CHANGES APPROVED BY BOC ON JUNE 17, 2002**

1. Further defined development intent within the "Phase IV" commercial portion of Corolla Shores. Phase IV portion of the amended sketch plan showed approximately 75,000 square feet of retail/restaurant commercial complex within ten (10) proposed buildings. It should be noted that this did not represent an increase in overall commercial acreage within Corolla Shores as it remains at 14.05 acres.
2. Increased the total number of single family home sites from 92 to 116.
3. Reduced the total number of multi-family/hotel/lodge density from 72 to 48.
4. Reduced open space from 28.92 acres to 23.67 acres which still exceeds the minimum 35% required with PUD's.

**CHANGES APPROVED BY BOC ON DECEMBER 1, 2003**

1. The 10.07 acre site that Currituck County has purchased is reflected on the new Sketch Plan and has been designated residential. This area was previously designated as commercial.
2. The total amount of commercial area in Phase 3 was reduced from 14.05 acres to 13.95 acres.
3. The total number of single family home sites was reduced from 134 to 115 units.
4. Open space in Phase 3 has been reduced from 23.67 acres to 14.28 acres. Under this proposal, the total amount of open space for Monterey Shores will be 124.46 acres which meets the 35% minimum required.

**STAFF COMMENTS:**

- Based on the stormwater retention needs and opposition to a tie in with the Whalehead Club subdivision at Herring Street, the developer should provide a turnaround at the boundary between Corolla Bay and the Whalehead Club Subdivisions.
- To mitigate any possible negative impacts the proposed spray bed for the wastewater treatment plan the temporary disposal area will be required to meet County and State fencing and landscaping requirements..
- This plan was reviewed by the Technical Review Committee in May, 2004. The plan has been revised and adequately addresses concerns noted during the meeting.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Amended Sketch Plan/Special Use Permit of Monterey Shores, Phase 3, Corolla Bay with the following conditions:

1. That Virgin Gorda Crescent be redesigned to provide a turnaround at the border with the Whalehead Club if Herring Street is not developed as a through vehicular street connecting Whalehead Club to Corolla Bay;
2. That the sketch plan and the summary table shall be corrected;
3. That at the time of preliminary plat approval the temporary disposal area shall depict the necessary County and State landscaping and fencing requirements;
4. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county's Unified Development Ordinance; and
5. That applicant meet all requirements of the county's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, not exceed maximum building height, lighting, lot coverage, etc.

Chairman O'Neal opened the public hearing.

George Mears, opposed the development and had many concerns with drainage.

Charles Calkins, approved the request for economic reasons.

Scott Bailey, supports the request.

Norman Bibeau, supports the request.

Gian Hasbrock, supports the request.

Robert Collins, Whalehead, opposes the request.

Patsy Rohloff, supports the request.

Tom Carroll, opposes the request due to traffic concerns.

Eleanor Collins, opposes the request.

Lucy Gray, opposes the request.

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

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

Public Hearing and Action PB 04-57 John Leatherwood Rezone .53 acres from Mixed Residential (RA) to General Business (GB) on property located at the intersection of Bells Island Rd and Caratoke Highway. Tax Map 58, Lot 23, Crawford Township.

Gary Ferguson, reviewed the request.

**TYPE OF REQUEST:** Request for rezoning a 22,276 sf (0.52 acre) site from Mixed Residential (RA) to General Business (GB).

**LOCATION:** This site is located at the southeast corner of intersection of Caratoke Highway (NC 168) and Bells Island Road; Crawford Township.

**TAX ID:** TM 58, Parcel 23

**PROPERTY OWNER:** John S. Leatherwood

**APPLICANT:** John S. Leatherwood

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

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

<b>SURROUNDING ZONING/LAND USE:</b>	NORTH:	General Business/Retail
	SOUTH:	Mixed Residential/Farmland
	EAST:	Mixed Residential/Vacant Residential
	WEST:	Mixed Residential & General Business/Residential & Farmland

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** The applicant has stated that he wishes to rezone his property so that uses in the General Business zoning district would be allowed.

