

CURRITUCK COUNTY
NORTH CAROLINA
DECEMBER 5, 2005

The Board of Commissioners met at 5:00 p.m. for a Dedication of the North Carolina Civil War Trail Marker and at 6:00 p.m. in closed session to discuss personnel.

The Board of Commissioners met on Monday, December 5, 2005, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Martin, Vice Chair O'Neal, Commissioners Bowden, Miller and Etheridge.

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation and lead the Pledge of Allegiance.

Approval of Agenda

Commissioner O'Neal moved to add to consent agenda a change order for the Waterlily Fire Station. Commissioner Etheridge seconded the motion. Motion carried.

- Item 2 a. Selection of Chairman
- b. Selection of Vice-Chairman
- Item 3 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 4 Public Hearing and Action PB 05-25 Waterlily Ridge Sketch Plan for 11 lots on the east side of Waterlily Rd. approximately 500;' north of Scoggin Ct. Tax Map 80, Lot 63D, Poplar Branch Township
- Item 5 Public Hearing and Action PB 05-36 CURRITUCK COUNTY: Airport-Special Use Permit to approve the airport master plan. The Currituck County Airport is located on Airport Road, Crawford Township
- Item 6 Public Hearing and Action PB 05-31 SOLO LANDING: Sketch Plan for 3 lots on the north side of Solo Ln approximately 700' east of Woodleigh Rd. Tax Map 76, Lot 108A, Fruitville, Knotts Island Township
- Item 7 Public Hearing and Action PB 05-32 SWAN BEACH PROPERTY OWNERS ASSOCIATION: Amendment to Article 13, section 1310, Table of Permissible Uses, and Article 14, Section 1403 14. to no longer allow offices and private outdoor recreational facilities within the RO2 zoning district.
- Item 8 Public Hearing and Action PB 05-35 CURRITUCK FIELDS: Sketch Plan for 26 lots on property located on the east side of N. Currituck Rd., approximately .4 miles south of Caratoke Hwy. Tax Map 50, Lots 48D & 113G, Crawford Township
- Item 9 Public Hearing and Action PB 05-33 CURRITUCK COUNTY: Amendment to Article 17, Section 1710 to allow the relocation of nonconforming off-premise signs on the same property.
- Item 10 Public Hearing and Action on PB 00-15 HD (Racy) Newbern, IV: renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.
- Item 11 Consideration of Gatewood Agreement to construct hangars at the airport.
- Item 12 Appointment of non-elected person for Albemarle Commission.
- Item 13 Appointment to EIC Board
- Item 14 Planning Board appointments
- Item 15 Consent Agenda:
Budget Amendments
- Item 16 Commissioner's Report

Item 17 County Manager's Report
Adjourn

Selection of Chairman

Dan Scanlon, County Manager, presided over the meeting.

Mr. Scanlon opened the floor for nominations for Chairman.

Commissioner Martin moved to appoint Commissioner O'Neal. Commissioner Etheridge closed the nominations. Commissioner O'Neal was appointed Chairman by acclamation.

Selection of Vice-Chairman

Commissioner Miller moved to appoint Commissioner Martin. Commissioner Etheridge closed the nominations. Commissioner Martin was appointed Vice Chairman by acclamation.

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.

Bruce Spalding, Point Harbor Property Owners Association, presented a petition to withdraw permit on a lot that they feel was issued in error.

Mitch Copeland, Grandy, expressed concern with shortage of EMS personnel and what plans the county had for retaining personnel.

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

Public Hearing and Action PB 05-25 Waterlily Ridge Sketch Plan for 11 lots on the east side of Waterlily Rd. approximately 500;' north of Scoggin Ct. Tax Map 80, Lot 63D, Poplar Branch Township.

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS FOR THE BOARD OF COMMISSIONERS
MEETING DATE: DECEMBER 5, 2005**

ITEM: PB 05-25 WATERLILY RIDGE, SKETCH PLAN FOR 11 SINGLE FAMILY LOTS

LOCATION: West side of Waterlily Road approximately 450' north of Scoggin Court, Poplar Branch Township.

TAX ID: 0080-000-063D-0000

ZONING DISTRICT: Residential

OWNER:

Island Haven, Inc
PO Box 100
Currituck, NC 27929

APPLICANT/AGENT

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential - zoned R
SOUTH: Residential - zoned R
EAST: Residential, Hampton Cemetery & Currituck Sound - zoned R
WEST: Wetlands & Cedar Island Bay - zoned R

NARRATIVE OF REQUEST:

Island Haven is seeking Sketch Plan/Special Use Permit approval for 11 single family lots through the major subdivision process. The acreage of the entire development is approximately 12 acres contained within a 136 acre site.

