

CURRITUCK COUNTY  
NORTH CAROLINA  
SEPTEMBER 7, 2004

The Currituck County Board of Commissioners met prior to the regular meeting at 6:30 p.m. to discuss impact fees.

The Currituck County Board of Commissioners met on Monday, September 7, 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.

Dan Alexander was present to give the invocation.

### **Approval of Agenda**

Commissioner Gregory moved to amend the agenda by adding the following. Commissioner Martin seconded the motion. Extend to October 1 the Incorporation Committee's findings; Resolution for Sept. 11, 2001; Resolution for widening of NC 12; Appointment of Joe Kovacs to the Planning Board to replace Lloyd Parker.

- 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 on the Proposed Schedules, Standards and Rules for the 2005 revaluation.
- Item 4                    Public Hearing and Action on PB 99-13 Brady Landing preliminary plat approval for a 14 lot residential airpark subdivision.
- Item 5                    Public Hearing and Action on a request to rename Karen's Way to Grey Fox Run located in Corolla Village Acres on the northeast side of Schoolhouse Lane; and, approximately 330 feet east of the intersection of Schoolhouse Lane and NC 12 (Ocean Trail), Poplar Branch Township.
- Item 6                    Action PB 88-66 VILLAGES AT OCEAN HILL, PHASE 5: Preliminary Plat of 26 lots located in Corolla off Lakeside Drive, Poplar Branch Township.
- Item 7                    Public Hearing and Action PB 04-51 RONDA WILLIAMS: Rezone .23 acres from Agricultural (A) to General Business (GB) on property located in Powells Point at 8294 Caratoke Highway, Tax Map 124, Lot 51, Poplar Branch Township.
- Item 8                    Public Hearing and Action PB 04-52: Amendment to Article 17 of the UDO to allow two seasonal on-premise signs for a farm market not to exceed more than 250 sf total and not to be put up more than 30 days prior to opening and to be taken down or covered no longer than 30 days after closing.
- Item 9                    Public Hearing and Action PB 04-49 IDA COOPER: Rezone 7.38 acres from RA (Mixed Residential) to General Business (GB) on property located in Barco on the west side of Caratoke Highway approximately 1000' north of the intersection with Barco Road, Tax Map 60, Lot 36A, Crawford Township.
- Item 10                   Public Hearing and Action PB 04-55 GLADYS TAYLOR: Rezone .607 of an acre from RA (Mixed Residential) to General Business (GB) on property located in Maple on the east side of Caratoke Highway approximately 450' south of intersection with Maple Road, Tax Map 59, Lot 73, Crawford Township.
- Item 11                   Action PB 03-35 TUCKER'S LAIR: Preliminary Plat for 5 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 12                   Action PB 04-17 GRANDY ACRES, PHASE II: Preliminary Plat for 4 lots located on Betsy Court off Poplar Branch Road, Tax Map 94, Lot 172N,

	Poplar	Branch	Township.
Item 13	Public Hearing and Action PB 04-30	OLD OAKS AT BELLE ISLE:	Sketch Plan/Special Use Permit for 13 lots located on Bell's Island on the east side of Bell's Island Road (SR 1245) approximately 300' north of the intersection with Redhead Drive, Tax Map 68, Lots 1A, 1B, 1C, and 1D, Tax Map 68D, Lot 19, Crawford Township.
Item 14	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 Road, Tax Map 49, Lots 34S and 34T, Crawford Township.
Item 15	Request by Socials Services for standard or electing status for the Work First Program.		
Item 16	Consideration of bids for the proposed watermain improvements, SOBWS, phase 1 well fields.		
Item 17	Consent Agenda: Budget Amendments Approval of transfer of Rural General Public Funds to Pasquotank County. Resolution to add Review Officer in Planning Dept. Approval of August 2 minutes. Appointments to local Firemen's Relief Fund.		
Item 18	Commissioner's Report		
Item 19	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.

Rose Wooten, Albemarle Sound Beach, expressed concerns with rules for building on lots.

Curtis Mims, expressed his concerns with the rules for building on Colonial Beach Road.

Geneva Hendricks, questioned if a permit was issued for a home under construction.

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

### **New Business**

**Public Hearing and Action on the Proposed Schedules, Standards and Rules for the 2005 revaluation.**

Tracy Sample, Tax Administrator, stated this was just for a public hearing and no action until September 20th meeting.

Chairman O'Neal opened the public hearing.

Owen Etheridge, Shawboro, requested that the Board be careful when considering proposed schedules and use of property.

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

**Public Hearing and Action on PB 99-13 Brady Landing preliminary plat approval for a 14 lot residential airpark subdivision.**

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS OF ITEMS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE SEPT. 7, 2004**

**ITEM:** PB 99-13 BRADY LANDING, PRELIMINARY PLAT FOR A 14 LOT RESIDENTIAL AIRPARK SUBDIVISION

**LOCATION:** On the south side of Maple Road (SR 1246) approximately 0.7 miles west of the intersection with Caratoke Highway, Crawford Township.

**ZONING DISTRICT:** Residential Airpark Development (RAD)

**OWNERS:**

Tom Brady/Geraldine Budd  
261 Maple Road  
Maple, NC 27956  
(252) 453-4588

**APPLICANT/AGENT**

Hyman & Robey, PC  
150-A US 158 East  
Camden, NC 27956  
(252) 335-1888

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

**NORTH:** Residential- zoned A  
**SOUTH:** Maple Airport - zoned HM  
**EAST:** Residential - zoned A  
**WEST:** Residential - zoned A

**NARRATIVE OF REQUEST:**

The applicant is seeking Preliminary Plat approval for a 14 lot Residential Airpark Subdivision through the major subdivision process. The proposed lot sizes range from 40,000 sf to 3.60 acres with an average lot size of approximately 80,960 sf or 1.86 acres.

This property is zoned Residential Airpark Development. It is located adjacent to the Maple Airport. There is one vehicular entrance from the subdivision onto Maple Road and one aircraft entrance into the Maple Airport.

The lots will be served by individual septic systems and will be connected to the county's water system. The developer has paved the street, installed the water system and fire hydrants.

