

CURRITUCK COUNTY
NORTH CAROLINA
January 7, 2008

The Board of Commissioners met on January 7, 2008, 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 Nelms, Commissioners Bowden, Gregory, Taylor and Etheridge.

Invocation

Pledge of Allegiance

Bob Henley, was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to approve the agenda.
Commissioner Taylor seconded the motion. Motion carried.

2. Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

3. Recognition of The Currituck Club on Being Designated a Firewise Community

4. An Ordinance Amending Chapter 9 of the Code of Ordinances to Define and Prohibit the Use of All Terrain Vehicles in a Manner that Constitutes a Nuisance

5. Public Hearing and Action on PB 07-77 Roy Sawyer Request to rezone 50.6 acres from Agricultural (A) to Residential (R). The property is located at 229 Foster Forbes Road, Tax Map 126, Parcel 68E, Poplar Branch Township.

6. Public Hearing and Action on PB 07-78 John Harris, Jr. Request to rezone 6.85 acres from Agricultural (A) to General Business (GB). The property is located at 339 Macedonia Church Road at the intersection with Caratoke Highway, Tax Map 93, Parcel 156E, Poplar Branch Township.

7. Public Hearing and Action on PB 00-44 Clover Bend Amended Sketch Plan for 33 Single Family Lots. Located on the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

8. Public Hearing and Action on PB 07-82 Currituck Reserve PUD Variance Variance Request from sections 2.6 General Lot Provisions, 2.7 Dimensional Requirements, 9.1.8.1 Subdivision Streets, 2.8 Residential Accessory Structure Location and Setbacks to allow the creation of a Traditional Neighborhood Design in a Planned Unit Development. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

9. Public Hearing and Action on PB 07-09 Currituck Reserve PUD Amended Sketch Plan/ Special Use Permit for 688 residential units and mixed use commercial on 488 acres. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

10. Appointment to Board of Adjustment

11. Appointments to Economic Development Board

12. Consent Agenda:

- a. Change Order for \$3,848.89 Jarvisburg Historic Colored School
- b. Change Order No. 1 for Jarvisburg Elementary School
- c. Approval of December 17, 2007, Minutes
- d. Approval of extension of water agreement with CWS

13. Commissioner's Report

14. County Manager's Report

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Nelms opened the public comment period.

Cathy Jones, Wedgewood Lakes, commented on the noise and lack of rules for ATVs.

Clifton Banks, Poyners Road, expressed his concerns with ATVs.

There being no further comments, Chairman Nelms closed the public comment period.

Recognition of The Currituck Club on Being Designated a Firewise Community

James Mims, Fire Marshall, recognized the Currituck Club for being designated a firewise community. Aaron Gay, Forest Service, was also present.

Chairman Nelms presented a plaque to Doug Windley of the Currituck Club.

An Ordinance Amending Chapter 9 of the Code of Ordinances to Define and Prohibit the Use of All Terrain Vehicles in a Manner that Constitutes a Nuisance

Commissioner Gregory moved to adopt the following amendment. Commissioner Taylor seconded the motion. Motion carried.

AN ORDINANCE AMENDING CHAPTER 9 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO DEFINE AND PROHIBIT THE USE OF ALL TERRAIN VEHICLES IN A MANNER THAT CONTITUTES A NUISANCE

BE IT ORDAINED, by the Board of Commissioners for the County of Currituck, North Carolina that the Code of Ordinances for Currituck County is amended as follows:

Section 1. Chapter 9 of the Code of Ordinance is amended by rewriting Section 9-71 to read as follows:

Sec. 9-71. Certain conditions declared nuisances.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) Growth of weeds and grass. The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) Accumulations of animal or vegetable matter. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) Accumulations of rubbish. Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (4) Obstruction of drainage ways. The placement of rubbish, trash, yard debris, grass clippings, leaves, limbs, branches, soil, or junk impeding the flow of water and/or causing or threatening to cause the obstruction of drainage ways.
- (5) Conditions violating health department rules. Any condition detrimental to the public health which violates the rules and regulations of the local health department.
- (6) Burned or partially burned buildings or structures . Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the county building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
- (7) Storm or erosion damaged structures and resulting debris. The existence of any of the following conditions associated with storm-damaged or erosion-damaged structures or their resultant debris shall constitute a public nuisance:
 - a. Damaged structure in danger of collapsing;
 - b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury;

c. Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.

(8) Structurally deteriorated, or storm damaged automobile service station canopies. Any automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or deterioration.

