

CURRITUCK COUNTY
NORTH CAROLINA
OCTOBER 2, 2006

The Board of Commissioners met on Monday, October 2, 2006, 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 O'Neal, Vice-Chair Martin, Commissioners Bowden, Miller and Etheridge.

Call to Order Invocation and Pledge of Allegiance

The Reverend Scott Wilson-Parsons, was present for the invocation and pledge of allegiance.

Approval of Agenda

Commissioner Etheridge moved to amend the agenda by continuing Item 10 & 11 and adding a resolution to the consent agenda. Commissioner Martin seconded the motion. Motion carried.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Vietnam Veterans Recognition Week Proclamation**
- Item 4 **Presentation on Outer Banks Transportation Task Force**
- Item 5 **Public Hearing and Action on County's CAMA Core Land Use Plan**
- Item 6 **Public Hearing and Action on PB 06-39 DIANA AND KIRK SHAW** PB 06-39 DIANA AND KIRK SHAW: Rezone approximately 3.38 acres from Agricultural (A) to General Business (GB) on property located at 7403 Caratoke Highway, at the intersection with James Way, approximately 1800 feet south of Colonial Beach Road, Tax Map 110, Parcel 51B, Poplar Branch Township
- Item 7 **Public Hearing and Action on 06-43 GRIGGS INVESTMENTS** 06-43 GRIGGS INVESTMENTS: Create a 64.5 acre Planned Adult Retirement Community Overlay District. The property is located along South Spot Road, approximately 925 feet from the intersection with Caratoke Highway. One parcel also has access to Caratoke Highway, 1425 feet north of the intersection with South Spot Road, Tax Map 124, Parcels 28, 36B, 36A, Poplar Brach Township
- Item 8 **Public Hearing and Action on PB 06-42 VILLAS OF KILMARLIC** PB 06-42 VILLAS OF KILMARLIC: Special Use Permit for a 53 unit Town Home Community. The five properties are located adjacent to the entrance to the Kilmarlic Club Caratoke Highway and North Side Road, Tax Map 124, Parcels, 54, 55, 56, 57A, and 57F, Poplar Branch Township, Currituck Co.

- Item 9 **Public Hearing and Action on PB 06-45 CURRITUCK CROSSING** PB 06-45
CURRITUCK CROSSING: Currituck Crossing Sketch Plan/ Special Use Permit for a 106 lot Conservation Subdivision. The property is located on Aydlett Road, approximately 400ft north of intersection with Caroon Rd., Tax Map 93, Parcels 1 and 95, Poplar Branch Township.

- Item 10 **Action on PB 03-46 OWENS BEACH ESTATES PHASE II** PB 03-46 OWENS BEACH ESTATES PHASE II: Amended Sketch Plan for 8 single family lots on property located in Harbinger, approximately 400 feet north of the intersection with Owens Beach Rd. and Owens Beach Rd. Extended, Tax Map 125, Parcel 35F, Poplar Branch Township.

- Item 11 **Public Hearing and Action on PB 06-33 TOM BRADY (BRADY AIRPARK):** Rezone approximately 20.32 acres from agricultural to residential airpark development, located adjacent to the Currituck County Airport and Brady Landing Phase I with an access to Maple road., Tax Map 52

- Item 12 **Mike Doxey**, Albemarle-Pamlico Regional Water Quality Study

- Item 13 **Appointment to Whalehead Board of Trustees**

- Item 14 **Consent Agenda:**
Crawford Report of Fire Conditions
Carova Beach Report of Fire Conditions
Budget Amendments
Lower Currituck Report of Fire Conditions
Corolla Report of Fire Conditions
Approval of September 5 minutes

- Item 15 Commissioner's Report

- Item 16 County Manager's Report

- Item 17 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.

Richard McFetters, Knotts Island, invited the Commissioners to the Knotts Island breakfast for Saturday.

John Snowden, Maple, expressed his concerns with right-of-way on roads.

Commissioner Etheridge commented on the Chowan County Fair and requested staff to work on planning one for Currituck County now that we have a place to hold one.

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

Vietnam Veterans Recognition Week Proclamation

Chairman O'Neal read the following resolution.

Vietnam Veterans Recognition Week Proclamation

WHEREAS, American men and women during the period 1959 to 1975 were engaged in the longest military conflict in U.S. history, the Vietnam War, and,

WHEREAS, Americans, devoted to liberty and freedom answered the nation's call to arms to help a country thousands of miles away to gain freedom, and,

WHEREAS, we still believe today that the blessings of liberty require constant vigilance and sacrifice, and,

WHEREAS, every man, woman and child in this great Nation owes a debt of gratitude to those who served their country so selflessly; and

WHEREAS, these brave soldiers, sailors, Marines, Coast Guardsmen and airmen, were the beloved sons and daughters of our land; and

WHEREAS, more than 58,000 Americans made the supreme sacrifice, laying down their lives so others could live free; now therefore be it

RESOLVED, that I declare the week of October 23, 2006, Vietnam Veterans Recognition Week in Currituck County; and be it further

RESOLVED, that all citizens are asked to commemorate the contributions and sacrifices of these men and women who place their lives in harms way protecting American values and preserving democracy for the world. And be it finally

RESOLVED, the observances of Vietnam Veterans Recognition Week appropriately commemorates the events of the Vietnam War and express gratitude to those who gave so much for the citizens of South Vietnam and the world.

Commissioner Martin moved to adopt. Commissioner Etheridge seconded the motion. Motion carried.

Chairman O'Neal requested that the Color Guard attend the next meeting to lead in the Pledge of Allegiance.

Presentation on Outer Banks Transportation Task Force

Cheryl Byrd, Dare County representative, on the Outer Banks Transportation Board, updated the Board on the activities of the Task Force. Ms. Byrd requested that the Board appoint a commissioner to serve on the subcommittee for Traffic Solutions.

Public Hearing and Action on County's CAMA Core Land Use Plan

Sarah Keifer, Planning Director, presented an update on the previous public hearing and the designation area that was changed.

Chairman O'Neal opened the public hearing.

Neal Blinken, Point Harbor, requested the Board to table because of his property located in Moyock.

Linda Pasqua, Harbinger, urged adoption of plan.

Ed Olsen, Harbinger, supports plan.

June Raffa, urged adoption of plan.

Gwenn Cruickshanks, urged adoption of plan.

Bill McCarty, Owens Beach Road, supports adoption of plan.

Liz Turner, Planning Board, submitted a letter of support of the plan.

Commissioner Bowden, commented on his concerns that there was not enough information to satisfy the many questions.

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

Commissioner Martin moved to approve the Land Use Plan. Commissioner Etheridge seconded the motion. Motion carried with Commissioner Bowden voting no.