In October 1999, the project received Sketch Plan approval for 18 lots. In September 2001, the property owner did a minor Private Access Subdivision to create the first four lots of this subdivision. The Private Access Subdivision was amended in May 2002 and again in October 2002.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** The street within the subdivision has been installed and certified as meeting NCDOT pavement requirements based upon pavement density testing. The street will be private street and will be maintained by the Brady Landing Homeowners Association.
- WATER:** This development will be served by the county's water system. The water lines have been installed and the water services have been installed. The connection/tap fees have been paid for all of the lots. As-Built plans for the waterline have been submitted.
- FIRE:** Crawford Volunteer Fire Department provides fire coverage to the area. Fire hydrants have been installed throughout the whole development.
- WASTEWATER:** On-site septic systems are proposed for disposal 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 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 five elementary students, one junior high student, and two high school students from this development.
- OPEN SPACE:** No open space is required or provided within this development.
- FLOOD ZONES:** This development is located within flood zone C (not within the 100 year flood area).

**LAND USE PLAN:** The 1990 Land Use Plan classifies this site as Rural with Services. The purpose of this class is to provide for low density land uses including residential with low intensity development to retain a rural character. Very low density dispersed, single family residential uses at a gross density of approximately one unit per acre are appropriate within rural with service areas where lot sizes are large and where the provision of services will not disrupt the rural character of the landscape. The density for the 14 lot subdivision is approximately 0.4 units per gross acre and is therefore consistent with the Land Use Plan.

**STAFF COMMENTS:**

- On March 11, 2004 Technical Review staff reviewed this application. Areas of concern are the drainage for Lots 3B to 7B and the unsuitable soils on lot 3B for a septic system

Pat McDowell, County Engineer, and Mike Doxey, Soil and Water Conservation expressed concerns with drainage for the lots on the east side of Happy Landing Drive (Lots 3B to 7B). They requested that additional drainage swales be installed and that some areas of the existing swales be regarded to ensure positive drainage.

Due to a depression and standing water, Lot 3B was classified as unacceptable for a conventional septic system by the Albemarle Regional Health Services.

- Since the March 2004 TRC meeting revised drainage and site plans have been submitted. The drainage plan adequately addressed the drainage concerns and was approved. Lots 2B & 3B were combined to create one buildable lot since Lot 2B has received approval for a conventional septic system from the Albemarle Regional Health Services.
- Since the May 11, 2004, Planning Board Meeting an As-Built Drainage plan has been submitted.
- Technical Review Staff Comments at Sketch Plan stage:
  - Crawford Fire & Rescue - reviewed with no comments
  - NCDOT - driveway permit has been issued; road will remain private; therefore, NCDOT has no additional comments
  - Phone Company - reviewed & approved as is
  - Superintendent of Schools - ensure adequate facilities exist before approving
  - N C Power - review & approved with no comments
  - County Water Dept. - approved as is

County Health Dept. - all lots have been evaluated and are acceptable for conventional septic systems  
Public Works Dept. - reviewed with no comments  
SCS - reviewed with no comments

**STAFF RECOMMENDATION:**

Staff is recommending **approval** of this request subject to the conditions noted below:

1. That developer will be required to install streetscaping.
2. That developer submit an approved NCDOT driveway permit for Happy Landing Drive.
3. That developer meets all the requirements of the county's Unified Development Ordinance.

**PLANNING BOARD RECOMMENDATION:**

On May 11, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That developer will be required to install streetscaping. **(Bonded)**
2. That developer submit an approved NCDOT driveway permit for Happy Landing Drive. **(Approved and issued 5/11/04)**
3. That developer meets all the 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 on a request to rename Karen's Way to Grey Fox Run located in Corolla Village Acres on the northeast side of Schoolhouse Lane; and, approximately 330 feet east of the intersection of Schoolhouse Lane and NC 12 (Ocean Trail), Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request stating that 63% of the property owners approved the name change. His office did receive three no votes.

Chairman O'Neal opened the public hearing.

Ann Page, supports the name change.

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

Commissioner Miller moved to approve the name change. The motion failed for lack of a second.

**Action PB 88-66 VILLAGES AT OCEAN HILL, PHASE 5:  
Preliminary Plat of 26 lots located in Corolla off Lakeside  
Drive, Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request.

**LOCATION:** In Corolla off Lakeside Drive, Poplar  
Branch Outer Banks Township.

**TAX ID:** 0114-000-003J-0000

**ZONING DISTRICT:** Residential

<b>OWNER:</b>	<b>APPLICANT/AGENT</b>
Ocean Castle Development	Bissell Professional Group
PO Box 2225	PO Box 1068
Kitty Hawk, NC 27949	Kitty Hawk, NC 27949

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

**NORTH:** Wetlands - zoned R01  
**SOUTH:** Wastewater Treatment Plant - zoned R01/PUD  
**EAST:** Residential Villages at Ocean Hill Phase 1 -  
zoned R01/PUD  
**WEST:** Wetlands - zoned R01

**NARRATIVE OF REQUEST:**

Ocean Castle Development is seeking Preliminary Plat approval for 27 single family lots located in a Planned Unit Development. The property is located to the west of Villages at Ocean Hill Phase 1. The total acreage of this Phase is approximately 15.6 acres.

Lot sizes range from approximately 7,800 sf to 29,900 sf with an average lot size of approximately 9,600 sf. All of the lots will front on an improved subdivision street that will remain private. The maintenance of the streets shall be responsibility of the developer until such time as they are turned over to the Homeowner's Association. All lots will be served by a centralized water treatment and wastewater systems.

The Division of Water Quality on July 24, 2003 issued a Wastewater Collection System Extension Permit to serve the Phase 5 development.

The original sketch plan was approved by the Board of Commissioners on January 3, 1989 for 314 lots with a density of 2.04 units per net acre. An Amended Sketch Plan was granted approval on February 17, 1992 reducing the total number of lots to 299. Amended Sketch Plan approval was granted on August 2, 1994 which reduced the total number of lots from 299 to 269 (1.75 units/acre) and increased the commercial acreage from 2.0 acres to 10.76 acres (7% of the total PUD area).

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** The proposed subdivision will contain two streets which will be built to NCDOT Construction Standards.

**WATER:** This development will be served by the Southern Outer Banks Water System.

**FIRE:** This development will be served by fire hydrants and is located within the Poplar Branch Beach Volunteer Fire Department.