(9) Vicious animals. The keeping of a vicious animal as defined in section 3-62.

(10) The operation of an all terrain vehicle:

a. in a reckless manner;

b. in a manner that creates excessive noise;

c. in a manner that spreads dust;

d. on a track or course located on property used for residential purposes;
or

e. by any person, not being on his own lands, who without the consent of the owner thereof, willfully commits any damage, injury or spoliation to or upon any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being thereon.

For purposes of this section, "all terrain vehicle" shall mean a wheeled or tracked motorized vehicle designed and used primarily for off-road use with two three, four or six low-pressure tires and including, but not limited to, dirt or trail bikes.

~~(11)~~ (10) Miscellaneous. Any other condition that is specified as a nuisance in this Code.

Section 4. Separability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the board of commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Public Hearing and Action on PB 07-77 Roy Sawyer Request to rezone 50.6 acres from Agricultural (A) to Residential (R).

The property is located at 229 Foster Forbes Road, Tax Map 126, Parcel 68E, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: January 7, 2008
Zoning Map Amendment:
PB 07-77 Roy Sawyer**

TYPE OF REQUEST: Request to rezone 50.6 acres of an 89 acre property from Agricultural (A) to Residential (R)

LOCATION: The property is located at 229 Foster Forbes Road, Poplar Branch Township.

TAX ID: Tax Map 126, Parcel 68E
(0126000068E0000)

OWNER: Roy Sawyer, Jr.
229 Foster Forbes Road
Powell's Point, NC 27966

ZONING: Current Zoning Proposed Zoning
Agricultural (A) Residential (R)

ZONING HISTORY: The property was zoned A on the 1989 zoning atlas. This property is the residual parcel of the 4 lot Brinson's Creek Minor Subdivision recorded 12-27-2005.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Sand Mine	A
SOUTH	Residential and 1000' communication tower	A
EAST:	Currituck Sound	A
WEST:	Residential (Currituck Woods subdivision)	A

EXISTING LAND USE: Residential (Farm House)

PROPOSED LAND USE: Land is no longer rented for farming and owner seeks highest and best use.

LAND USE PLAN CLASSIFICATION:

The property contains approximately 50.6 acres of Limited Services classification and 38.4 acres of Conservation Classification. This property is in the Point Harbor sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Base development density should be 1 unit per acre but could be

increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community.

The policy emphasis of the 2006 plan is to allow portions of the Point Harbor area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Housing in the Point Harbor area should continue to reflect a range of housing types and prices with emphasis on single-family site-built homes. The majority of the Point Harbor area is included in the Limited Service and Conservation classifications which support densities ranging from 1 unit per 3 acres to 1 unit per acre.

The following policies are also relevant to this request:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

A Residential zone that does not anticipating the development of the wetlands on site would comply with the Limited Service classification, but not the Conservation classification.

PUBLIC SERVICES AND UTILITIES:

The Lower Currituck Fire Department provides fire protection for this area. Electric and telephone are currently available.

TRANSPORTATION:

The site has 930 feet of frontage on Foster Forbes Road.

WETLANDS:

The 89 acre site contains approximately 39 acres of wetlands. None of the wetlands are part of the rezoning request.

SOILS:

The Currituck County Soils map indicates the property contains approximately 35 acres of marginal and 54 acres of un-suitable soils for on-site septic systems.

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.”

Because the request is in general compliance with the 2006 Land Use Plan, staff recommends **approval** of the request to rezone 50.6 acres of an 89 acre property from Agricultural (A) to Residential (R).

Chairman Nelms opened the public hearing.

Bill Ray, Powells Point, expressed safety concerns with ponds on property and other environmental issues.

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

Commissioner Gregory moved to approve and stated that it is consistent with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

Public Hearing and Action on PB 07-78 John Harris, Jr.

Request to rezone 6.85 acres from Agricultural (A) to General Business (GB). The property is located at 339 Macedonia Church Road at the intersection with Caratoke Highway, Tax Map 93, Parcel 156E, Poplar Branch Township

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: January 7, 2008
Zoning Map Amendment:
PB 07-78 John Harris, Jr.**

TYPE OF REQUEST:	Request to rezone 6.85 acres from Agricultural (A) to General Business (GB).
LOCATION:	The property is located at 339 Macedonia Church Road at the intersection with Caratoke Highway, Poplar Branch Township.
TAX ID:	Tax Map 93, Parcel 156E 0093-000-156E-0000
OWNER:	John W. Harris, Jr. PO Box 14025 Norfolk, VA 23518
APPLICANT:	Mel Hopkins 204 Walden Drive

Yorktown, VA 23692

ZONING:	<u>Current Zoning</u> Agricultural (A)	<u>Proposed Zoning</u> General Business (GB)
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ZONING HISTORY: The property was zoned Agricultural (A) on the 1989 zoning atlas.