Commissioner Miller stated that a traffic study was needed of the corridor.

Public Hearing and Action on PB 06-39 DIANA AND KIRK SHAW PB 06-39 DIANA AND KIRK SHAW: Rezone approximately 3.38 acres from Agricultural (A) to General Business (GB) on property located at 7403 Caratoke Highway, at the intersection with James Way, approximately 1800 feet south of Colonial Beach Road, Tax Map 110, Parcel 51B, Poplar Branch Township

Sarah Keifer, Planning Director, reviewed the request.

LOCATION: The property is located at 7403 Caratoke Highway, at the intersection with James Way, approximately 1800 feet south of Colonial Beach Road

TAX ID: Tax Map 110, Parcel 51B

OWNER: Diana and Kirk Shaw
7389 Caratoke Highway
PO Box 242
Jarvisburg, NC 27947

ZONING: Current Zoning Proposed Zoning
Agricultural (A) General Business (GB)

ZONING HISTORY: This property has been split zoned Agricultural and General Business since 1989.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Auto repair/ residential	GB
SOUTH	Church/ Wholesale Nursery	GB and A
EAST:	Residential	A
WEST:	Residential and vacant across highway	GB

EXISTING LAND USE: Residential and auto repair storage

PROPOSED LAND USE: The applicant states the request is "To correct an oversight and bring the remainder of our business property up to compliance with county regulations"

In an interview with the applicant, staff learned the property has been used as an auto repair storage area since the early 1980s, when the family repair business opened. Additionally, Mrs. Shaw stated her father had previously used the property as the location of a typewriter repair shop.

GENERAL BUSINESS USES:

There are well over 100 uses allowed in the General Business zoning district. The General Business zoning district contains the following sample of uses:

- | | |
|--------------------------------|--------------------|
| Single Family Residence | Automotive Repair |
| Banks | Convenience Stores |
| Sales | Restaurants |
| Outdoor or Indoor Mini Storage | Hotels |
| Motor Vehicle and Boat Sales | Office |
| Multi-Family Overlay Zone | Apartments |

**LAND USE PLAN
CLASSIFICATION:**

The 1990 Land Use Plan classifies this property as **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, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The uses allowed within the General Business district are consistent with the 1990 Limited Transition class.

Additionally, this property is in the **Limited Service Area** and Jarvisburg sub-area of the proposed 2006 Land Use Plan. The Jarvisburg area has thus far remained largely rural in character with a development density of 1 unit per acre or less. The policy emphasis of this plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments

The uses allowed within the General Business district are consistent with the 2006 Land Use Plan along the Caratoke Highway corridor in the Jarvisburg Area.

**PUBLIC SERVICES
AND UTILITIES:**

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

TRANSPORTATION:

The property is accessed by Caratoke Highway and James Way.

FLOOD ZONE:

The property is located in Flood Zone X, outside of the 100 year flood plain

SOILS:

The Currituck County Soil Suitability map indicates the property contains soils that are Suitable and Marginal for on-site septic.

STAFF**RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is whether the proposed amendment advances the public health, safety or welfare" of the county and further directs that "the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large."

In addition, section 2407 of the Ordinance states that "[a]reas zoned for non-residential purposes along the county's major arterials have been carefully selected, taking into account existing needs and uses. Additional areas along these major arterials shall not be rezoned to non-residential districts except upon an extraordinary showing of public need or demand.

Staff recommends **approval** of the request for the following reasons:

- 1) The property has been in continuous use as both a residence and auto repair shop since the early 1980s.
- 2) The use of the property pre-dates the last county-wide zoning of the Caratoke Highway corridor in 1989.
- 3) According to a statement from the applicants, they believe this property was zoned entirely General Business and not split-zoned due to the existing business use.
- 4) The applicants own the property to the north which contains both business and residential uses, and is not split zoned.
- 5) The rezoning would be an extension of an existing General Business zoning district.
- 6) The request **complies** with the 1990 land use plan designation of limited transition.

- 7) Additionally, the request **complies** with the proposed 2006 Land Use Plan designation of Limited Service.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

Kirk Shaw appeared before the board.

Ms. Keifer presented the case analysis to the board.

Jeff Whitlow, adjoining property owner, stated that the property in question will need to be filled and his property would be completely useless because the drainage would run on to his property. He presented photos to the board of the flooding on his property.

Deborah Whitlow stated her opposition to the rezoning.

Mr. Keel stated that sometimes a rezoning doesn't include all parts of the property.

Mr. Whitlow stated that he has had most of his property under water for as long as three months and Mr. O'Neal has visited his property.

Ms. Whitlow stated that she filled her property and are still flooded when it rains.

Frank Riddick, adjoining property owner, stated that there is a lot for sale in the back of the area. He stated that he widened the road in order to build his home. He stated that there are houses on the property that Ms. Shaw is requesting be rezoned to GB. He would like to know why the Shaw's want the property rezoned.

Mr. Midgette asked for clarification on the 'oversight'.

Ms. Keifer said that the owners feel that there was a mistake in the original zoning map.

Pam Riddick stated her opposition to the rezoning.

Diana Shaw stated that she would rather have had her neighbors come to her with their concerns. The drainage problem begins beyond their property.

Mr. Kovacs asked if there is an easement for James Way.

Ms. Shaw said that there is a 30' easement.

Elizabeth Newbern, adjoining property owner, said that she isn't against the rezoning, she asks that the drainage issues are corrected prior to development.

Mr. Keel stated that drainage will be addressed prior to development.

Ms. Newbern also stated that there was a business on the property that her grandfather owns.

Mr. Whitlow asked when the drainage will be addressed.

Mr. West stated that the drainage after development cannot be more than prior to development. Ditches are built for a purpose, and developers move ditches and create problems.

Ms. Turner asked if there is a new ordinance that requires people to clean out clogged ditches.

Mr. Shaw stated that his neighbors are good neighbors. He stated his knowledge of the drainage issues in the area. He described digging a ditch and putting in culvert in order to help the problem. He is willing to eliminate drainage problems that may be his fault.

Mr. Riddick said that he isn't aware of the culvert Mr. Shaw installed.

PLANNING BOARD ACTION

Mr. Keel motioned to approve. Mr. Etheridge seconded the motion. Motion passed unanimously.

Chairman O'Neal opened the public hearing.

Joey Jerguson, expressed concerns with the gravel road.

Kirk Shaw, owner, supports request.