**WASTEWATER:** Centralized wastewater treatment is proposed. Enviro-Tech has allotted the development 16,200 gallons per day of wastewater. This averages out to 533 gallons per day per home.

**SOILS:** Three soil types are found at the site:  
**Cu** - Currituck mucky peat is a very poorly drained soil which is not suited to urban and recreational uses because of frequent flooding and low strength ; **OuB** - Ousley fine sand is a moderately well drained soil found near the sound side of the Outer Banks and is poorly suited to urban and recreational uses because of wetness, flooding and sandy material; and **Os** - Osier fine sand is a poorly drained soil found along the edge of freshwater marshes and is poorly suited to urban and recreational uses because of wetness and flooding. The primary soil is the Ousley fine sand.

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Outer Banks Township has an occupancy rate of 0.0738.

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

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

**OPEN SPACE:** 6.65 acres of open space is proposed or 43% of the total tract area. Approximately 15,000 sf of the open space is usable upland area.

**DRAINAGE:** A combination of roadside and side lot line swales are proposed which will discharge into the wetland area to the north.

**FLOOD ZONES:** A majority of the property is located within the 100 year floodplain (flood zone A6) with a base flood elevation of 6 feet with the remaining portion being located out of the floodplain.

**CAMA CLASS:** The 1990 Land Use Plan this property is designated Limited Transition. The purpose of the Limited Transition class is "to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class. This class is intended for residential developments with densities of three units per acre or less, or the majority of the lots are 15,000 sf or larger. The proposed density for this 27 lot phase is approximately 3.8 units per net acre or 1.7 per gross acre. The residential density for the whole PUD is 1.75 units per gross acre and therefore the development is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- To determine the minimum lot sizes and widths allowed within the phase, the approved sketch plans were reviewed. The sketch plan approved in 1989 showed the single family lots in the area of Phase 5 to be 70'-75' wide x 125' deep or a minimum lot size of approximately 8,750 sf. The amended sketch plan approved in February 1992 shows the lots to be 60'-65' wide x 140' deep. From this research, it appears that the minimum lot size permitted in this phase is approximately 8,400 sf.

- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. Several of the proposed lots do not meet the minimum lot width standard with a number of these lots being only 44.5' wide.
  2. Lots 4, 5 and 26 do not meet the minimum lot size requirement in addition Lot 26 has only 28% of the lot area in uplands.
  3. The grading and drainage plan lacked topographic information, grades, inverts, flow arrows, pad elevations, and minimum first floor elevations.
  4. The Fire Marshall and Fire Chief are requesting a minimum 58' radius for the cul-de-sacs with a radius of 53' for the pavement.
  5. The landscape plan does not meet the tree setback requirements found in Article 5.
- In response to concerns expressed by the TRC, the Preliminary Plat has been revised to reflect the following items:
  - The grading and drainage plan reflected the requested information and was approved by the County Engineer and the Soil & Water Conservation office.
- On the revised site plan there were no changes made to the lots to bring them into compliance with the required minimum lot widths and sizes;
- The cul-de-sacs were not increased to a minimum radius of 58';
- Developer will be required to install all of the necessary waterlines, water services, sanitary sewer, and required fire hydrants. This system will connect to the Southern Outer Banks Water System.
- Developer will be required to plant trees along both sides of the newly created street constructed in accordance with the public street standards as required in Section 513 of the UDO.
- The project has obtained the following approvals and permits:
  - NCDENR, Land Quality - reviewed and approved the Erosion and Sedimentation Control Plan; issued letter of approval.
  - The U.S. Army Corp of Engineers issued a General Permit to allow 0.097 acres of fill for the road crossings.

- NCDENR, Water Quality - reviewed and approved the 401 Water Quality Certification with Additional Conditions to allow 0.20 acres
- NCDENR, Water Quality - reviewed and approved a Low Density Stormwater Permit.
- NCDENR, Water Quality - reviewed and approved a permit for the Wastewater Collection System Extension.
- Enviro-Tech of North Carolina issued the applicant a sewage commitment letter.
- NCDENR, Public Water Supply Section - reviewed and approved a permit for the authorization to construct the waterlines.
- The county issued a water availability letter for the Southern Outer Banks Water System.
- This case was presented to the Planning Board on July 13, 2004. At that time staff recommended denial on the basis that this application does not meet the technical requirements for Preliminary Plat approval. At the meeting the Board voted to table the final vote until the applicant could address staff concerns with minimum lot sizes and minimum lot widths.
  - Since the Planning Board meeting, a revised Preliminary Plat has been submitted for review. Lots 1-5, 10 and 16 meet the minimum lot width requirement. Lots 4 & 5 now meet the minimum lot size requirements. The cul-de-sacs have been enlarged to a 58' radius.
  - Lot 26 has been removed from this phase due to wetland issues that need to be resolved and will go to Final Plat as Phase 5A.

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions and suggested Staff Findings of Fact:

1. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
2. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
3. That drainage improvements shall be installed and certified prior to submission for final plat approval.
4. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has

commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.

5. 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, a current copy of which will be filed in the office of the Planning and Inspections Department.

**PLANNING BOARD RECOMMENDATION:**

On August 10, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
2. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
3. That drainage improvements shall be installed and certified prior to submission for final plat approval.
4. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.
5. 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, a current copy of which will be filed in the office of the Planning and Inspections Department.

Commissioner Bowden moved to approve with the access issue being resolved. Commissioner Gregory seconded the motion. Motion carried.

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

Gary Ferguson, Planning Director, reviewed the request.

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

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

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

**APPLICANT:** Ronda Williams

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

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

**SURROUNDING**

**ZONING/LAND USE:**

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

**EXISTING LAND USE:** Single Family Home

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

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

**PUBLIC SERVICES  
AND UTILITIES:**

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

**TRANSPORTATION:**

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

**FLOOD ZONE:**

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

**SOILS:**

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

**STAFF COMMENTS:**

- The property is only 10,000 sf and this could be considered as spot zoning;
- There is currently a single family home on the property. Residential uses are permitted in the General Business zone;
- Across the Caratoke Highway the properties are zoned General Business as are properties located approximately 500' south and 800' north;
- Property has direct access and frontage on Caratoke Highway (US 158).