This property is zoned Residential. Since the subdivision consists of less than 20 lots, no open space is required or provided. Eight of the lots within this development are proposed to be approximately 40,000 sq. ft. with the remaining three lots ranging from approximately 42,000 sf to 48,600 sf.

The subdivision will have one point of entry from Waterlily Road. Due to the existing development surrounding the property, future street connectivity is limited to the 124 acre residual parcel of this development. 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. The developer expects the street will be dedicated for maintenance to the NCDOT.

WATER: This development will be served by county water. The developer needs to demonstrate that the 6" line servicing the site has adequate pressure and flow and if upgrades are necessary to service the development.

FIRE: This development is located between the Crawford and Lower Currituck Fire Districts. The site is most proximate to the Crawford Volunteer Fire Department.

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

SOILS: The majority of the soils found on the site are favorable for septic systems.

SCHOOL CAPACITIES: Using national averages for school age student generation from the 1987 *American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. High students and 0.1568 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 three elementary students, one junior high student, and one high school student from this development.

According to the January 2005, school population projections, Griggs Elementary School will be -129 over capacity after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision is **not** reflected in the student population count nor is the proposed elementary school for Jarvisburg. Once the new 300 student school is in operation the student count will be an additional capacity of 171 students.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Roadside and property line swales/ditches tying into an existing ditch system will be used to address drainage for this property.

FLOOD ZONES: The property is located outside of the 100 year floodplain (flood zone C).

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

with services class. Proposed density for the total 11 lot subdivision is 1 unit per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On August 11, 2005, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. The primary concern was with the low water pressure and flow in the area. The Water Department is requesting a flow test and calculations. The water system may need to be upgraded to service this development.
 2. No future street connectivity is being offered. Staff requests a future street connection to the remaining 123 acre residual parcel.
- In response to concerns expressed by the TRC, a flow and pressure test was performed on the existing waterline. The pressure and flow proved to be adequate for water service and fire flow.

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. A flow test was performed and the water pressure and flow was found to be adequate for fire protection.

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

The proposed residential subdivision should not have a negative impact on adjoining properties;

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

The subdivision will consist of residential properties that will be in harmony with the surrounding residential area and land uses;

- (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 three elementary students, one junior high student, and one high school student from this development.

According to the current school population projections Griggs Elementary School has (-129) additional student capacity after full development of the currently approved subdivisions. The proposed subdivision is **not** reflected in the student population count.

A school site for the new Jarvisburg Elementary School has been located. Once the 300 student school is completed and in operation, the student count will be an additional capacity of 171 students.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate water and 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 future street connectivity be provided to the 123 acre remnant parcel at the end of Cedar Bay Court;
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a water line; water services, 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 DISCUSSION:

There was brief discussion regarding the street interconnectivity.

Mr. Kovacs asked who would maintain the 20 feet of street access to the cemetery.

Mr. Hyman described how the developer is offering access to the cemetery.

Mr. Hyman said that the owners asked this request to be approved without the street interconnectivity. There is a hedge row and behind the row there is a drop in the property and the soils are poor. The owners have no intention of developing this area at this time.

Mr. Keel asked if the cul-de-sac could be moved if the interconnectivity is required.

Mr. Bill Boyd said that the water pressure in the area is horrible. He also asked when the school will be built in Jarvisburg. He mentioned a concern with the stability of the road and concern for safety of the kids on the buses because of the road.

Mrs. Anna Boyd, stated that the road is caving in because of traffic.

Mr. Hyman said that NCDOT will be involved in the development process.

Mr. Keel asked when the water test was performed.

Mr. Hyman said it was done at 8:30 a.m.

PLANNING BOARD RECOMMENDATION:

Mr. Kovacs motioned to approve the request with the condition that the cul-de-sac be moved closer to the property line and the water pressure be retested in the evening after 5. Mr. Keel seconded the motion. Motion passed unanimously.

MINUTES FROM BOARD OF COMMISSIONERS OCTOBER 3, 2005 MEETING:

Chairman Martin opened the public hearing.

Joseph Dowdy, Waterlily Road, expressed concerns with roads and traffic.