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

Commissioner Bowden moved to approve according to the land use plan. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on 06-43 GRIGGS INVESTMENTS 06-43 GRIGGS INVESTMENTS: Create a 64.5 acre Planned Adult Retirement Community Overlay District. The property is located along South Spot Road, approximately 925 feet from the intersection with Caratoke Highway. One parcel also has access to Caratoke Highway, 1425 feet north of the intersection with South Spot Road, Tax Map 124, Parcels 28, 36B, 36A, Poplar Brach Township

Sarah Keifer, Planning Director, reviewed the request.

TYPE OF REQUEST: Create a 64.5 acre Planned Adult Retirement Community Overlay District and request a density increase to 150 mixed use units.

LOCATION: Located along South Spot Road, approximately 925 feet from the intersection with Caratoke Highway. One parcel also has access to Caratoke Highway, 1425 feet north of the intersection with South Spot Road.

TAX ID: Map 124, Parcels 28, 36B, 36A

OWNERS: Idella Owens/ Marrol and Joyce Ann Owens
722 Mayfield Ave.
Norfolk, VA 23511

Beverly Parker
116 E. Woodland Drive
Manteo, NC 27954

Robert Halstead
8319 Caratoke Hwy.
Powells Point, NC 27966

APPLICANT: Griggs Investments, LLC
PO Box 215
Harbinger, NC 27941

ENGINEER: Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

ZONING:	<u>Current Zoning</u> A (Agricultural)	<u>Proposed Zoning</u> RET (Planned Adult Retirement Community Overlay)
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ZONING HISTORY: Parcels 124/ 28 and 124/ 36B have been zoned Agricultural (A) since 1989. Parcel 124/ 36A was split zoned General Business (GB) and Agricultural (A) on the 1989 zoning map. The Board of Commissioners approved a rezoning of 0.6 acres on this parcel on July 5, 2005 to make the entire parcel GB.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Freedom Business Park, Residential, Agricultural	LM, GB, A
SOUTH	Residential, vacant	GB, A
EAST:	Residential	A
WEST:	Vacant forest, residential	GB, A

EXISTING LAND USE: Vacant forest

PROPOSED LAND USE: The proposed use is a Planned Adult Retirement Community with a density of 150 mixed units, with both single family and town homes. The applicant is requesting a higher density than the base Agricultural Zoning District allows. The A zone would allow a density of 24 units. According to section 207 of the UDO, the Commissioners can modify the conditions of approval of a Planned Adult Retirement Community.

LAND USE PLAN CLASSIFICATION:

According to the 1990 Land Use Plan this area is designated Limited Transition and Rural. The purpose of the Limited Transition class is to "provide for development in areas that will have some services and that are suited for low density development." The purpose of the Rural class is to "provide for agricultural, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region."

The proposed rezoning would be consistent with the Limited Transition classification but not the Rural classification.

PUBLIC SERVICES AND UTILITIES:

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

TRANSPORTATION:

The site has 1,130 feet of frontage on Spot Road and 104 feet of frontage on Caratoke Highway.

FLOOD ZONE: The property is located in Flood Zone (X), outside of the 100 year flood plain.

SOILS: The Currituck County Soil Suitability map indicates approximately 40 acres are not-suitable, 20 acres marginal and 4.5 acres suitable for on-site septic.

STAFF**RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is whether the proposed amendment advances the public health, safety or welfare" of the county and further directs that "the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large."

This request is in an area that contains land uses that are becoming higher in density and are no longer agricultural. A business park lies to the north and the Villas of Kilmarlic, a 53 unit town home community will be across Caratoke Highway from this site. The Point Golf Club and Kilmarlic Golf Club are within a ½ mile of the site, providing amenities for this development.

Currituck County currently has only one Planned Adult Retirement Community Overlay District (RET) at Waterside Villages in Grandy. With only one RET district in the county, staff believes there is a public need for more land in this zone. Although a part of this overlay does not comply with the 1990 Land Use Plan, considering the zoning classifications in the surrounding area, and the existing development in the immediate area, creation of the overlay district appears reasonable. In conclusion, staff recommends **approval** of this request for a RET district with a density of 150 units.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

Mark Bissell and Minnie Griggs appeared before the board.

Mr. Bissell presented a preliminary sketch and described the type of community that is being proposed.

Mr. West asked if this development is connected in any way to the golf course.

Mr. Bissell said that it is just in the vicinity, there is no direct access.

Mr. Kovacs asked if there would be septic.

Mr. Bissell said that there would be a community system.

Ms. Turner asked if access to Caratoke Highway was necessary.

Mr. Bissell said that they believe it is necessary for visibility.

Mr. Keel said that Spot Rd. would be more suitable for entrance to the development.

Mr. Kovacs asked about density.

Active Adult density is permitted as the underlying zoning. The applicant has asked for increase in density. The staff is asking for a recommendation for increase from the board.

Mr. Kovacs asked if there are single family homes on the east side of the property.

Mr. Keith Hall, owner of the Point Golf Club, stated his support for the project.

PLANNING BOARD ACTION

Mr. Kovacs motioned to approve the request as presented. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman O'Neal opened the public hearing.

Gloria Maruskin, Spot Road, expressed concerns with the paving of this road.

John Maruskin, questioned the density of this request.

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

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

Public Hearing and Action on PB 06-42 VILLAS OF KILMARLIC PB 06-42 VILLAS OF KILMARLIC: Special Use Permit for a 53 unit Town Home Community. The five properties are located adjacent to the entrance to the Kilmarlic Club Caratoke Highway and North Side Road, Tax Map 124, Parcels, 54, 55, 56, 57A, and 57F, Poplar Branch Township, Currituck Co.

Sworn testimony was given prior to making comments.

Sarah Keifer, Planning Director, reviewed the request.

ITEM: PB 06-42 Villas of Kilmarlic
A 53-Unit Town Home Community

LOCATION: The five properties are located adjacent to the entrance to the Kilmarlic Club at the intersection of Caratoke Highway and North Side Road, Poplar Branch Township, Currituck Co.

ZONING DISTRICT: Residential Multi-Family Overlay (RMF)

TAX ID: Tax Map 124, Parcels, 54, 55, 56, 57A, and 57F

PRESENT USE: Vacant

OWNER: Fortune Bay Commercial, LLC
PO Box 279
Harbinger, NC 27941

ENGINEER: David Ryan, Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

NARRATIVE:

- Fortune Bay Commercial is requesting a Special Use Permit for a 53 unit town home community.
- The Villas of Kilmarlic will be the first example of the County's recently enacted Residential Multi-Family Overlay.
- A Special Use Permit is required for all Residential Multi-Family Developments according to UDO Section 127.
- This site was rezoned to Residential Multi-Family Overlay on July 17, 2006.
- The RMF zone allows a density of 1 unit per 10,000 SF of area, with 35% open space required.