**LAND USE PLAN:** The 1990 Land Use Plan shows 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, where limited water services are provided. Development within this class should be low intensity to maintain a rural character. This rezoning is consistent with the Rural with Services classification.

**PUBLIC SERVICES AND UTILITIES:** Crawford Volunteer Fire Department provides fire protection for this area. County water, electric, telephone and cable are currently available at this location.

- TRANSPORTATION:** Property has direct access onto Caratoke Highway (US 168) classified as a Minor Arterial classified as a in the 1988 NCDOT Thoroughfare Plan and Bells Island Road.
- FLOOD ZONE:** According to FEMA maps, the property is located in outside of the 100 year floodplain (Flood Zone C).
- SOILS:** According to the Currituck County Soil Survey, the site is composed of Altavista fine sandy loam, a moderately well drained soil and is considered unfavorable for septic systems due to soil wetness.

**STAFF COMMENTS:**

- The site is located at the southeast corner of the intersection of Caratoke Highway and Bells Island Road and is currently vacant.
- There are several General Business (GB) parcels located near the intersection of Bells Island Road and Caratoke Highway.
- There is approximately 15 acres of GB zoned land across Bells Island Road. The site is approximately 150' away from several GB zoned properties on the west side of Caratoke Highway with an area of about 25 acres.
- The property has approximately 160' of frontage on both Caratoke Highway and Bells Island Road.
- The adjacent property to the east was improved with a single family home which was destroyed by fire in 2003.
- The property is in a designated business node as shown on the map for the Business Nodal Areas Designated in 1986 by the Board of Commissioners.
- This could be considered as spot zoning since the property is only 22,276 sf and is not contiguous to GB zoned land.

**STAFF**

**RECOMMENDATION:** This property is not contiguous with the General Business zoning district yet is proximate to several General Business parcels. This rezoning represents an expansion of an existing commercial zone at the intersection of Caratoke Highway and Bells Island Road. The proposed land use conforms to the existing commercial use found in the area. Staff recommends approval of the rezoning request.

**PLANNING BOARD RECOMMENDATION:** On October 12, 2004 the Planning Board reviewed this request and recommended approval (9-0) with staff comments.

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 with Commissioner Martin voting no.

**Public Hearing and Action PB 04-58 Mickey and Julia Loening Rezone 1.5 acres from Agricultural (A) to Commercial (C) on property located at the intersection of Barnard Rd. and Caratoke Highway. Tax Map 94, Lot 25, Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Request for rezoning a 1.5 acre site from Agricultural (A) to Commercial (C).

**LOCATION:** This site is located at the northeast corner of intersection of Caratoke Highway (NC 168) and Barnard Road (SR 1132); Poplar Branch Township.

**TAX ID:** TM 94, Parcel 25

**PROPERTY OWNER:** Matthias & Julia Leoning

**APPLICANT:** Matthias & Julia Leoning

<b>ZONING:</b>	<b><u>Current Zoning</u></b> Agricultural	<b><u>Proposed Zoning</u></b> Commercial
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**ZONING HISTORY:** Property has been zoned Agricultural since 1989.

<b>SURROUNDING ZONING/LAND USE:</b>	NORTH: General Business/Residential & Woodland SOUTH: Agricultural/Residential & Woodland EAST: Agricultural/Residential & Woodland WEST: Agricultural & General Business/Residential, Farmland & Commercial
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**EXISTING LAND USE:** Vacant Church

**PROPOSED LAND USE:** The applicants have stated that they wish to rezone their property so that it will be uniformly zoned throughout this area. Their intention is to possibly redevelop the site into a medical facility.

**LAND USE PLAN:** The 1990 Land Use Plan shows 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, where limited water services are provided. Development within this class should be low intensity to maintain a rural character. This rezoning is consistent with the Rural with Services classification.

**PUBLIC SERVICES AND UTILITIES:** Lower Currituck Volunteer Fire Department provides fire protection for this area. County water, electric, telephone and cable are currently available at this location.

**TRANSPORTATION:** Property has direct access onto Caratoke Highway (US 168) classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan and Barnard Road.