Holly Snowden, Waterlily Road, expressed concerns with water pressure, wells and the graveyard on the property.

There being no further comments, Chairman Martin closed the public hearing.

Commissioner O'Neal moved to continue the public hearing until the water and road is addressed. Commissioner Etheridge seconded the motion. Motion carried.

FOLLOW UP COMMENTS:

On November 7, 2005, Gil Falasco, County Engineer, and Leland Gibb, Water Department, went to the site to conduct additional water flow test. It was determined that the water flow was insufficient but that it could be corrected by upgrading the existing 6" line to a 8" line. This upgrade will entail replacing approximately 3,000 LF of waterline.

Chairman O'Neal opened the public hearing.

Eddie Hyman, Engineer, stated that the water line extension would be complete.

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

Commissioner Martin moved to approve with extension of 8" water line extension. Commissioner seconded the motion. Motion carried.

Public Hearing and Action PB 05-36 CURRITUCK COUNTY: Airport- Special Use Permit to approve the airport master plan. The Currituck County Airport is located on Airport Road, Crawford Township

Sworn testimony was given prior to making comments.

Commissioner Etheridge requested to be recused from this item.

Commissioner Miller moved to deny request for Commissioner Etheridge to be recused. Commissioner Martin seconded the motion. Motion carried with Commissioner Etheridge voting no.

Gary Ferguson, Planning Director, reviewed the request.

Chairman O'Neal opened the public hearing.

John Snowden, expressed his concerns with airport security and operations at the airport.

Brenda Tyler, on behalf of her father, Leroy Tate, asked what affect this would have on her father's property.

Commissioner Miller requested to table for a work session. Commissioner Bowden seconded the motion. Motion carried with Commissioner Martin voting no.

Commissioner Etheridge wanted it noted in the minutes that he did not participate in discussion and did not vote. According to rules and procedures his vote will be recorded as an affirmative.

Public Hearing and Action PB 05-31 SOLO LANDING: Sketch Plan for 3 lots on the north side of Solo Ln approximately 700' east of Woodleigh Rd. Tax Map 76, Lot 108A, Fruitville, Knotts Island Township

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

LOCATION: North side of Solo Lane, approximately 700' east of Woodleigh Road, Fruitville - Knotts Island Township.

TAX ID: Tax Map 76 Parcel 108A

ZONING DISTRICT: Residential

OWNER:

John & Linda Tubbs
PO Box 144
Knotts Island, NC 27950

APPLICANT/AGENT

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Residential - zoned A
SOUTH: Residential - zoned A
EAST: Currituck Sound - zoned A
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

Owner is seeking Sketch Plan/Special Use Permit approval for 3 single family lots through the major subdivision process. The acreage of the entire development is approximately 13 acres. Currently there is one single family home on the site and will be located in one of the proposed lots.

This parcel has already been subdivided into five lots smaller than three acres. Now the property owner is requesting three additional lots which will now have to meet the minimum lot size of three acres.

This property is zoned Agricultural. Since the subdivision consists of less than 20 lots, no open space is required or provided. All of the lots are in excess of 3 acres.

The subdivision will have one point of entry from Solo Lane. Solo Lane is a paved private street that has not been taken over by NCDOT. Due to the existing development surrounding the property, there is no opportunity for future street connectivity with this development. The lots will be served by individual septic systems and wells.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** The private street will be built to NCDOT Design and Construction Standards and will connect to a private paved road.
- WATER:** Since there is no county water on Knotts Island, the lots will be served by individual wells.
- FIRE:** This development is located Knotts Island Fire District.
- WASTEWATER:** There is an existing septic system on Lot 1. Lots 2 and 3 have been approved for individual, on-site septic systems.
- SOILS:** Approximately half of the soils found on the site are marginally favorable for septic systems with the remaining portion being favorable.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the 1987 *American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. High students and 0.1568 High school students per dwelling unit. (Note: *These figures were verified by a field check of Currituck subdivisions in 1994*). Fruitville - Knotts Island Township has an occupancy rate of 0.867
- Based on these pupil generation figures, Currituck can expect one elementary student, less than one junior high and less than one high school student from this development.
- According to the January 2005, school population projections, Knotts Island Elementary School has an additional

capacity of 135 after full development of approved subdivisions within Knotts Island. 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 tying into an existing ditch system will be used to address drainage for this property.