- According to the development impact statement dated July 28, 2006:
 - These town homes will be an alternative design choice within the Kilmarlic subdivision. The two-level homes will be a condominium style of ownership with condominium documents governing and maintaining the community.
 - The Villas will offer two town home floor plans one with 1,800 SF and the other with 2,200 SF. A one-car garage will be provided for each homeowner.
 - The developer expects the price of the unit to range from the upper \$300,000's to the low/ mid \$400,000's depending upon the purchaser's amenities package (elevator, flooring, etc.)
 - The projected value of the development is expected to be in the range of \$21.2 million.
 - The community will be part of the Kilmarlic Homeowners Association. The developer intends to prepay full initiation membership in the Kilmarlic Golf Club for homeowners.
 - Buyers of these units will also have access to the Health and Racquet Club, adjacent to the Villas.
 - The developer intends to construct the entire infrastructure for the Villas along with buildings A (5 units) and B (3 units) in the first phase. The building of the additional phases will proceed depending upon market conditions. (There is no indication when the amenities will be built in the Development Statement.)

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

	Land Use	Zoning
NORTH:	Vacant	GB
SOUTH	Residential	HM
EAST:	Residential	A
WEST:	Vacant	GB

FIRE DISTRICT: Lower Currituck V.F.D.

SIZE OF SITE: 12.2 acres- the site meets the minimum RMF size of 5 acres

NUMBER OF UNITS: 53

DENSITY: 4.34 units/ acre

OPEN SPACE: The site is required to have 35% or 4.27 acres of open space for the 12.2 acre site. The plan indicates 44.96% is provided or 5.49 acres, meeting the open space requirement. The amenities indicated on the plan are interior walking trails between buildings, a pond

that has a bridge and pavilion, and three golf practice putting greens.

LOT COVERAGE: The UDO allows 40% maximum lot coverage for the RMF zone, or 4.88 acres for this site. The plan indicates 36.86% (4.50 acres) of impervious coverage, under the required 40%.

WATER: The site will be served by county water.

WASTEWATER: An engineered, on-site septic system is being proposed.

DRAINAGE: An engineered stormwater system is being proposed with sub-surface collection pipes that will drain to stormwater ponds.

FLOOD ZONES: A portion of the property is located in flood zone AE (7). The remainder of the property is located outside of the flood zone (Zone X).

SCHOOL CAPACITIES: Using national averages for school age student generation, one can expect .4243 elementary students, .084 middle school students and .1568 high school students per dwelling unit. Based on these pupil generation figures, from this development Currituck can expect:

17 elementary school students; 4 middle school students; and 7 high school students.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if Villas of Kilmarlic is approved
K- 5	865 (Poplar Branch)	703	145
Middle	1,142	1,066	72
High	1,456	1,413	36

TRC REVIEW

A Technical Review Meeting was held on August 16, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was approved with the no comments.
2. **CURRITUCK COUNTY SOIL AND WATER:** Approved as is.

3. COUNTY ENGINEER: Approved with the following comments:

1. An analysis is requested for the septic mound systems. (Note: The county engineer was provided a copy of the soil scientist report that satisfied this request.)
2. Please indicate a timeline for construction so the county can better plan for water system needs. (Note: The project engineer indicated the developer wants construction to start in March/April 2007)
3. A second TRC review is requested when the full site design is completed.

4. CURRITUCK COUNTY WATER DEPARTMENT:

1. No commitment to supply water is made at this time.
2. Approved with the following conditions:
 - a. Submit plans and specifications for waterline installation with hydrants.
 - b. No services shall be installed until the county has adequate water to provide service.
 - c. Cash bond will be required for the services to be installed at a later date.
 - d. Payment of tap fees or a letter of credit if water is not available will be required prior to building permit approval.
 - e. Wells will be required until the county has adequate water to supply the development.

5. CURRITUCK COUNTY FIRE SERVICES:

In regard to the above site plan I make the following statements as reviewed on 8/14/06:

1. Fire apparatus access must have at least a 10' lane.
2. Fire apparatus access must be of a clearly recognizable paving surface or delineated to prevent damage.
3. Fire Department Connections for fire suppression systems must be clearly marked on site plan.
4. Fire Department Connections for fire suppression systems must be positioned so that fire apparatus will not block the full width of the fire lane during fire operations.
5. If Y's and T's are used in lieu of cul-de-sacs the aerial measurements given in Appendix d of the Fire Code must be used.
6. Unless further development is anticipated the location of fire hydrant should be reassessed. It is not practical for the fire apparatus to drive past the structure to connect to the fire hydrant at a dead end.
7. Fire hydrants must not be placed within 15' of a parking space.

8. The proposed connections to West Side Land can be replaced by T and Y turnarounds adjacent to Building C.
 9. Fire hydrants will need to be located before the road installation.
6. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was reviewed with no comment.
 7. **ALBEMARLE REGIONAL HEALTH SERVICES:** No Comments received.
 8. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
 9. **CURRITUCK COUNTY GIS/ TAX MAPPING:** The plan was reviewed with no comment.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

(The Board must find that the applicant meets all criteria in order for a Special Use Permit to be approved.)

In granting a Special Use Permit, the Board may attach to the Permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

- (a) Will not endanger the public health or safety;
- (b) Will not injure the value of adjoining or abutting property;
- (c) Will be in harmony with the area in which it is located;
- (d) Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners; and,
- (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.

The following is the staff suggested findings for each criteria (as is required by the UDO).

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

- (a) The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

1. The site will be accessed by North Side Lane, which has a deceleration lane on Caratoke Highway.
2. Water and wastewater systems will be required to meet all applicable state and county standards.

- (b) The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

1. The surrounding land uses are residential in nature.
2. This development will have a high standard of architectural design.
3. Dense vegetative buffers from surrounding properties are proposed that will blend with the surrounding neighborhood.

- (c) The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

1. The surrounding land uses are residential in nature.
2. This development will have a high standard of architectural design.
3. Dense vegetative buffers from surrounding properties are proposed that will blend with the surrounding neighborhood.

- (d) The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.

Suggested Findings:

1. The 1990 Land Use Plan classifies this property as **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, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.
2. While the proposed development would not be considered consistent with the Land Use Plan, given that the subject site is currently zoned for Residential Multi-Family Overlay; the small scale of the proposed project; the zoning classifications in

the surrounding area; and the existing development in the immediate area, creation of a town home community appears reasonable.

- (e) The proposed use **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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family 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.

Suggested Findings:

The Commissioners will need to determine if adequate public facilities, including schools and county water, exist or will exist to meet the demands generated by this development.