SURROUNDING PROPERTY:

NORTH:	Agricultural	A and GB
SOUTH:	Residential	A
EAST:	Residential and Agricultural	GB
WEST:	Residential	GB and A

EXISTING LAND USE: Vacant/ Agricultural

PROPOSED LAND USE: Applicant would like more flexibility to develop based on market.

Uses Permitted by Right in a General Business District:

- Sales and rental of goods, merchandise and equipment
- Convenience Store
- Wholesale Sales
- Professional offices
- Physician or dentist office less than 10,000 sf
- Office/warehouse
- Movie theater
- Publicly owned outdoor recreational facility (athletic field, golf course, park, boat ramp)
- Restaurants
- Automobile service station
- Gas sales
- Automobile repair shop/body shop
- Car wash
- Motor vehicle and boat wholesale and service
- Automobile parking lots/garages
- Storage facilities, inside a fully enclosed building
- Veterinarian
- Pet grooming facility inside a fully enclosed structure
- Silvicultural operations
- Post office
- ABC store
- Dry cleaner
- Laundromat
- Utility facilities
- Farm and craft market
- Towers, less than 50 feet in height
- Cemetery, family and church
- Day Care
- Commercial Greenhouse/Nursery
- Agribusiness

TRANSPORTATION: The site has approximately 423 linear feet of frontage on Caratoke Highway and 585 feet of frontage on Macedonia Church Road.

FLOOD ZONE: This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

**PUBLIC SERVICES
AND UTILITIES:**

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

SOILS:

The Currituck County Soils map indicates the property contains suitable soils for on-site septic systems in the area outside of the wetlands.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Limited Service Area** within the **Aydlett, Waterlily and Churches Island** sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes.

The policy emphasis of this plan is for developable areas of Aydlett, Waterlily and Churches Island to remain as low-density residential areas at 1 unit per acre. While services that satisfy direct public health, safety and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, **no commercial development should be permitted in these areas.**

The following policies are also relevant to this request:

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

POLICY TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents and avoid land locking interior land parcels, Currituck County shall discourage RESIDENTIAL AND COMMERCIAL STRIP DEVELOPMENT along the county's primary roads. FLAG LOTS shall not be permitted along designated roads unless justified by unusual or unforeseeable parcel or topographic constraints.

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

This request for a General Business zone does not comply with the 2006 Land Use Plan Limited Services classification; the Aydlett, Waterlily and Churches Island sub-area or the policies related to rezoning on the US 168/158 corridor.

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.

Upon evaluating the application, staff concludes that the proposed rezoning does not satisfy the above-referenced criteria and for the reasons listed below staff recommends **denial**.

- 1) There appears to be ample land zoned General Business in this area of the county to meet the needs. This request does not appear to meet the test indicated in UDO Section 2407 that there is an extraordinary showing of public need or demand.
- 2) The proposed rezoning **does not** comply with the 2006 Land Use Plan designation of Limited Service due to the range of uses permitted by right in a General Business zone that would not qualify as neighborhood commercial uses.
- 3) This request also does not comply with Land Use Plan policies CD4, TR5 and CA1.
- 4) As recommended by the Land Use Plan, design criteria **has not** been established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design
- 5) While there are is an established General Business zoning pattern to the north, there are no higher intensity uses south of Macedonia Church Road in this area. In this regard, Macedonia Church Road is the logical division between nonresidential and residential zoning. Extending the nonresidential pattern southward would simply perpetuate the strip development of Caratoke Highway.
- 6) The 1994 US Highway 158 & N.C. Highway 168 Corridor Plan supports nodal development of business areas and there is such an area to the south along Caratoke Highway, however this location was not identified by the plan for commercial development.

The 1994 Corridor Plan recommends: Rezoning of additional property to commercial along US 158 and NC 168 should only be allowed in rare circumstances where unusual conditions warrant such rezoning. Rezoning requests should be carefully scrutinized for their benefit to the community.

Chairman Nelms opened the public hearing.

Gus Saunders, Poplar Branch, opposed request.