FLOOD ZONES: The majority of property is located inside the 100 year floodplain (Zone a5 - BFE 6' and 7').

LAND USE PLAN: The property is classified as "Rural" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 3 lot subdivision is 0.23 units per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On October 13, 2005, Technical Review staff reviewed this application. Staff's comments included the following:
 1. It was requested that the developer consider installing a culvert across the existing soil drive to convey drainage from the adjacent property to the south.
 2. NCDOT does not require a driveway permit since the proposed road does not connect to a state maintained road.

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.

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

The proposed residential subdivision should not have a negative impact on adjoining properties;

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

The subdivision will consist of residential properties that will be in harmony with the surrounding residential area and land uses;

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

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

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

Currituck can expect one elementary student, less than one junior high and less than one high school student from this development.

According to the January 2005, school population projections, Knotts Island Elementary School has an additional capacity of 135 after full development of approved subdivisions within Knotts Island. 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 applicant meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a water line; water services, and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

PLANNING BOARD DISCUSSION:

Mr. Keel asked if Mike Doxey had been to look at the drainage of the property.

Mr. Hyman said Mike had been to the site and described what his requirements were regarding the drainage.

Mr. Bell asked if that would be worked out prior to preliminary plat.

Mr. Hyman said yes.

Mr. Keel asked if there were any concerns.

Ms. Eggar said that she had a few calls and the those callers were satisfied to hear that there were only 3 homes proposed.

PLANNING BOARD RECOMMENDATION:

Mr. Keel motioned to approve this request as presented. Mr. Winter seconded the motion. Motion passed unanimously.

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

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

Public Hearing and Action PB 05-32 SWAN BEACH PROPERTY OWNERS ASSOCIATION: Amendment to Article 13, section 1310, Table of Permissible Uses, and Article 14, Section 1403 14. to no longer allow offices and private outdoor recreational facilities within the R02 zoning district.

Gary Ferguson, Planning Director, reviewed the request.

SWAN BEACH PROPERTY OWNERS ASSOCIATION
PB 05-32
UDO AMENDMENT REQUEST

SWAN BEACH PROPERTY OWNERS ASSOCIATION requests the following amendment to the Currituck County Unified Development Ordinance:

PB 05-32 SWAN BEACH PROPERTY OWNERS ASSOCIATION:
 Amendment to Article 13, section 1310, Table of Permissible Uses, and Article 14, Section 1403 14. to no longer allow offices and private outdoor recreational facilities within the RO2 zoning district.

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

Item 1. That the following section be amended:

Article 13, section 1310 Table of Permissible Uses

	A	RA	R	RO1	RO2	RR	GB	C	LBH
	LM	HM							
3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, other professions, insurance and stock brokers, <u>travel agents</u>								
	C	C	C	C	€		Z	Z	Z
	Z	Z							
6.210	Privately owned outdoor recreational facilities such as golf and country clubs, etc. (but not including campgrounds), not constructed pursuant to a permit authorizing the construction of some <u>residential development (Amended 10/7/02)</u>								
	S	S	S	S	§	S	S	S	S
	S	S							
6.240	Horseback riding, schooling and boarding facilities provided that when in a R district, a minimum of 10 acres is required (not constructed pursuant to permit <u>authorizing residential development</u>).								
	C	C	C		§		C	C	
	C	C							

Item 2. That the following section be amended:

Article 14, section 1403, Specific Standards

14. Limited Office Use in Residential Districts: the Table of Permissible Uses indicates that some 3.100 classification uses are permissible within the RA, R, RO1 and ~~RO2~~ Districts with a conditional use permit issued by the Board of Adjustment. However, the Board of Adjustment may authorize such uses in these districts only when, in addition to other findings required by this Ordinance, the applicant demonstrates that:

- (a) the proposed use fronts on a paved public street ~~except in the RO2 district;~~

Chairman O'Neal opened the public hearing.

John Howland, Sandpiper Road, presented a petition supporting request and expressed their concerns with beach safety and preserving the area.

Commissioner Martin supports request.

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

Commissioner Bowden moved to deny amendment. Commissioner Miller seconded the motion. Motion carried with Commissioner Martin voting no.