**STAFF**

**RECOMMENDATION:**

Although the proposed rezoning would be consistent with the Land Use Plan, this property is only 10,000 sf in size and is not contiguous with the General Business district. Staff recommends denial of this application on the basis of spot zoning

**PLANNING BOARD**

**RECOMMENDATION:**

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

**BOC**

**RECOMMENDATION:** On August 2, 2004 the Board of Commissioners reviewed this request and denied it on the basis of spot zoning. The Board of Commissioners directed staff to re-present this request to the Planning Board as a rezoning to GB and not to C.

**PLANNING BOARD**

**RECOMMENDATION:** On August 10, 2004 the Planning Board reviewed this request and recommended denial (8-0) of this rezoning on the basis of spot zoning.

Chairman O'Neal opened the public hearing.

Ronda Williams, stated that she was requested by the Board to bring back for consideration and it would be approved.

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

Commissioner Gregory moved to deny the request. Commissioner Martin seconded the request.

**Public Hearing and Action PB 04-52: Amendment to Article 17 of the UDO to allow two seasonal on-premise signs for a farm market not to exceed more than 250 sf total and not to be put up more than 30 days prior to opening and to be taken down or covered no longer than 30 days after closing.**

Gary Ferguson, Planning Director, reviewed the request as follows:

**EDDIE-JO S. POWELL  
PB 04-52  
UDO AMENDMENT REQUEST**

Eddie-Jo S. Powell requests the following amendment to the Currituck County Unified Development Ordinance:

PB 04-52 Amendment to Article 17, Section 1716 of the UDO to allow additional seasonal on-premise freestanding farm market signs.

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 1716. On-Premise Signs, Excluding the Outer Banks Overlay District.**

1. On-premise signs where one or more businesses are on one or more lots, excluding shopping centers, shall be subject to the standards listed below. (Amended 4/17/00, 12/3/01)

(a) freestanding on-premise signs

1. number of signs: one (1) per street front for frontages up to 500'. If greater than 500', a maximum of three (3) signs shall be allowed. When two or more on-premise signs are located on the same lot, there must be a minimum of one-hundred foot (100) spacing between the signs. All signs shall be displayed in a professional manner and be neat and attractive. (Amended 12/3/01)
2. location of signs (setback): signs up to one-hundred (100) sq. ft. maximum and ten (10) high maximum-zero (0) foot setback; any sign over one-hundred (100) sq. ft. and/or over ten (10) feet high, must be setback ten (10) feet from street right-of-way. Further there is a ten (10) foot setback from any side yard and any other freestanding sign on the property. Signs shall observe a 10'x35' site triangle where driveways intersect with street right-of-ways.
3. sign area: sign allowed up to two-hundred-fifty (250) sq. ft. maximum. Any additional freestanding signs for lots with more than one street front are limited to two-hundred-fifty (250) sq. ft. maximum area and twenty-five (25) feet above the roadbed maximum but in no case greater than thirty (30) feet total height for any sign; total sq. ft. of all freestanding signs on the property cannot exceed seven-hundred-fifty (750) sq. ft. (Amended 12/3/01)
4. maximum height: twenty-five (25) feet above the roadbed maximum, but in no case greater than thirty (30) feet total height for any sign. Additional signs for lots with more than one street front shall be subject to the height limitation of (3) above. (Amended 12/3/01)
5. message boards/reader boards: no more than 50% of the area of a sign can be a message or reader board. The message cannot change more than one time per hour, except for time and temperature.
6. seasonal farm market signs: Two (2) seasonal farm market signs per property shall be allowed in addition to the permanent sign allowed in Subsection 1. of this section. Seasonal on-premise signs shall not exceed a combined total of 250 square feet for both signs. Individual signs not exceeding 100 square feet in area and ten (10) feet in height must maintain a zero (0) foot street right-of-way setback. Individual signs exceeding 100 square feet in area and over ten (10) feet in height but not greater than twenty-five (25) feet in height must maintain a ten (10) foot street right-of-way setback. Signs shall observe a 10' x 35' site triangle where driveways intersect with street right-of-ways. Signs shall not be erected more than thirty (30) days prior to the seasonal opening of the market and shall be removed not later than thirty (30) days after the market closes for the season.

Chairman O'Neal opened the public hearing.

Eddie Jo Powell, stated that these signs have been on the property for over 10 years.

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

Commissioner Miller requested staff to just issue a permit.

Commissioner Bowden moved to table to determine if these signs are grandfathered. Commissioner Gregory seconded the motion. Motion carried with Commissioner Martin voting no.

**Public Hearing and Action PB 04-49 IDA COOPER: Rezone 7.38 acres from RA (Mixed Residential) to General Business (GB) on property located in Barco on the west side of Caratoke Highway approximately 1000' north of the intersection with Barco Road, Tax Map 60, Lot 36A, Crawford Township.**

Gary Ferguson, Planning Director, reviewed the request as follows.

**TYPE OF REQUEST:** Request for rezoning a 7.38 acre site Mixed Residential (RA) to General Business (GB).

**LOCATION:** This site is located in Barco along the western side of Caratoke Highway (NC 168) approximately 1,000' north of the intersection with Barco Road; Crawford Township

**TAX ID:** TM 60, Parcel 36A

**PROPERTY OWNER:** Ida Humphrey Cooper

**APPLICANT:** Ida Humphrey Cooper

**ZONING:** Current Zoning                      Proposed Zoning  
Mixed Residential                      General Business

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

**SURROUNDING**

**ZONING/LAND USE:** NORTH: Mixed Residential/Residential  
SOUTH: Mixed Residential& General Business/Residential  
EAST: Residential/Farmland & residential  
WEST: Mixed Residential/Farmland

**EXISTING LAND USE:** Farmland

**PROPOSED LAND USE:** The applicant has stated that she wishes to rezone her property so that it will be uniformly zoned throughout this area.

**LAND USE PLAN:** 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, 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 in the 1988 NCDOT Throroughfare Plan.

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

**SOILS:** According to the Currituck County Soil Survey, the majority of the site is composed of Dragston loamy fine sand, a somewhat poorly drained soil which requires extensive drainage and site modifications to improve the potential for septic systems. A small portion at the front is Statefine sandy loam, a well drained soil which is favorable for septic systems.