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

Commissioner Gregory moved to deny because it does not comply with Land Use Plan. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on PB 00-44 Clover Bend Amended Sketch Plan for 33 Single Family Lots. Located on the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: January 7, 2008
PB 00-44 CLOVER BEND**

ITEM: PB 00-44 CLOVER BEND, AMENDED SKETCH PLAN FOR 33 SINGLE FAMILY LOTS

LOCATION: On the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

TAX ID: Tax Map 22, Parcel 71X

ZONING DISTRICT: Residential

OWNER: Old Brothers, LLC.
Attn: Kim Old
101 Commerce Drive
Moyock, NC 27958

ENGINEER: Mel Hopkins Engineering
204 Walden Dr.
Yorktown, VA 23692

PRESENT USE: Agricultural

NARRATIVE OF REQUEST:

- Old Brothers, LLC is requesting approval of a 33 lot amended sketch plan.
- A sketch plan for 16 residential lots (3 acre in size) was granted in December 2005.
- The property received a rezoning to Residential (R) on October 1, 2007, which allows the increase in density and smaller lots with a minimum size of 40,000 Square Feet.
- A soils report from Protocol Soil Services dated November 25, 2006 indicates that **engineered sand lined trench** septic systems will be required for this development.
- The amenities proposed are a soccer field in an open play area in the center of the development and a play ground on another smaller open space parcel.

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Agricultural and Residential	Zoned: A
SOUTH:	Agricultural and Residential	Zoned: A
EAST:	Agricultural and Residential	Zoned: A
WEST:	Agricultural and Residential	Zoned: A

SCHOOL DISTRICT: Moyock/ Shawboro

SIZE OF SITE: 53.33 acres

NUMBER OF LOTS: 33

DENSITY: 0.62 unit per acre

MINIMUM LOT SIZE: 40,000 SF

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 is proposing to connect to county water.

FIRE: This development is located within the jurisdiction of the Moyock Volunteer Fire Department. The applicant is proposing to install fire hydrants.

WASTEWATER: Individual, on-site septic systems are proposed. A soils report indicates that **sand lined trenches** will be required.

SOILS: The Currituck County Soils Map indicates approximately 42.5 acres are unsuitable and 10.8 acres are marginal for conventional septic systems.

OPEN SPACE: The project is required to provide 30% (16 acres) Open Space. The plan indicates 16 acres of open space. Additionally, 1.87 acres of Reserve Utility Open Space are required.

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

TECHNICAL REVIEW STAFF:

On November 14, 2007, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved with the following conditions: Follow Special nitrification drainage requirements per Protocol Sampling Services, Inc. A downstream drainage analysis will be required.
2. **Currituck Soil & Water Conservation** - Approved with the following conditions: Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 922.
3. **Currituck County Fire Services**–Approved with the following conditions: The Cul de sac must be 96' of pavement. Please provide as-built for same.
4. **Currituck County Water Department**- Approved with the following conditions and comments; Submit waterline plans and specifications for review. The developer will be responsible for all cost associated with the installation of the water system. No irrigation systems shall be connected to the County Water System.
5. **Currituck County Planning and Inspections, Inspections Division**-Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **Currituck County GIS** - Approved as is. Submit a street name approval form.
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 conditions: Lots 1 and 18-no direct access onto Guinea Road, question the 45' ingress/egress easement along Guinea (2), show existing accesses across from site, reference to drainage channel-show cross line pipe along Guinea, need to see drainage plans. 3 foot pedestrian sidewalk (DOT minimum standard 5')
11. **N C Dominion Power** - No comments received.
12. **Sprint Telephone** – Approved with no comment.

SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. 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.
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, residential and agricultural uses.

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.

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

The 2006 Land Use Plan classifies the subject property as **Full Service** and within the Moyock sub-area. In the Full Service Area, base residential development density is contemplated to be 1-2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

In the Moyock sub-area, heightened development interest has brought with it pressure for more subdivisions, as well as the retail services that follow such development. It also brings with it concerns about heavier traffic, loss of open space, increased stormwater runoff and drainage issues, overburdened schools, a need for enhanced police, fire and rescue services, and demand for centralized water and sewer services.