Public Hearing and Action PB 05-35 CURRITUCK FIELDS: Sketch Plan for 26 lots on property located on the east side of N. Currituck Rd., approximately .4 miles south of Caratoke Hwy. Tax Map 50, Lots 48D & 113G, Crawford Township

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

ITEM: PB 05-35 CURRITUCK FIELDS, SKETCH PLAN FOR 26 SINGLE FAMILY LOTS

LOCATION: East side of North Currituck Road, approximately one half mile south of Caratoke Highway, Crawford Township.

TAX ID: Tax Map 50 Parcels 48D and 113G

ZONING DISTRICT: Mixed Residential (RA)

OWNER:	APPLICANT/AGENT
William Brumsey III	Bissell Professional Group
PO Box 100	PO Box 1068
Currituck, NC 27929	Kitty Hawk, NC 27949
(252) 232-2252	(252) 261-3266

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Farmland - zoned RA and GB
SOUTH: Farm and Woodlands - zoned RA
EAST: Vacant GB, Government Center, Residential - zoned GB & R
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

Applicant is seeking Sketch Plan/Special Use Permit approval for 26 single family lots through the major subdivision process. The site will be developed as an

Open Space Subdivision. The acreage of the entire development is approximately 34 acres.

This property is zoned Mixed Residential. Since the subdivision consists of more than 20 lots, 20% of the total tract (6.73 acres) is required to be dedicated open space. Additional open space is required due to the lot size reduction from 40,000 sf to an average of approximately 31,000 sf for a total of 5.32 acres. Required open space is 12.05 acres. Total amount of open space to be dedicated is 18.67 acres, or 55% of the total tract area.

The subdivision will have one point of entry from North Currituck Road. The lots will be served by individual septic systems and county water. Staff is requesting that future street connectivity be provided to the south. Staff is aware of the potential of future development occurring south of this subdivision and would like to have the opportunity to create connectivity between this development and future developments.

The site fronts on an unpaved section of North Currituck Road. This is a NCDOT maintained dirt road. Section 914(8) of the UDO requires that when a subdivision fronts on a street which does not meet the minimum requirements of the ordinance, the subdivider shall be responsible for upgrading the existing street. The subdivider will be required to improve the dirt road portion of North Currituck Road with minimum 18' wide paved road.

According to the development Impact Statement, the average home size is expected to be 2,500 sf with three to four bedrooms and two bathrooms. The homes are anticipated to be a mixture of custom built, modern styled upscale homes. The developer will be selling the lots to individual buyers or builders and does not anticipate constructing any model homes at the tract. The estimated price of a lot is approximately \$80,000. At build-out, the developer estimates the value of the individual homes and lots to be worth between \$200,000 and \$300,000. The development is not proposing to be phased.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS:

All streets will be built to NCDOT Design and Construction Standards. The developer expects the streets will be dedicated for maintenance to the NCDOT.

WATER:

The nearest existing County water line is located on Caratoke Highway. Going down North Currituck Road the line is

approximately 2,300' from the subdivision. The waterline is approximately 400' away on Caratoke Highway. This connection is contingent on an easement being granted by Bay Foods Inc., the adjacent property to the east.

The 2,300' distance along North Currituck Road exceeds the required UDO waterline connection by approximately 1,000'. Individual wells will be required if county water is not provided for this development. However, a bond will be required for the future installation of a 6" water line and hydrants throughout the subdivision and the required 1,320' extension to the county waterline.

FIRE: This development serviced by the Crawford Fire District. A fire protection pond will be constructed for fire protection.

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

SOILS: According to the soils map, approximately 70% of the soils found on the site are unfavorable for septic systems. The remaining portion of the site is marginally suitable for septic systems.

SCHOOL CAPACITIES: Using national averages for school age student generation from the 1987 *American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. High students and 0.1568 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 10 elementary students, two junior high students, and four high school students from this development.

According to the January 2005, school population projections, the schools servicing the Moyock and Crawford townships will be -166 over capacity

after full development of approved subdivisions within Crawford Township. The proposed subdivision is **not** reflected in the student population count nor is the proposed elementary school for Sligo. Once the new 500 to 600 student school is in operation the student count will be an additional capacity of 334 to 434 students.

OPEN SPACE: 20% of the site, or 6.73 acres is required to be provided per the Open Space Subdivision standards. An additional 5.32 acres is required due to lot size reductions. A total of 18.67 acres of open space will be dedicated or 55% of the total tract area.

DRAINAGE: Infiltration swales are proposed along the roadsides and side lot lines. The swales and ditches will drain into a detention pond which will also serve for fire protection.

FLOOD ZONES: The property is located outside of the 100 year floodplain (flood zone C).