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

**SOILS:** According to the Currituck County Soil Survey, the site is composed of Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems.

**STAFF COMMENTS:**

- The site is a corner lot which is improved with a church.
- There are GB zoned parcels located contiguous to the subject property, across Caratoke Highway and approximately 700' south on the east side of Caratoke Highway.
- The property has approximately 280' of frontage on Caratoke Highway and 255' along Barnard Road.
- According to the 1994 Corridor Plan, the property is in a designated business node as shown on the map for the Business Nodal Areas Designated in 1986 by the Board of Commissioners.

**STAFF**

**RECOMMENDATION:** This property is contiguous with the commercial zoning district, General Business, and is proximate to several General Business parcels. This rezoning represents an expansion of an existing commercial zone at the intersection of Caratoke Highway and Barnard Road. The proposed land use conforms to the Land Use Plan and the Corridor Plan. Staff recommends approval of the rezoning request.

**PLANNING BOARD RECOMMENDATION:** On October 12, 2004 the Planning Board reviewed this request and recommended approval (9-0) with staff comments.

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 04-61 AKE Properties LLC/FORBES HEIRS Rezone 143 acres from Agricultural (A) to Residential (R) on property located on the west side of Harbinger Ridge Rd. approximately 800' S. of W. Mobile Rd. Tax Map 125, Lot 31, Poplar Branch Township.**

Deleted

**Action PB 03-43 ALBEMARLE ESTATES Preliminary Plat for 35 lots on the south side of Harbinger Ridge Rd. approximately 650' east of Owens Beach Rd. Tax Map 132, Lots 155, and Lots 179-184, Poplar Branch Township**

Deleted

**Public Hearing and Action PB 04-63 Currituck County amendment to UDO section 811 and Article 25 to allow family and church cemeteries in all zoning districts.**

Deleted

**Public Hearing and Action PB 04-53 Brumsey Woods Sketch Plan/Special Use Permit for 17 lots located on Brumsey Road approximately 500' West of the intersection with Tulls Creek Rd., Tax Map 49, Lots 34S and 34 T, Crawford Township.**

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

**ITEM: PB 04-53 BRUMSEY WOODS, SKETCH PLAN/SPECIAL UUSE PERMIT FOR 17 SINGLE FAMILY LOTS**

**LOCATION:** Off Brumsey Road approximately 500' from intersection with Tulls Creek Road (SR 1222), Moyock Township.

**ZONING DISTRICT:** Residential

**TAX ID:** 0049-000-034S-000 & 0049-000-034T-0000

**OWNER:**  
Currituck Homes, LLC  
PO Box 62  
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 - zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Residential - zoned R  
**WEST:** Residential - zoned R

**NARRATIVE OF REQUEST:**

Currituck Homes is seeking Sketch Plan/Special Use Permit approval for 17 single family lots. The total acreage of the entire development is approximately 20 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 2.24 acres with an average lot size of approximately 46,000 sf.

The subdivision will have one point of entry from Brumsey Road. The site offers an opportunity for a future street connection along the southern property line which could tie in at the intersection of Tulls Creek Road and Dozier Road. The lots will be served by individual septic systems and county water.

According to the Development Impact Statement, the developer proposes to build houses that will be three or four bedrooms with two bathrooms ranging in size from 2,000 sf to 3,000 sf. It is estimated that lot and home combinations will have a sales price in the range of \$450,000 to \$560,000, or an average sales price of about \$505,000. The land value is estimated to be approximately \$55,000 per lot.

**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 serviced by the Crawford Volunteer Fire Department.

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

**SOILS:** There are four 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; **StA** – Statefine sandy loam is a well drained soil which is favorable for septic systems; and **To** – Tomotley fine sandy loam which consists of poorly drained soil which requires extensive drainage and site modification for septic tank 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*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect approximately seven elementary students, one junior high student, and two high school students from this development.

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

**OPEN SPACE:** No open space is required or provided.

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

**FLOOD ZONES:** The majority of the property is located outside of the 100 year floodplain (flood zone C) with the eastern portion of the site being located within the 100 year flood plain with a base flood elevation of 6' (Flood Zone A3).