POLICY WS6 of the Land Use Plan states: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

The surrounding area, while zoned Agricultural, is emerging in a suburban low-density residential development pattern, particularly as evidenced by the Eagle Creek, Launch Landing and Creekside Estates Subdivisions. The permitted density in the Residential zoning district of 1 unit/ acre is in keeping with the surrounding area and appears to **generally comply** with the policies of the Land Use 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 revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study was used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Clover Bend Amended- 33 SFD (Capacity for 16 lots already Accounted)	Available Capacity	Demand (17 additional lots)	Capacity if Approved
Moyock/Central/Shawboro	68	4	64
Middle School	56	2	54
High School	68	2	66

Staff has determined adequate public facilities exist for 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 and subject to the following conditions:

Code and Technical Review Committee Requirements:

1. All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission. (Section 922)
2. The applicant shall construct all required improvements including recreational area improvements, waterlines, fire hydrants, roads, drainage systems, and street trees; and have them inspected and certified prior to submission of the Final Plat.
3. No land disturbing activities shall be permitted on site prior to the issuance of the Preliminary Plat approval, including clearing vegetation, grading, filling the property or installing bulkheads. (Section 910)
4. As a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.
5. At the Preliminary Plat stage, the stormwater ponds need to be shown as being 10 feet for a property line. (Section 922(3)(k))
6. On the Preliminary Plat, show a calculation that the recreational open space meets or exceeds 50% of the requirements by deducting the stormwater ponds and any drainage features.
7. On the Preliminary Plat, show a vicinity map that is at a scale of 1"= 2000' or smaller.
8. On the Preliminary Plat, indicate the zoning of adjacent properties.
9. Indicate on the title block this site is in Moyock Township.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Taylor moved to approve with staff findings of fact. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 07-82 Currituck Reserve PUD Variance Variance Request from sections 2.6 General Lot Provisions, 2.7 Dimensional Requirements, 9.1.8.1 Subdivision Streets, 2.8 Residential Accessory Structure Location and Setbacks to allow the creation of a Traditional Neighborhood Design in a Planned Unit Development. The 17 properties are located between Caratoke Highway and Tulls

Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS
DATE: January 7, 2008
PB 07-09 CURRITUCK RESERVE
Variance Request in a PUD**

ITEM: PB 07-09 Currituck Reserve: Variance Request

LOCATION: Located between Caratoke Highway and Tulls Creek Road, north of Guinea Road.

TAX ID: Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Map 14, Parcels 23 and 18C

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0014000018C0000	022F00000080000	022F00000150000
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ZONING DISTRICT: Planned Unit Development Overlay (PUD) and base zoning of Residential (R)
The PUD Overlay was created May 7, 2007

PRESENT USE: Agricultural and Low density residential (farm houses).

OWNERS:

Haywood and Cynthia Ward
714 Tulls Creek Road
Moyock, NC 27958

I.N. Wilson Estate
C/O I.N. Wilson
1502 Marsh Street
Norfolk, VA 23523

**ENGINEER/
PLANNER:** Land Planning Solutions
5857 Harbour View Boulevard
Suffolk, VA 23436

ENGINEER: MSA P.C.
5033 Rouse Drive
Virginia Beach, VA 23462

VARIANCE REQUIREMENTS:

Section 4.3.6 (PUD Variances) of the UDO indicates the Board of Commissioners has jurisdiction over PUD variances. A variance for a PUD may be granted by the Board of Commissioners if it finds the proposal:

- (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; 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. 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 granting variance the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements so varied or modified.

PUD VARIANCES REQUIRED FOR A TRADITIONAL NEIGHBORHOOD DESIGN:

The Currituck UDO does not have design standards to accommodate a design such as Currituck Reserve. To allow the development to proceed with the proposed designs for the Patio Home Lots, a separate action will be required for Variances.

Variances are needed to allow the creation of 20' wide alleys, create double frontage lots (with alleys), reduce setbacks for Patio Home Lots, "Village Lots" and "Estate Lots" and to allow an increase in allowable lot coverage for lots that are 7,500 to 9,999 SF.

The sections requested to be varied are:

- 2.6 General Lot Provisions
- 2.7 Dimensional Requirements
- 9.1.8.1 Subdivision Streets
- 2.8 Residential Accessory Structure Location and Setbacks

The following is a summary of the dimensional standards requested for the different lots:

Patio Homes

Minimum Size: 4,000 S.F.

Min Lot Width: 45'

Max Lot coverage: 60%

Patio Home Setbacks

Front: 22'

Side: 5' (variance required)

Rear: 20'

Corner: 10' (variance required)

Village Homes

Minimum Size: 7,500 SF

Min Lot Width: 70'

Max Lot coverage: 55% (variance required)

Village Home Setbacks

Front: 10' (variance required)
 Side: 5' (variance required)
 Rear: 20' (variance required)
 Corner: 10' (variance required)

Estate Home

Minimum Size: 10,000 SF
 Min Lot Width: 80'
 Max Lot coverage: 45% (variance required)

Village Home Setbacks

Front: 30'
 Side: 10' (variance required)
 Rear: 20'
 Corner: 20'

Suggested Findings to approve a Variance:

1. *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.