LAND USE PLAN: The property is classified as "Rural" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 26 lot subdivision is 0.76 unit per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On October 13, 2005, Technical Review staff reviewed this application. Staff's comments included the following:
 1. There was a discussion in regards of getting county water to the site.
 2. Fire Marshall was concerned with having cul-de-sacs of adequate size to handle the fire apparatus.
 3. There was a discussion about future street connectivity to the south. Staff is aware of potential future developments to the south and want to lay the groundwork for the future street connections.
 4. A few corrections were need on the plan.

- In response to concerns expressed by the TRC, corrected plans were submitted for review. The future street connectivity still has not been addressed.

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.

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

The proposed residential subdivision should not have a negative impact on adjoining properties;

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

The subdivision will consist of residential properties that will be in harmony with the surrounding residential area and land uses;

(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;

(g) *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 10 elementary students, two junior high student, and four high school student from this development.

According to the January 2005, school population projections, the schools servicing the Moyock and Crawford townships will be -166 over capacity after full development of approved subdivisions within Crawford Township. The proposed subdivision is **not** reflected in the student population count nor is the proposed elementary school for Sligo. Once the new 500 to 600 student school is in operation the student count will be an additional capacity of 334 to 434 students.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate water and 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 future street connectivity be provided to the adjacent parcel to the south;
2. The dirt road portion of North Currituck Road will be required to be upgraded to a minimum 18' wide paved road up to the existing paved portion of the street;
3. That prior to the Board of Commissioners meeting there be an understanding with the developer and the county in regards to the water connection issue (ie: bonding, construction along North Currituck Road or connection through the Bay Foods Inc property).
4. That the applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a water line; water services, and adequate drainage facilities to serve the development.
5. 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
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.

PLANNING BOARD DISCUSSION:

Mr. Bell asked where the connectivity would be.

Ms. Eggar pointed out some options.

Mr. Keel said that the lot in question didn't look big enough for a street.

Mr. Bell asked Mr. Bissell if that lot would be an option for connectivity.

Mr. Bissell said that the developer would prefer not to do that, but is willing if it is necessary.

Mr. Bell asked about the bonds for water.

Mr. Bissell said that the developer is willing to put in water lines.

Mr. Hawley stated that the county hasn't asked prior developments to interconnect. He wonders why this request has become an issue now.

Ms. Eggar said there isn't always an opportunity.

Mr. Ferguson said that the County is trying to encourage interconnections of subdivision streets and has even requested that Commissioners with subdivisions interconnect as well.

Mr. Keel asked if they would be state maintained roads.

Mr. Bissell said yes.

Mr. Hawley asked Mr. Bissell what the developer's preference is as to the water lines.

Mr. Bissell said that the developer would have to bond or install water lines and he prefers to install but the county would have to extend from Route 168.

Mr. Hawley asked if the county had plans to extend the water lines.

Mr. Ferguson said the issue is the direction in which to get the water lines to the development. The developer is negotiating with another property owner to allow an easement for the water line.

Mr. Hawley asked what would happen if the easement is denied.

Mr. Ferguson said that the developer would be responsible for bonding the water line or working with the county to participate in getting the water lines to the development.

Mr. Bell asked if this would be worked out at the preliminary plat stage.

Mr. Ferguson said yes.

David Foss stated his concern about the widening of the road and the effect on his property. There is a significant amount of traffic and dust from trucks now.

Mr. Bissell said that there would have to be pavement prior to final plat.

Mr. Foss also spoke of traffic concerns at the intersection.

Mr. Bell said that would have to be taken to the Board of Commissioners.

Mr. Foss asked if the water would include sewer treatment.

Mr. Ferguson said no.

Denise Foss stated her concern regarding flooding of the road after a heavy rain.

Mr. Bell said that drainage issues would be addressed at Preliminary Plat.

Mr. Ferguson advised Mrs. Foss to call Gretchen Byrum at NCDOT.

PLANNING BOARD RECOMMENDATION:

Mr. Keel motioned to approve the request as presented. Mr. Bell seconded the motion. Motion passed unanimously.

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

Commissioner Etheridge moved to approve as originally presented. Commissioner Bowden seconded the motion. Motion carried with Commissioner Martin voting no.

**Public Hearing and Action PB 05-33 CURRITUCK COUNTY:
Amendment to Article 17, Section 1710 to allow the
relocation of nonconforming off-premise signs on the same
property.**

Gary Ferguson, Planning Director, reviewed the amendment.