STAFF RECOMMENDATION

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application subject to a finding that adequate public facilities exist, satisfaction of the TRC comments, and subject to the following conditions:

CODE REQUIREMENTS:

1. Before a Preliminary/ Final plan approval is issued, the applicant shall submit the following: a NC Stormwater Management permit, a NC Sedimentation and Erosion Control permit, a NC DOT Driveway permit and an Environmental Health or Division of Water Quality wastewater permit.
2. The information required for a non-residential site plan will be required on the Preliminary Site Plan. (Article 12)
3. No part of the open space shall be encumbered by an active or repair septic area. (section 127)
4. Access gates for the existing and proposed stone walls are needed for the land areas that are on the Caratoke Highway side to be counted as open space. Without a gate, these areas are not "practicably accessible to the residents of the development out of which the open space is taken." (Section 127)
5. Any existing mature trees 18 inches or greater in diameter should be preserved to the extent possible

- according to Section 514, Retention and Protection of Large Trees. Please indicate any trees to be preserved on the Landscape Plan. If a tree designated for preservation is removed or dies within two (2) years after a certificate of occupancy is issued, the permit recipient or successor shall be responsible for replacement. (Section 516)
6. The bufferyard type should be noted on the Preliminary Plat/ Site Plan. The bufferyard standards are given in Sections 127 and 506.
 7. A shading calculation for the vehicular areas will be needed on the Preliminary Plat/ Site Plan. (Sections 512-516)
 8. The properties to the north of North Side Lane need to be recombined into one parcel with the associated deed transfers so there will not be any setback issues with interior lot lines. (Section 204)
 9. Payment of tap fees, or the posting of a bond if water is not available, will be required prior to the building permits being issued for each unit. (Section 915)
 10. Staff has reviewed and recommends approval of the architectural designs and elevations indicated in the Development Impact Statement (DIS) dated July 28, 2006. The design standards indicated in the DIS are incorporated in this approval. (Section 127)
 11. There must be one (1) ground-level handicapped accessible dwelling unit required per every ten (10) units. Such handicapped unit shall meet all applicable building code and Americans with Disabilities Act requirements. The designs will have to include provisions for 5 fully accessible units. (Section 127)
 12. The existing driveway access for the Chadwick Cemetery from Caratoke Highway (US 158) shall remain in place and the cemetery area shall be preserved in open space. An access gate through the stone wall is needed from the gravel access area to the cemetery. These steps will ensure compliance with the North Carolina Cemetery Act. (NC General Statue 65, Article 9)
 13. The boundaries of the Chadwick Cemetery shall be located and marked to prevent disturbance. The plan shows a wall and a septic repair area in the boundaries of the cemetery. (NC General Statue 65, Article 9)

RECOMMENDATIONS:

1. The Currituck County Historic Architectural Survey Project should be permitted to document the circa 1940

- house on "Parcel 4", (tax map 124, parcel 55) prior to demolition.
2. Staff recommends paved walking trails or sidewalks be installed to connect all of the open space areas in a perimeter loop to create a walking trail system. A useable trail system should be installed according to the phasing plan for the balance of the recreation areas.
 3. Staff recommends that in addition to the sidewalk system provided, either a concrete sidewalk or other hard surface multi-modal path be extended along North Side Lane as well as along the frontage of Caratoke Highway in an effort to enhance pedestrian circulation in the area.
 4. Staff recommends preserving the existing tree line along Caratoke Highway to meet the requirement for a Type A buffer. (Section 127)
 5. It is recommended that at the Preliminary/Final Plan submission the applicant provide a more detailed Landscape Plan including the following information:
 - a. Approximate location and description of the protective tree fencing, staking, or continuous ribbon to be installed which, at a minimum, follows the drip line of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.
 - b. Location, spacing, and caliper dimension, and species of new trees to be provided.
 - c. A summary table of the number of new trees to be planted and existing trees to be retained along with calculations showing the buffer and shading requirements have been satisfied. Grouping of trees in tree preservation areas may be keyed to the summary table by area rather than having each individual tree labeled on the plan.
 - d. A note on the plan indicating that a one-year full-price replacement guarantee on all new trees planted is held by the applicant and an additional one-year guarantee on replacement plant. The applicant is expected to maintain plantings, including watering all plants when natural rainfall is less than one inch per week.
 - e. A note on the plan indicating that the applicant shall remove all stakes and guy wires from trees and site one year after planting.
-

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of

Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

Mr. Bobby Outten appeared before the board.

Mr. Outten stated his exception with some of the staff recommendations, specifically number 2 and 3 on page 8 dealing with sidewalks on the perimeter of the property. He said that these sidewalks won't add anything to the project. He is concerned that the pavement will create a lot coverage issues. He also stated opposition to the recommendation on pg 7, item #4. He said that he doesn't see a reason for the gate access.

Ms. Keifer said that the point is to move the fence to reach the open space. She said that recommendation #2 installing a loop system for walking trails be hard surfaced and interconnected and accessible.

Mr. Outten said that they would prefer sidewalks as they are presented on the plan.

Ms. Keifer said that staff will concede on the system as long as what is there is hard surfaced. Sidewalks along West Side Lane and the highway are useful as the county grows. The LUP is allowing for the area to be full access. Staff stands by the comment and the board may strike it from the approval should it choose.

Mr. Outten said that building the sidewalks today will serve no purpose.

Ms. Keifer said that in the future they may, thus the purpose of Land Use Planning

Mr. Etheridge asked whether the sidewalks on the highway were for the subdivision or for the county.

Ms. Keifer said the county.

Ms. Turner said that there is a need on Northside Lane, and that sidewalks for the highway are a good vision.

Mr. Keel stated that overlay districts were approved originally for affordable homes. The projects coming before the board are all too expensive, in his opinion.

Mr. Outten said this is not being represented as affordable housing.

Mr. Riley said that the concept of the overlay district was for affordable housing.

Ms. Turner asked if there is a way to get from one side of Northside lane to another without the sidewalks.

Mr. Kovacs asked why the sidewalk couldn't be on both sides of the street.

Ms. Turner asked if a pedestrian signs or crosswalks will be installed.

Ms Keifer said that it could certainly be a recommendation.

Mr. Kovacs asked if street lighting is proposed.

Mr. Outten said he was not aware, but those things would be addressed later.

Mr. Kovacs asked if lighting had been discussed.

Mr. Ryan said that there would be lighting but it hadn't been decided.

Mr. Kovacs asked if each unit would have a mailbox or if cluster mailboxes could be installed.

Mr. Ryan said it was a possibility.

Mr. Outten asked again to be approved without the staff recommendations that he stated as a concern.