**STAFF COMMENTS:**

- The property is contiguous to land zoned General Business and is within approximately 1,000' of the large commercial node located between Barco Road and Shortcut Road, US 158.
- The intersection of Caratoke Highway, NC 168 and US 158, Shortcut Road, is the largest and most traveled intersection in the county.
- The property has approximately 220' of frontage on Caratoke Highway.

**STAFF**

**RECOMMENDATION:** This represents an expansion of an existing commercial zone in a northerly direction along Caratoke Highway, NC 168. This expansion is proximate to the large commercial node found at the intersection of Caratoke Hwy (NC 168) and Shortcut Road (NC 158). Given the amount of General Business zoning in and around this subject property and the Land Use Plan designation which is consistent with this rezoning, staff recommends approval.

**PLANNING BOARD**

**RECOMMENDATION:** On August 10, 2004 the Planning Board reviewed this request and recommended approval (8-0).

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 04-55 GLADYS TAYLOR: Rezone .607 of an acre from RA (Mixed Residential) to General Business (GB) on property located in Maple on the east side of Caratoke Highway approximately 450' south of intersection with Maple Road, Tax Map 59, Lot 73, Crawford Township.**

Gary Ferguson, Planning Director, reviewed the request as follows.

**Zoning Staff Report: PB 04-55  
Gladys M. Taylor Rezoning**

**TYPE OF REQUEST:** Request for rezoning a 26,450 sf lot from Mixed Residential (RA) to General Business (GB).

**LOCATION:** This site is located in Maple at along the northeastern side of Caratoke Highway (NC 168) approximately 450' southeast of the intersection with Maple Road; Crawford Township

**TAX ID:** TM 59 Parcel 73

**PROPERTY OWNER:** Gladys M. Taylor

**APPLICANT:** Gladys M. Taylor

**ZONING:**                                Current Zoning                                Proposed Zoning  
Mixed Residential                                General Business

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

**SURROUNDING**

**ZONING/LAND USE:**                                NORTH:                                Mixed Residential/Farmland & residential  
SOUTH:                                Mixed Residential/Residential & woods  
EAST:                                Mixed Residential/Farmland & residential  
WEST:                                Mixed Residential & General Business/Maple Post Office & woods

**EXISTING LAND USE:** Farmland

**PROPOSED LAND USE:** The applicant has stated that she wishes rezone her property to allow a billboard to be placed on the site.

**LAND USE PLAN:** 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, 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 in the 1988 NCDOT Throroughfare Plan.

**FLOOD ZONE:**

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

**SOILS:**

According to the Currituck County Soil Survey, the property consists of Conetoe loamy sand. This soil consists of well drained soils and is generally favorable for septic systems.

**STAFF COMMENTS:**

- The property is only 26,450 sf and this could be considered as spot zoning.
- The land is currently being farmed. The adjacent property to the north is improved with a single family home while the property to the south is being farmed.
- This site is approximately 130' away from GB zoned land which is located across Caratoke Highway. The GB zoned land is improved with the Maple Post Office and single family home which is used for business purposes.
- The property has direct access to Caratoke Highway.

**STAFF**

**RECOMMENDATION:**

This property is not contiguous with the General Business zoning district and spot zoning may be of concern given the size of the property, 26, 450 sf. Staff recommends denial of this application on the basis of spot zoning.

**PLANNING BOARD**

**RECOMMENDATION:** On August 10, 2004 the Planning Board reviewed this request and recommended denial (8-0) of this rezoning on the basis of spot zoning.

Chairman O'Neal opened the public hearing.

Becky Walker Owens, opposed the request.

Larry Perry, Maple, opposed the request.

Wayne Taylor, Maple, opposed the request.

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

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

**Action PB 03-35 TUCKER'S LAIR: Preliminary Plat for 5 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.**

Gary Ferguson, Planning Director, reviewed the request.

**ITEM: PB 03-35 TUCKER'S LAIR, PRELIMINARY PLAT FOR 5 SINGLE FAMILY LOTS**

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

**TAX ID:** 0094-000-172C-0000

**ZONING DISTRICT:** Agricultural & Residential

<b>OWNER:</b>	<b>APPLICANT/AGENT</b>
John McCandless	Hyman & Robey, PC
P.O. Box 111	150-A US Hwy 158 East
Jarvisburg, NC 27947	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 R  
**WEST:** Agricultural - zoned R

**NARRATIVE OF REQUEST:**

John McCandless is seeking Preliminary Plat approval for five lot single family subdivision in Poplar Branch. Originally, the property had split zoning, Agricultural and Residential. In January 2004, the property received approval to rezoned to Residential.

The total lot area is 5.06 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. Once the recombination plat is finalized, the tract will be 5.15 acres. The proposed lots range in size from 40,000 sf to 42,715 sf.

The subdivision will have one point of ingress/egress onto Poplar Branch Road. The lots will require individual septic systems and the developer will be required install a waterline and a fire hydrant.

**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.

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

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

**WASTEWATER:** Individual on-site septic systems are proposed. The lots have been tested and were classified as provisionally suitable by Albemarle Regional Health.

**SOILS:** The western half of the property 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. 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.

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764.

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

According to the January 2004, school population projections, Griggs Elementary School has a capacity of (-41) students after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision **is** reflected in the student population count.

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

**DRAINAGE:** Drainage will be provided an existing ditch drainage system.

**FLOOD ZONES:** This development is located with outside of the 100 year floodplain (Flood Zone C).

**LAND USE PLAN:** The 1990 Land Use Plan classifies this site as Rural with Services. 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. Once the lot recombination is finalized, the proposed density for the five lot subdivision is approximately 1.0 unit per gross acre and is therefore consistent with the Land Use Plan.