Staff was asked to prepare the attached amendment to Section 1710 of the UDO to allow an existing nonconforming off-premise sign to be relocated on the same parcel on which it is currently located. However, once relocated, the sign

must conform to the standards as written in the attached amendment proposal.

PLANNING BOARD DISCUSSION:

Mr. Kovacs stated his concern with moving a sign and there being a possibility of a second use for the property.

Ms. Eggar said that NCDOT would not issue a permit for a sign if the property wasn't big enough for both a sign and a business.

Mr. Ferguson said that moving sign in order to get a second use would require the sign coming in to conformance rather than having a non conforming sign.

Mr. Kovacs said that in 13 years, there have only been 2 signs removed.

Mr. Keel asked if this would help with the sign ordinance.

Mr. Ferguson said there would be more conformance with the 'old' sign ordinance. This would be another step in making the corridor look more pleasant.

Karen Peters said that she has non conforming signs and doesn't feel that there isn't anything wrong with her signs.

Mr. Ferguson said that moving the sign in order to get a second use would require the sign to be conforming.

Mr. Snowden asked what was driving the change.

Mr. Ferguson said that business owners having a dual use in his property.

Mr. Keel asked if there was a case where this has happened.

Mr. Ferguson said that Eric Avery sought a variance in the sign rules to move a sign on the same piece of property. He was denied by the BOA and the BOC instructed the staff to relook at the ordinance.

Mr. Hawley said that the property still had to be big enough to accommodate the other business after the sign is moved.

PLANNING BOARD RECOMMENDATION:

Mr. Keel motioned to approve the request as presented. Mr. Winter seconded.

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

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

Public Hearing and Action on PB 00-15 HD (Racy) Newbern, IV: renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.

Gary Ferguson, Planning Director, reviewed the request.

On June 6, 2005 the Board of Commissioners voted to extend Mr. Newbern's Special Use Permit (SUP) for six months and is due to expire on December 5, 2005. Mr. Newbern wishes to renew the Special Use Permit for the demolition landfill.

On November 2, 2005, Dan Scanlon, County Manager, Dusty Rusco, Fire Chief, and Gary Ferguson, Planning Director met with Mr. Newbern to discuss the SUP Renewal. Per the direction of the County Manager, it was requested that the existing demolition landfill operations be moved back to the east side of the VEPCO main power transmission line easement, approximately 1,000' from Caratoke Highway. For the SUP renewal Mr. Newbern has agreed to relocate the existing operations back to the east side of the VEPCO easement, approximately 1,000' from Caratoke Highway with the following conditions:

- That after the demolition landfill has been relocated, there will be no more required renewals of the SUP
- The relocation of the operations will take approximately three years.

Staff recommends **denial** of this request for the following reasons:

- Mr. Newbern is non-compliant with the original SUP.
 - o The permitted acreage has been exceeded by approximately three acres.
 - o He is in violation of his state stormwater and erosion and sedimentation control permits due to the expansion.
 - o There are fire control issues which need to be brought into compliance

Since the last renewal in 2002, staff has investigated the following:

- Staff received a complaint in April 2005 that the applicant was exceeding the approved acreage allowed for this operation. The Code Enforcement Officer visited the site and determined that the complaint was not valid. The applicant was not expanding the site of his operation; he was rebuilding the rear berm.
- In 2004 the Code Enforcement Officer visited the site on two occasions as the stock pile area was exceeding the berm height and material was visible above the berm. The applicant immediately corrected the violation in both cases.

On June 3, 2005 the Code Enforcement Officer and the Fire Marshall visited the site and the following observations were made:

1. The operations area was initially approved for a 2 acre site. This area has been expanded to approximately 200' past the permitted area. At the time of inspection it was noted that wood chips were being disposed of in the VEPCO easement and that a new berm approximately 13' high has been constructed approximately 80' east of the VEPCO easement. The total operations area now encompasses approximately 5 acres of land and is in violation of the current SUP;
2. The three phase electric service for the site is severally damaged;
3. Storage of debris in areas not designated for this use;
4. The Fire Marshall put the following conditions on the Permit which to date have not yet been fulfilled:
 - a. Fire operations require a 20' wide all weather surface capable of handling 75,000 pounds to all areas of the compound.
 - b. Each fuel-fired vehicle is to be equipped with a 2-A:20-B:C or higher fire extinguisher.
 - c. The fuel storage is to be properly contained (i.e. double hulled storage tanks)