Ms. Turner asked if the sidewalk connects to Kilmarlic.

Mr. Outten said that they do not own the property.

PLANNING BOARD ACTION

Mr. Kovacs motioned to recommend approval as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

Chairman O'Neal opened the public hearing.

David Ryan, Bissell Eng., was present to answer questions.

Bryan Sullivan, Developer, expressed concern with location of Fire Station and extending sidewalks.

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

Commissioner Martin moved to approve with staff recommendations.

Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 06-45 CURRITUCK CROSSING PB 06-45 CURRITUCK CROSSING: Currituck Crossing Sketch Plan/ Special Use Permit for a 106 lot Conservation Subdivision. The property is located on Aydlett Road, approximately 400ft north of intersection with Caroon Rd., Tax Map 93, Parcels 1 and 95, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

ITEM: PB 06-45 Currituck Crossing Sketch Plan/ Special Use Permit for a 106 lot Conservation Subdivision.

LOCATION: The property is located on Aydlett Road, Approximately 400ft north of intersection with Caroon Rd., Poplar Branch Township. The property has approximately 1,680 feet of frontage on the Currituck Sound.

TAX ID: Tax Map 93, Parcels 1 and 95

ZONING DISTRICT: Residential and Agricultural

OWNER:
Currituck Crossing, LLC
8150 Leesburg Pike, Suite 810
Vienna, VA 22182

ENGINEER:
Albemarle and Associates
PO Box 3989
Kill Devil Hills, NC 27948

LAND USE PLAN

DESIGNATION: The 1990 Land Use Plan classifies this property Community (Poplar Branch community). The purpose of this class is to provide for clustered, mixed use land uses at low densities to help meet the housing, shopping, employment and other needs in rural areas.

The proposed subdivision is in keeping with the Land Use designation.

PRESENT USE: Agricultural

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Agricultural	Zoned R
SOUTH:	Residential and agricultural	Zoned R
EAST:	Currituck Sound	No zone
WEST:	Vacant wetlands	Zoned A

SCHOOL DISTRICT: Poplar Branch (Griggs)

SIZE OF SITE: 166.9 Acres

NUMBER OF LOTS: 106

DENSITY: 0.64 unit/ acre

MINIMUM LOT SIZE: 20,000 square feet

STREETS: The streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

WATER: This development will be served by county water.

FIRE: This development is located within the jurisdiction of the Lower Currituck Volunteer Fire Department. Fire hydrants will be required for this development.

WASTEWATER: Individual, on-site septic systems are proposed. Eleven (10%) of the lots have been evaluated as provisionally suitable for on-site septic systems in compliance with the Ordinance.

SOILS: The Currituck County Soils Map indicates the property contains suitable and not-suitable soils for on-site septic systems.

OPEN SPACE: A conservation subdivision requires 45% of the total tract area to be open space after deducting the Primary Conservation areas and road rights of way. This site requires approximately 43.65 (26% of total) acres of upland and secondary conservation area open space after the deduction of 62.10 acres of wetlands and 7.8 acres of roads.
The sketch plan proposes 45.84 (27.5% of total) of upland and secondary conservation area open space.

DRAINAGE: The applicant is proposing roadside ditches and property line swales to drain into on-site ponds and wetlands.

SCHOOL CAPACITIES: Using national averages for school age student generation, one can expect .4243 elementary students, .084 middle school

students and .1568 high school students per dwelling unit. Based on these pupil generation figures, from this development Currituck can expect:

35 elementary school students; 7 middle school students; and 13 high school students.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if Currituck Crossing is approved
K- 5	865 (Poplar Branch)	703	127
Middle	1,142	1,066	69
High	1,456	1,413	30

NARRATIVE OF REQUEST:

- Currituck Crossing, LLC is requesting Sketch Plan/ Special Use Permit approval of a 106 lot residential development.
- According to the Development Impact Statement submitted June 27, 2006:
 - The development is expected to have single family home sites with 1,800 SF to 2,800 SF dwellings.
 - The development is designed with a mix of more expensive waterfront lots and less expensive lots to the west of Aydlett road.
 - The projected value of lots with homes will range between \$300,000-\$850,000.
 - The annual tax ad velorum tax revenue is projected to be \$165,257 annually.
 - The proposed recreational amenities for the site include:
 - A community access beach.
 - Two small lakes with walking trails.
 - A community park and picnic area.
- A revised Yield Plan reviewed September 20, 2006 indicated 101 lots are possible with a conventional layout. Therefore, the allowed number of lots with the density bonus of 5% for a Conservation Subdivision is 106 lots. The applicant is proposing 106 lots. The formula for calculating the allow density is (Yield Plan Lots) x (Density Bonus) = (Number of Additional Lots). The number of additional lots is then added to the number of lots from the yield plan. (Sections 929 and 930).
- Staff notes that the Baum Site 31CK9- National Register of Historic Places Archeology site is part of this property. This is a Native American archeology site.

TECHNICAL REVIEW STAFF:

On June 21, 2006, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** - Approved with the following comment: Please identify existing ditches throughout site.
2. **Currituck Soil & Water Conservation** - Approved with the following comment: Please identify existing ditches throughout site.
3. **Currituck County Fire Services**- Approved with the following comment: Cul de sacs should be 96' in diameter all weather driving surface capable of withstanding 75,000lbs.
4. **Currituck County Water Department**- I'm unable to commit to any new water services until peak demand data is collected and availability of supply is determined.
5. **Currituck County Planning and Inspections, Inspections Section**-Approved as is.
6. **Albemarle Regional Health Services** - No comments received.
7. **Currituck County GIS** - Approved with no comment.
8. **County Parks & Recreation Department** - No comments received.
9. **Currituck County Emergency Management** - No comments received.
10. **NC Department of Transportation:** Approved with the following comment: At Preliminary Plat provide drainage plans and apply for a driveway permit.
11. **US Army Corps of Engineers:** No comments received.
12. **NC Department of Natural Resources, Division of Coastal Management** - Approved with the following comment: DCM Field Representative Frank Jennings met with the applicant's representative on-site to discuss the project. The two gazebos on the Currituck Sound and any work within the 75' Estuarine Shoreline Area of Environmental Concern (AEC) will require a CAMA Major Permit.
13. **NC Department of Natural Resources, Division of Water Quality**-No comments received.
14. **NC Department of Natural Resources, Division of Land Resources** - No comments received.
15. **Currituck County Superintendent of Schools**- No comments received.
16. **N C Dominion Power** - No comments received.
17. **Sprint Telephone** - Approved as is.

SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning regulation. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize

any negative effects they might have on surrounding properties. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

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 plan generally complies with the provisions of the UDO. However, all of the property designated 404 wetlands are not shown to be Primary Conservation Areas, as required by Section 931.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

(a) *Will not endanger the public health or safety.*

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, dispersed single family dwellings.

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

The proposed subdivision will 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 Community classification and with the Thoroughfare Plan.

(e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are*

adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.

The Commissioners will need to determine if adequate public facilities, including schools and county water, exist or will exist to meet the demands generated by this subdivision.

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments, subject to a finding that adequate public facilities exist, and subject to the following conditions:

Code Requirements:

1. At the Preliminary Plat stage, the applicant will be required to submit septic evaluations, a North Carolina Stormwater Management Permit, a North Carolina Sedimentation and Erosion Control Permit, and a CAMA Major Permit along with the plans required by the UDO.
2. The Preliminary Plat shall indicate the exact locations of existing structures and improvements. (Appendix 9-A)
3. A 5' non-access easement shall be indicated on the Final Plat for all lots that have frontage along Aydlett Road. (Section 914)
4. No lot shall include any 404 wetland areas as shown on the wetland delineation approved 1/31/2006 by USACOE and the wetland survey dated 6/23/2006. All 404 wetlands shall be placed into Primary Conservation areas and shall not be used in the calculation of required open space (Sections 931 and 932). The UDO states:

Section 931 Location and Definition of Open Space

1. The location of open space conserved through compact residential development shall be consistent with the policies contained in these provisions and other long range documents adopted by the Currituck County Board of Commissioners.

Open Space shall be comprised of two (2) types of land:

- (a) Primary Conservation Areas consisting of CAMA and 404 adjacent wetlands. These environmentally sensitive resources form the core of the open space that is required to be protected;

Secondary Conservation Areas consisting of the following: isolated 404 wetlands, soils unsuitable for septic systems as identified by onsite analysis or by using the USDA Soil Conservation Survey for Currituck County; mature woodlands; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; significant views into and out from the site; and aquifers and their recharge areas.

AND ALSO:

931-2. General Location Standards: Subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space.

- (a) Both Primary and Secondary Conservation Areas required to be preserved for open space **shall be placed in undivided preserves**, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.
- (b) Undivided open space shall be directly accessible and interconnected to the largest practicable number of lots within an open space development. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than three acres in area, except such areas that are specifically designed as village greens, ball fields, upland buffers to wetlands, water bodies or watercourses, or designed as trail links.

5. A revised open space calculation shall be shown on the Preliminary Plat with any 404 wetlands removed.
6. Section 931 requires that no parts of the open space contain less than 3 acres. Please show a schedule of open space areas or a label of open space areas in order to verify the areas being designated as open space.
7. The cemetery would qualify as a Secondary Conservation area and should not be used in calculations of Primary

- Conservation areas. The cemetery should be placed in open space with reasonable access. (Section 931)
8. The open space is restricted from further subdivision and will be required to be placed in a permanent conservation easement. (Section 931)
 9. A minimum of 2000 SF per lot is required to be improved for active recreation. For 106 units that is 212,000 SF. Provide a table indicating the recreation areas and the calculation of improved recreation spaces. The details of the recreational improvements shall also be show on the sketch plan. (Section 932)
 10. Section 914 (9) requires sidewalks to be installed along one side of the street. This may require a wider right of way with the design of the sidewalks and ditches to be approved by DOT. The Home Owners Association will need to assume maintenance of the sidewalks.
 11. Any areas of historical or archeological significance shall be preserved as Primary Conservation Areas.
 12. On any flag lot, indicate the net usable area that will exceed 20,000 SF with the stem deducted. (Section 201)
 13. Streetlights are required at every major entrance. (Section 918)
 14. The proposed street names list shall be submitted and approved and the street names indicated on the plan. (Section 317)
 15. The state route number of ROW width shall be indicated for Aydlett road. (Appendix 9-A)
 16. A deceleration lane will be required for both sides of Aydlett Road. (Section 914(2))
 17. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.

RECOMMENDATIONS:

1. Staff recommends a connection be provided to the Forbes property to the north. (UDO Sections 306- Coordination to Surrounding Streets and 914- Streets (for subdivisions))
2. Staff recommends a system of paved walking trails that connects all of the open space areas. This system of trails should coordinate with the sidewalks to provide pedestrian access to all lots.
3. Staff also recommends that in order to develop a complete pedestrian circulation system in the development ~~sidewalks be installed on both sides of the street~~ (revised after Planning Board) all parcels should have direct access to a sidewalk or pedestrian trail.

4. Staff recommends community picnic shelters be constructed at the community parks.
5. For safety, staff recommends a 3' separation between the sidewalk and the road.
6. The North Carolina Department of Cultural Resources shall review and approve the plan prior to Preliminary Plat approval to ensure that no National Register Archeology sites are disturbed by development.
7. The applicant shall submit the National Register of Historic Places documentation for the Baum Site 31CK9 (Archeology) for review.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

John Delucia appeared before the board.

Ms. Keifer presented the following case analysis to the board.

Mr. West asked if these are 20000 square foot lots.

Ms. Keifer said yes.

Mr. Delucia said that there are no issues with the staff recommendations except #3, but doesn't feel that sidewalks on both sides of the streets and along the back sides of the lots are absolutely necessary in all cases because of lot coverage and runoff. He would like to work with staff for a compromise.

Mr. West asked why they chose a conservation subdivision.

Mr. Delucia said that the ordinance required it over 40 lots. He also stated that the areas proposed for ponds are the areas where the water collected after the last storm.

Ms. Keifer asked if the engineer could have something to show the Board of Commissioners regarding sidewalks.

Mr. Delucia said that he worked on the plans today and described the walkway. The UDO requires sidewalks on one side of the street, he isn't sure that two sides is necessary.

Mr. West asked which street Mr. Delucia was referring to.

Mr. Delucia said that he was referring to the streets in the subdivision.

Ms. Keifer asked for clarification on the comment on subdividing wetlands.

Mr. Delucia said that for the wetland areas along the Sound the required amount of open space has been 'put away' on this project. Staff said that all wetlands should be conserved. He does not agree. Why make an open space restriction on a sound front lot. It would also hurt the tax base.

Mr. West said that it will either be deeded to the property owner or not. It may seem to be the property owner's property, but either the HOA or the owner would pay the taxes.

Mr. West asked what he projected the lot to sell for as waterfront.

Mr. Delucia said \$350-400 with waterfront, \$250-275 without the waterfront.

Mr. West asked if the homeowner would have to have a CAMA permit to build a pier over the wetland.

Ms. Keifer is concerned with integrity of wetlands when owned by individual property owners. To split up 404 wetlands runs contrary to the conservation subdivision regulations.