**STAFF COMMENTS**

1. In January 2004, the Sketch Plan/Special Use Permit for this five lot development was approved by the Board of Commissioners.
2. Developer will connect the subdivision to the county water system and install a fire hydrant according to county requirements.
3. Developer will be required to plant trees along both sides of any newly created streets in accordance with Section 513, Required Trees along Dedicated Streets, of the UDO.
4. On May 13, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage and the lack of drainage calculations. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff and the drainage issues have been resolved to the satisfaction of the County Engineer and the Soil & Water Conservation District.
  - (a) County Engineer - reviewed & approved
  - (b) Soil Conservation Service - reviewed & approved
  - (c) Fire Marshal - reviewed & approved
  - (d) County Water Department - reviewed & approved
  - (e) Health Services - reviewed & approved
  - (f) Lower Currituck VFD Fire Chief - no comments received
  - (g) County Mapper - approved as is
  - (h) Emergency Management - approved as is
  - (i) County Dept. of Recreation - reviewed with no comment
  - (j) Superintendent of Schools - reviewed with no comment
  - (k) NCDENR, Land Quality - reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
  - (l) NCDENR, Water Quality - reviewed and approved a Low Density Stormwater Permit

- (m) NCDENR, Public Water Supply Section - reviewed and approved a permit for the authorization to construct the waterlines
- (n) NCDOT - reviewed with no comment; driveway permit applied for
- (o) Phone Company - reviewed with no comment
- (p) N C Power - reviewed with no comment
- (q) CAMA - no comment; not within CAMA's jurisdiction
- (r) USACOE - no comments; not within USACOE jurisdiction

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions and suggested Staff Findings of Fact:

1. That the NCDOT driveway permit be approved prior to the beginning of any construction.
2. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
3. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
4. That drainage improvements shall be installed and certified prior to submission for final plat approval.
5. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.
6. 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, a current copy of which will be filed in the office of the Planning and Inspections Department.

**PLANNING BOARD RECOMMENDATION:**

On August 10, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That the NCDOT driveway permit be approved prior to the beginning of any construction.

2. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
3. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
4. That drainage improvements shall be installed and certified prior to submission for final plat approval.
5. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.
6. 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, a current copy of which will be filed in the office of the Planning and Inspections Department.

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

**Action PB 04-17 GRANDY ACRES, PHASE II: Preliminary Plat for 4 lots located on Betsy Court off Poplar Branch Road, Tax Map 94, Lot 172N, Poplar Branch Township.**

Gary Ferguson, Planning Director, reviewed the request.

**ITEM: PB 04-17 GRANDY ACRES PHASE 2, PRELIMINARY PLAT FOR 4 SINGLE FAMILY LOTS**

**LOCATION:** At the end of Betsy Court, approximately 450' from its intersection with Poplar Branch Road, Poplar Branch Township.

**ZONING DISTRICT:** Residential

**OWNER:**  
 Johnny R. McCandless  
 P.O. Box 111  
 Jarvisburg, NC 27947

**APPLICANT/AGENT**  
 Hyman & Robey, PC  
 150-A U.S. Hwy 158 East  
 Camden, NC 27921

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

**NORTH:** Vacant - zoned R (proposed Tucker's Lair subdivision)  
**SOUTH:** Residential - zoned R  
**EAST:** Residential - zoned R  
**WEST:** Vacant - zoned R & GB

**NARRATIVE OF REQUEST:**

Johnny McCandless is seeking Sketch Plan/Special Use Permit approval for 4 single family lots through the major subdivision process. The total acreage of the entire development is approximately 7.57 acres.

This property is zoned Residential, therefore the minimum lot size required utilizing a conventional layout is 40,000 sq. ft. Lot sizes within this development are 40,010 sf. Since the subdivision consists of less than 20 lots, no open space is required or provided.

The subdivision will have one point of entry onto Poplar Branch Road. The lots will front on an extension of Betsy Court, a private gravel road which will be upgraded to NCDOT standards. The lots will require individual septic systems and the developer will be required install a waterline and a fire hydrant.

In April 2004, the Board of Commissioners granted approval for a 7 lot subdivision. Due to soil unsuitability for septic systems, the applicant is only presenting 4 lots for approval at this time.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

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

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

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

**WASTEWATER:** Individual, on-site septic systems are proposed. The property contains Portsmouth Fine Sandy Loam which consists of very poorly drained soils that have moderate permeability.

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764.

Based on these pupil generation figures, Currituck can expect one elementary student, less than one junior high student, and less than one high school student from this development.

According to the January 2004, school population projections, Griggs Elementary School has a capacity of (-41) additional students 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 are being used to address the drainage for this property.

**FLOOD ZONES:** This development is outside of the 100 year flood zone (Flood Zone C).

**LAND USE PLAN:** The 1990 Land Use Plan classifies this site as Rural with Services. 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 four lot subdivision is approximately 0.8 units per gross acre and is therefore 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 April 5, 2004 for 7 lots

- On July 8, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with location of water meters, blow-off assembly and fire hydrants; clarification of drainage swales and easements; correct the street cross section to show a 45' right-of-way; and the need to regrade the existing ditch along the northern property line. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff, with the exception of the street cross section, and the drainage issues have been resolved to the satisfaction of the County Engineer and the Soil & Water Conservation District.
  - a) County Engineer - reviewed & approved
  - b) Soil Conservation Service - reviewed & approved
  - c) Fire Marshal - reviewed & approved
  - d) County Water Department - reviewed & approved; submit corrected plans to the state for the waterline extension.
  - e) Health Services - reviewed & approved
  - f) Lower Currituck VFD Fire Chief - no comments received
  - g) County Mapper - approved as is
  - h) Emergency Management - approved as is
  - i) County Dept. of Recreation - reviewed with no comment
  - j) NCDENR, Land Quality - reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
  - k) NCDENR, Water Quality - reviewed and approved a Low Density Stormwater Permit
  - l) NCDENR, Public Water Supply Section - reviewed and approved a permit for the authorization to construct the waterlines
  - m) NCDOT - need to correct the street section to show a 45' R/W; a driveway permit has been applied for.
  - n) Phone Company - no comments received
  - o) Superintendent of Schools - reviewed with no comments
  - p) N C Power - no comments received
  - q) CAMA - no comment; not within CAMA's jurisdiction
  - r) USACOE - no comments; not within USACOE jurisdiction

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions and suggested Staff Findings of Fact:

1. That the street cross section be corrected to show a 45' R/W. (**Done**)
2. That the NCDOT driveway permit be approved prior to the beginning of any construction.
3. That the applicant shall submit the revised plans to the state for the waterline extension approval.
4. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified

Development Ordinance prior to submission for final plat approval.

5. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
6. That drainage improvements shall be installed and certified prior to submission for final plat approval.
7. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.
8. 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, a current copy of which will be filed in the office of the Planning and Inspections Department.