In April 2002, the Zoning Officer, Planning Director, and Mr. Newbern met at the site to discuss solutions to the visual impact that the operations were having on the US 158 Corridor. At that time it was recommended that the operations be relocated approximately 1,000' further east from the current operations. This relocation would entail moving the existing berms so

that the operation area would be properly screened from US 158. This proposal would require that the electrical facilities be relocated and that the weight scales could remain in their present position. Mr. Newbern was not in favor of this recommendation, and asked if the relocation could be completed within one year after the 2002 renewal for the SUP in order to have adequate time to modify his state permits. The BOC did not impose a relocation requirement for this site.

To date, Mr. Newbern has made no attempts towards complying with the staff request. As mentioned above, he has violated the current SUP by not providing adequate fire access to all portions of the site; lack of an adequate number of fire extinguishers; lack of adequate containment for the fuel storage, increasing his site area by approximately three acres and in violation of the state stormwater and erosion & sedimentation control permits. At the June 6, 2005 BOC meeting, staff requested that if Mr. Newbern wished to renew his permit, that the operations be relocated approximately 1,000' east of the original approved location and require and accurate site plan indicating where all of the storage areas, berms, parking, fire hydrants and operations are located and that all the conditions mentioned above be corrected.

Chairman O'Neal opened the public hearing.

Commissioner Martin stated that several of the violations have not been addressed and felt that Mr. Newbern has not acted in good faith.

Chairman O'Neal stated that there has been a plan presented as requested by Board.

Charles Berry, opposes the request because the issues have not been addressed.

H.D. Newbern, stated that no one has been to the site to see the improvements.

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

Commissioner Martin moved to table until staff further reviewed the request. Motion failed for a lack of a second.

Commissioner Bowden moved to approve according to plan with 1 year to remove berm and permit for 5 years. Commissioner Miller seconded the motion. Motion carried.

Consideration of Gatewood Agreement to construct hangars at the airport.

Commissioner Etheridge moved to table. Commissioner Miller seconded the motion. Motion carried.

Appointment of non-elected person for Albemarle Commission.

Commissioner Martin moved to appoint Diane Bray. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to EIC Board

Chairman O'Neal moved to appoint Commissioner Etheridge. Commissioner Miller seconded the motion. Motion carried.

Planning Board appointments

Commissioner Bowden moved to re-appoint Alvin Keel and Art Winter. Commissioner Martin seconded the motion. Motion carried.

Commissioner Miller moved to re-appoint William Etheridge. Commissioner Martin seconded the motion. Motion carried.

**Consent Agenda:
Budget Amendments**

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415-532000	Supplies	\$ 700	
10415-545000	Dues and subscriptions	\$ 2,660	
10441-590001	Capital Outlay - Other Depts	\$ 1,454	
10415-514000	Travel		\$ 1,454
10415-526000	Advertising Professional		\$ 700
10415-561000	Services		\$ 2,660
		<u>\$ 4,814</u>	<u>\$ 4,814</u>

Explanation: Legal (415) & Information Technology (441) - Transfer budgeted funds to increase legal supplies, to subscribe to Lexis/Nexus Online - a Legal online research tool, and to purchase form software for legal forms.

**Net Budget
Effect:**

Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-536000	Uniforms	\$ 12,000	
10350-465300	EMS School Activities		\$ 2,000
10330-420000	Beer & Wine Taxes		\$ 8,000
10380-481000	Investment Earnings		\$ 2,000
		\$ 12,000	\$ 12,000

Explanation: Emergency Services (530) - Increase EMS uniforms to purchase NFPA/OSHA compliant uniforms for all EMS personnel, for jackets for employees that do not have uniform jackets and for replacement items as needed.

Net Budget Effect: Operating Fund (10) - Increased by \$12,000.

Commissioner's Report

Commissioner Miller requested DOT place reflectors on the islands; update on retention ponds and update on Extension building.

Commissioner Martin requested DOT to investigate the curve on US 158 in Harbinger in front of post office.

Chairman O'Neal requested clarification on county rules for soccer.

Chairman O'Neal moved to have staff put together a RFP on group health insurance for county employees. Commissioner Martin seconded the motion. Motion carried.

Commissioner Etheridge requested legislators help with flood maps.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