Ms. Turner asked if there were wetlands on the other lots.

Ms. Keifer said yes.

Ms. Turner said that she is in conflict over that. She asked if there was a permit to fill the area.

Ms. Keifer said that is very difficult.

Mr. West asked which staff recommendation this referred to.

Mr. Delucia said #7.

Ms. Keifer said that the intent of the Conservation Subdivision was to take these areas out of play prior to subdividing.

Ms. Turner asked if there is specific language on sound front property.

Ms Keifer said that the intent isn't to cut off access to the sound. It is in favor of public access rather than split it into a few individual lots.

Ms. Turner said that there is a good amount of area with access to the sound. She said that it is common to have wetlands on sound front property.

Mr. West recommended approval with the exception of #7.

Mr. John Snowden stated the issues of preserving the open space. The wetlands serve as a buffer. The land use plan provides for buffers for the sound. He also noted that Division of Cultural Resources did not sign off on this project. He described the pond area east of Aydlett Rd. He said that there is an Indian Burial Ground south of the pine tree line.

Mr. West asked Mr. Delucia if he was aware of this site.

Mr. Delucia said that he is aware. He described the significant erosion on the site. The original burial dig is out in the sound now. Division of Coastal Management is aware. The gazebo permit through CAMA will go to the Division of Cultural Resources.

Mr. West asked if there was a small cemetery removed.

Mr. Delucia said that it is in the report. The archaeologist report said that they could not find anything else and a grave was removed.

Mr. West asked if every effort has been made to determine whether there are remains on the site.

Mr. Delucia said that there have been excavations done to be sure.

Mr. Midgette asked if that information should have been included in the packet.

Ms. Keifer apologized that it was not.

Mr. Keel said that he has a problem with the open space.

Mr. West withdrew his motion.

PLANNING BOARD MOTION

Mr. Keel motioned to approve as presented and add a large gazebo/park. Mr. Riley seconded the motion.

Mr. Kovacs asked about the two proposed gazebos and stated that there is no where to park and people would have to

cross Aydlett rd to get to the amenities. He thinks that there should be more open space instead.

Mr. Delucia said that it would be nice to have a large gazebo instead.

Mr. Kovacs said a community parking would be helpful

Mr. Delucia said that the property isn't big enough.

Ms. Keifer clarified recommendation #3 being modified prior to BOC meeting.

PLANNING BOARD ACTION

Motion passed unanimously.

Chairman O'Neal opened the public hearing.

Barbara Snowden, requested assurance from the Board that when there is digging on the Baum site to please use caution because this is a National Register Site for native American Indian burial ground.

John Snowden, expressed concern with this site since it is a cultural significance.

Phil Kratzer, Aydlett, expressed concerns with the wetlands.

Odi Griggs, expressed concern with potential damage to surround property.

Linda Kimble, High School Teacher, expressed concerns with this site and historical significance.

Greg Cox, property owner, stated he is aware of the history in the area.

John Delucia, Engineer, discussed the steps taken to insure that the site will be protected.

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

Commissioner Etheridge moved to continue the public hearing until a full report from Cultural Resources has been received. Commissioner Martin seconded the motion. Motion carried.

Action on PB 03-46 OWENS BEACH ESTATES PHASE II PB 03-46 OWENS BEACH ESTATES PHASE II: Amended Sketch Plan for 8 single family lots on property located in Harbinger, approximately 400 feet north of the intersection with Owens Beach Rd. and Owens Beach Rd. Extended, Tax Map 125, Parcel 35F, Poplar Branch Township.

continued

**Public Hearing and Action on PB 06-33 TOM BRADY (BRADY AIRPARK):
Rezone approximately 20.32 acres from agricultural to residential airpark
development, located adjacent to the Currituck County Airport and Brady
Landing Phase I with an access to Maple road., Tax Map 52**

continued

Mike Doxey, Albemarle-Pamlico Regional Water Quality Study

Commissioner Bowden moved to approve the resolution and funding of \$500.
Commissioner Etheridge seconded the motion. Motion carried.

RESOLUTION

WHEREAS, the Currituck County Board of Commissioners desires to sponsor a study that will identify 1) water quality, water management and recreational concerns resulting from land-use changes associated with rapid development, and 2) projects that will help create a region-wide infrastructure for maintaining the integrity of water resources and improving drainage;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to Currituck County for the Albemarle-Pamlico Regional Water Quality Study, in the amount of \$9,500 or 95 percent of the study costs;
- 2) The Board assumes full obligation for payment of the balance of the study costs;
- 3) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.

Appointment to Whalehead Board of Trustees

Commissioner Etheridge moved to appoint Bill Richardson. Commissioner Miller seconded the motion. Motion carried.

Consent Agenda:

**Crawford Report of Fire Conditions
Carova Beach Report of Fire Conditions
Budget Amendments
Lower Currituck Report of Fire Conditions
Corolla Report of Fire Conditions
Approval of September 5 minutes
Resolution Authorizing Signature**

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10480-590000	Capital Outlay Fund Balance	\$ 1,200	
10390-499900	Appropriated		\$ 1,200
		<u>\$ 1,200</u>	<u>\$ 1,200</u>

Explanation: Register of Deeds (480) - To increase capital outlay to purchase a two desk workstation rather than a single desk for the register of deeds office.

Net Budget Effect: Operating Fund (10) - Increased by \$1,200.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-553100	Verifications	\$ 3,000	
10750-561000	Professional Services		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

Explanation: Social Services Administration (750): To accommodate the increased number of requests for birth certificates in order to comply with new policy in the Medicaid program.

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
21690-545001	LC Fire Department	\$ 19,000	
21390-499900	Fund Balance		\$ 19,000

Appropriated

\$ 19,000	\$ 19,000
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Explanation: Lower Currituck Fire Department (21690) - To appropriate funds for Lower Currituck Volunteer Fire Department to purchase a vehicle.

Net Budget

Effect: Poplar Branch Fire District (21) - Increased by \$19,000.

Commissioner’s Report

Commissioner Miller questioned acres on state property for airport; he read the NC Fire Service report and would like on the web.

Commissioner Martin, commended the High School Band.

Commissioner Bowden, requested update for a Knotts Island meeting on the fire station, bridge, and Carova Beach site.

Commissioner Etheridge, commented on the Whalehead Excursion Day.

Chairman O’Neal commented on the Historic Jarvisburg School and phase II funding.

County Manager’s Report

Dan Scanlon provided an update on the Knotts Island Ferry, Moyock Information Center and upcoming meeting for storm water management.

Adjourn

There being no further business, the meeting adjourned.