**PLANNING BOARD RECOMMENDATION:**

On August 10, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That the street cross section be corrected to show a 45' R/W.
2. That the NCDOT driveway permit be approved prior to the beginning of any construction.
3. That the applicant shall submit the revised plans to the state for the waterline extension approval.
4. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
5. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
6. That drainage improvements shall be installed and certified prior to submission for final plat approval.
7. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year

extension on the plat approval prior to the expiration of the preliminary plat approval.

- 8. 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, a current copy of which will be filed in the office of the Planning and Inspections Department.

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

**Public Hearing and Action PB 04-30 OLD OAKS AT BELLE ISLE: Sketch Plan/Special Use Permit for 13 lots located on Bell's Island on the east side of Bell's Island Road (SR 1245) approximately 300' north of the intersection with Redhead Drive, Tax Map 68, Lots 1A, 1B, 1C, and 1D, Tax Map 68D, Lot 19, Crawford Township.**

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

**ITEM: PB 04-30 OLD OAKS AT BELLE ISLE SKETCH PLAN/SPECIAL UUSE PERMIT FOR 13 SINGLE FAMILY OPEN SPACE LOTS**

**LOCATION:** Off Bells Island Road approximately 450' from intersection with Redhead Drive (SR 1311), Crawford Township.

**ZONING DISTRICT:** Residential

**TAX ID:** 0068-000-001A-0000, 0068-000-001B-0000 & 0068-000-001D-0000

<b>OWNER:</b>	<b>APPLICANT/AGENT</b>
Chapman Lumber Company, Inc	Bob Evans
19585 Fullers Mill Road	105 Scarborough Lane
Boykins, VA 23827	Duck, NC 27949

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

**NORTH:** Wetlands- zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Currituck Sound  
**WEST:** Residential & wetlands - zoned R

**NARRATIVE OF REQUEST:**

Chapman Lumber is seeking Sketch Plan/Special Use Permit approval for 13 single family lots to be developed as an Open Space Subdivision. The total acreage of the entire development is approximately 21 acres.

This property is zoned Residential. Lots within this development are proposed to range from approximately 31,500 sf. to 49,700 sf with an average lot size of approximately 36,000 sf. Approximately 8.5 acres, or 40% of the total tract, of open space is being provided. The development will be a waterfront neighborhood which will include a 10 slip private marina, a boat launch, a beach area and fishing ponds.

The subdivision will have one point of entry from Bells Island Road. The site does not offer any opportunities for future street connections. The lots will be served by individual septic systems and county water.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** All streets will be built to NCDOT Design and Construction Standards.

**WATER:** This development will be served by County water. The existing waterline on Bells Island Road will need to be upgraded to provide adequate water flow and pressure to the site. The upgrades will be at the developers expense.

**FIRE:** This development will be serviced by the Crawford Volunteer Fire Department.

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

**SOILS:** There are five soils types found at the site: **BoA** - Bojac loamy sand is a well drained soil which requires special planning, design or maintenance for septic systems; **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems; **Cu** - Currituck mucky peat is a very poorly drained soil which is not suited to urban and recreational uses because of frequent flooding and low strength; **To** - Tomotley fine sandy loam which consists of poorly drained soil which requires extensive drainage and site modification for septic tank systems; and **Mu** - Munden loamy sand is a moderately well drained soil which requires extensive drainage and site modifications to improve the area 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*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect approximately five 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 has a capacity of (-184) additional students after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

**OPEN SPACE:** Approximately 8.5 acres of open space is provided, 40% of the total tract area.

**DRAINAGE:** Roadside and property line swales/ditches will be used to convey the drainage to on-site ponds.

**FLOOD ZONES:** The site is located within of the 100 year floodplain (Flood Zone A5) with base flood elevations ranging from 5' to 7'.

**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 13 lot subdivision is approximately 0.6 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- Technical Review staff reviewed this application. Staff's concerns included the following:

1. The curve in Old Oaks Drive does not meet NCDOT design standards.
  2. The plans do not show the tentative drainage.
  3. The plans do not show the location of the existing and proposed waterline improvements.
  4. A water availability letter has not been issued for this subdivision due to the lack of adequate water flow and pressure for fire protection and domestic use. The developer will be required to have a flow analysis completed to determine what upgrades are necessary on the existing waterline so that it can service this subdivision. All of the testing and upgrades will be at the developer's expense. These items will be addressed at the preliminary plat stage.
  5. The Soil & Water Conservation District has concerns with pond at the southwest corner of the site. This pond appears to be over capacity after a normal rainfall. The stormwater runoff will need to go to the northern pond. This will be addressed at the Preliminary Plat stage.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
    - Old Oaks Drive conforms to NCDOT design standards.
    - Tentative drainage and the waterlines and fire hydrants are shown.
  - The following correction shall be made to the Sketch Plan:
    - The total amount of open space and usable open space shall be noted in the general notes.
    - The proposed waterline sizes shall be noted.
    - The road section shall be corrected to show a 15' drainage and utility easement along the street.
    - The plat shall be labeled "Sketch Plan"
    - The Preliminary Plat references shall be removed.
  - 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, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal. The water pressure and flow for adequate fire protection will be resolved after the flow analysis and the existing line is upgraded.

- (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 five 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 the following corrections be made to the Sketch Plan:
  - a. The total amount of open space and usable open space shall be noted in the general notes.
  - b. The proposed waterline sizes shall be shown.
  - c. The road section shall be corrected to show a 15' drainage and utility easement along the street.
  - d. The plat shall be labeled "Sketch Plan"
  - e. The Preliminary Plat references shall be removed.
  - f. An additional street name shall be submitted for 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 the following corrections be made to the Sketch Plan:
  - a. The total amount of open space and usable open space shall be noted in the general notes. **(Done)**
  - b. The proposed waterline sizes shall be shown. **(Done)**
  - c. The road section shall be corrected to show a 15' drainage and utility easement along the street. **(Done)**
  - d. The plat shall be labeled "Sketch Plan". **(Done)**
  - e. The Preliminary Plat references shall be removed.
  - f. An additional street name shall be submitted for 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.

Chairman O'Neal opened the public hearing.

Barbara Courtney, Bells Island, expressed concern with roads, traffic and schools.

Tony Thomason, Bells Island, expressed concerns with traffic.

Mike Whalen, Bells Island, expressed concerns with drainage.