**LAND USE PLAN:** The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. The proposed density for the 17 lot subdivision is approximately 0.8 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- Prior to the TRC meeting, the applicant had numerous soil samples performed by the Health Dept. Based on the findings, the lots were slightly reconfigured to take advantage of the most suitable soils for septic systems.
- On July 8, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:

1. None of the proposed street names were approved. Need to submit additional street names for approval.
  2. Section 921 mandates that no more than 5% of the lots in a subdivision may be flag lots. There is one flag lot in the subdivision which equates to 6% of the total number of lots.
  3. Lots 1 and 17 need a 5' non-access buffer along Brumsey Road.
  4. For connectivity, extend the street and waterline to the lot owned by Ms. Smith at the southern property line.
  5. To meet the 500' hose length requirement, a second fire hydrant is probably required.
  6. For drainage purposes, the slough in the Brumsey Landing Open Space lot needs to be cleaned out. This will be addressed at the Preliminary Plat stage
  7. Joe Hobbs with the Health Dept. did soil evaluations on the site a few months ago and is concerned with the site being low and wet. There were additional concerns with the drainage and the septic suitability.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
    - The lots were reconfigured to eliminate the flag lot.
    - The street and waterline were extended to the southern property line for future connections.
    - A second fire hydrant was added.
  - Additional street names need to be submitted for review and approval.
  - The project will require state stormwater and erosion & sedimentation control permits.

#### **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 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 approximately seven elementary students, one junior high student, and two high school students from this development.

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

#### **STAFF RECOMMENDATION:**

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 additional street names be submitted for review and approval.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve 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
4. 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 August 10, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That additional street names be submitted for review and approval. **(Done)**
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve 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
4. 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.

Tim Walter, expressed concerns with schools and drainage.

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

Commissioner Martin moved to table until meeting with Board of Education on school facilities. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action on ordinance ordering demolition of Adkins property 131 Seaward Court Poplar Branch Township.**

County Manager Scanlon, reviewed the request.

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

Commissioner Martin moved to approve. Commissioner O'Neal seconded the motion. Motion carried.

**Consideration of Waterlily Fire Department bids.**

County Manager Scanlon reviewed the bids received.

Commissioner Martin moved to award the bid to A.R. Chesson Construction Co., Inc., in the amount of \$691,786. Commissioner Gregory seconded the motion. Motion carried.

**Appointment to Library Board of Trustees.**

Commissioner Bowden moved to appoint Stephanie Miller.

Commissioner Martin seconded the motion. Motion carried.

**Consent Agenda:**

**Budget Amendments**

**Approval of Work First Project**

**Albemarle Mental Health quarterly report**

**Proclamation on Family Caregivers' Month.**

**Approval of October 18 and November 1 minutes.**

**Approval of bids for paving of Courthouse parking lot.**

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10606-592000	Soil Conservation Projects	116,600	
10330-445100	FEMA - Public Assistance		116,600
		\$ 116,600	\$ 116,600

**EXPLANATION:** Soil Conservation (606) – Increase budgeted line items to record grant funding for the Hurricane Isabel emergency stream restoration project to remove trees downed by Hurricane Isabel from 38,900 feet of waterways in Currituck County.

**NET BUDGET EFFECT:** Operating fund (10) – Increased by \$116,600.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10441-511010	Data transmission/WAN	11,364	
10390-499900	Fund Balance Appropriated		11,364
		\$ 11,364	\$ 11,364

**EXPLANATION:** Information Technology (441) – Increase budgeted line items to provided funds to upgrade the T1 data communications line to allow the Department of Social Services to connect to our network. The State continue to pay the DSS portion of this service and it will allow the County to have a more efficient network.

**NET BUDGET EFFECT:** Operating fund (10) – Increased by \$11,364.

**Commissioner's Report**

Commissioner Martin commended Commissioner Gregory for his service to the citizens of Currituck County.

**County Manager's Report**

**Adjourn**

There being no further business, the meeting adjourned.