Bill Owens, representing the developer, will address concerns.

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

**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 Road, Tax Map 49, Lots 34S and 34T, Crawford Township.**

**Deleted**

**Request by Socials Services for standard or electing status for the Work First Program.**

Commissioner Miller moved for standard status. Commissioner Gregory seconded the motion. Motion carried.

**Consideration of bids for the proposed watermain improvements, SOBWS, phase 1 well fields.**

Pat McDowell, Engineer, reviewed bids received for the Phase 1 well fields for SOBWS.

Commissioner Bowden stated that he did not agree with installing wells on parking lots due to the need for parking on the Outer Banks.

Commissioner Martin moved to award the bid to Magette Well & Pump Co. in the amount of \$484,290. Commissioner Gregory seconded the motion. Motion carried with Commissioner Bowden voting no.

**Consent Agenda:**

**Budget Amendments**

**Approval of transfer of Rural General Public Funds to Pasquotank County.**

**Resolution to add Review Officer in Planning Dept.**

**Approval of August 2 minutes.**

**Appointments to local Firemen's Relief Fund.**

**Extend deadline to October 1, 2004 for Incorporation Committee.**

**Resolution on Widening of NC 12**

**Proclamation for September 11, 2001**

**Appoint Joe Kovacs to Planning Board to replace Lloyd Parker.**

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10410-545200	Records Management	1,707	
10410-561000	Professional Services	2,000	
10441-590000	Capital Outlay	15,885	
10510-557500	NC Crime Control	50,399	
10531-532000	Supplies - EMS	1,029	
10640-532005	Supplies - Agriculture	1,682	
10750-502100	Salaries - OT	146	
10750-505000	FICA	11	
10750-507000	Retirement	14	
10760-532900	Adoption Assistance	4,777	
10795-576001	Youth Baseball/Softball	970	
15780-516002	Outer Banks Ramps	10,837	
15780-545000	Contract Services	2,143	
15780-545002	Historic Preservation	9,011	
22690-561002	Professional Services	2,400	
26535-545000	Contract Services	23,920	
28450-545000	Contract Services	5,456	
42450-587061	Transfer to Mainland Water	379,513	
61818-545000	Contract Services	56,340	
61818-561000	Professional Services	49,013	
61818-590002	Line Expansion	1,905	
61818-590003	Fire Hydrants	375,069	
10390-499900	Fund Balance Appropriated		78,620
15390-499900	Fund Balance Appropriated		21,991
22390-499900	Fund Balance Appropriated		2,400
26390-499900	Fund Balance Appropriated		23,920
28390-499900	Fund Balance Appropriated		5,456
42390-499900	Fund Balance Appropriated		379,513
61390-499900	Appropriation of Retained Earnings		482,327
		994,227	994,227

**EXPLANATION:** To carryforward encumbered funds and grant balances from FY 2004 as per listing on following page.

**NET BUDGET EFFECT:** Operating Fund (10) – Increased by \$78,620.  
 Occupancy Tax Fund (15) – Increased by \$21,991.  
 Fruitville Fire District Fund (22) – Increased by \$2,400.  
 Emergency Telephone System Fund (26) – Increased by 23,920.  
 Revaluation Fund (28) – Increased by \$5,456.  
 Land Transfer Tax Fund (42) – Increased by \$379,513.  
 Mainland Water (61) – Increased by 482,327.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10660-557000	Refunds	981	
10390-499900	Fund Balance Appropriated		981
		981	981

**EXPLANATION:** Planning and Inspections (660) – To refund building permit 20033622 issued in 2003, which was replaced by permit 20040320 in the amount of \$677.00, and to refund overpayment of BP 20568 issued in 2001, which was calculated at \$0.25 per sq. foot rather than \$0.10 per sq. foot for a refund of \$303.90.

**NET BUDGET EFFECT:** Operating Fund (10) – Increased by \$981.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10795-590000	Capital Outlay	2187	
10795-576015	Tackle Football		2187
		2,187	2,187

**EXPLANATION:** Recreation (795) – Transfer budgeted funds from tackle football to capital outlay to purchase a 5 man modular sled to be used for tackle football practice.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10511-545000	Contract Services	67,662	
10390-499900	Fund Balance Appropriated		67,662
		\$ 67,662	\$ 67,662

**EXPLANATION:** Jail (511) – Increase budgeted line item to pay for inmate medical bills incurred between January and April 2003.

**NET BUDGET EFFECT:** Operating Fund (10) – Increased by \$67,622.

RESOLUTION  
SUPPORTING WIDENING OF NC 12  
AND  
FLY-OVER AT THE INTERSECTION OF US 158-NC 12

WHEREAS, the North Carolina Department of Transportation is currently conducting a study of the transportation needs for the intersection NC 12 and US 158 in Dare County and the widening of NC 12; and

WHEREAS, the current study indicates the widening of NC 12 to a multi-lane highway through Corolla and the Towns of Duck and Southern Shores and the construction of a fly-over at the intersection of US 158 and NC 12 to keep the traffic moving; and

WHEREAS, the Currituck County Board of Commissioners have gone on record and has unanimously adopted several resolutions supporting the Mid-County Bridge; and

WHEREAS, the demands on US 158 at the Wright Memorial Bridge and NC 12 have become greater resulting in increased traffic congestion and significant traffic delays; and

WHEREAS, the traffic delays have negatively impacted the businesses in the southern end of Currituck County as well our citizens cannot leave their homes on weekends due to traffic; and

WHEREAS, the widening of NC 12 and a fly-over at the intersection of US 158 and NC 12 has become a priority and this critical project needs to be constructed.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners strongly supports the widening of NC 12, a fly-over and the construction of the Mid-County Bridge.

FURTHER, BE IT RESOLVED, a certified copy of this resolution be forwarded to Governor Mike Easley, Secretary of Transportation, Lyndo Tippet, Senator Marc Basnight, Representative Bill Owens, Board of Transportation Member, Stan White, Mayor of Southern Shores and Mayor of Duck.

**Commissioner's Report**

Commissioner Bowden requested if staff had reviewed the question of building a carport on adjacent lot.

Chairman O'Neal presented pictures of the channel that has always been at the Whalehead boat dock.

**County Manager's Report**

**Adjourn**

There being no further business, the meeting adjourned.