2. *Will not injure the value of adjoining or abutting property.*

The proposed mixed use subdivision should have no negative impact on adjoining property. The adjoining uses are low density single family dwellings and agricultural uses.

3. *Will be in harmony with the area in which it is located.*

The density of the proposed subdivision is slightly higher than the adjacent residential developments. In general, however; the proposed project is in keeping with the suburbanizing character of the surrounding area.

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

2006 Land Use Plan

The 2006 Land Use Plan classifies the subject property **Rural** and within the **Moyock** sub-area. In the Rural Classification, population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. While the overall Rural Classification does not necessarily support an overlay for a Planned Unit Development, the Moyock sub area is described as the fastest growing part of the county, experiencing development pressure from the Tidewater area of Virginia.

For the Moyock area, residential development densities should be medium to high depending upon available services. In areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

POLICY HN3 states: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY CD2 states: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

Because this is a mixed use development supported by policies HN3, CD2 and CD8 and the proposed density does appear to fit with the description of the Moyock sub-area, this project **complies** with the 2006 Land Use Plan.

5. *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 school capacity for Currituck Reserve was approved in May 2007; however since all of the sites are now single family dwellings, the revised capacity calculations are shown below.

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Currituck Reserve- 688 units	Available Capacity	Subdivision Demand	Remaining Capacity
Moyock Elementary School	349	172	64
Middle School	157	55	54
High School	249	96	66

Staff has determined adequate public facilities exist to serve this development.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Taylor moved to approve with findings of fact. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 07-09 Currituck Reserve PUD
 Amended Sketch Plan/ Special Use Permit for 688 residential units and mixed use commercial on 488 acres. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS
 PB 07-09 CURRITUCK RESERVE
 MEETING DATE: January 7, 2008**

ITEM: PB 07-09 Currituck Reserve: Amended Sketch Plan/ Special Use Permit for a Planned Unit Development with 688 residential units and mixed use commercial

LOCATION: Located between Caratoke Highway and Tulls Creek Road, north of Guinea Road.

TAX ID: Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
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001400000230000	022F00000070000	022F00000140000
0014000018C0000	022F00000080000	022F00000150000
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 Moyock, NC 27958

I.N. Wilson Estate
 C/O I.N. Wilson
 1502 Marsh Street
 Norfolk, VA 23523

**ENGINEER/
 PLANNER:** Land Planning Solutions
 5857 Harbour View Boulevard
 Suffolk, VA 23436

ENGINEER: MSA P.C.
 5033 Rouse Drive
 Virginia Beach, VA 23462

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

	Land Use	Zoning
NORTH:	Agricultural and Residential	A and R
SOUTH	Agricultural and Residential	A and R
EAST:	Agricultural and Residential	A
WEST:	Agricultural, Residential, Commercial	A, GB and C

SCHOOL DISTRICT: Moyock

FIRE DISTRICT: Moyock V.F.D.

SIZE OF SITE: 471 acres

**LAND FOR COUNTY
 DEDICATION:** School Site: 49.3 AC
 Site #2 (Library): 4 AC
 Site #3 (at entrance): 2 AC

NUMBER OF UNITS: 688 Total Single Family Lots-
 213 Estate Homes (10,000 - 20,000 SF lots)
 230 Village Homes (9,999 - 7,500 SF lots)
 245 Patio Homes (7,499 – 4,000 SF lots) -4 Bedroom Maximum

COMMERCIAL AREA: 19 AC or 4.5% is proposed
 10% of the total lot area or 41.0 acres is allowed

DENSITY: 1.46 units per acre (3 units per acre permitted)

MINIMUM LOT SIZE: 7,500 SF or 3,000 SF for Patio Homes

AVERAGE LOT SIZE: 9,800 SF

STREETS: The streets will be built to NCDOT Design and Construction standards. The developer intends to offer the streets for public dedication. The site will be accessed by two connections with Tulls Creek Road. A parkway road will be the main road. The plan indicates two connections with parcels to the south of the development.

WATER: The development will be served by the Currituck County Water System. The development is expected to use 247,680 gallons per day.

WASTEWATER: Sewer will be collected, treated and disposed of by a central

wastewater facility constructed for the development. The sewer system will also serve the school site.

OPEN SPACE:

Planned unit developments are required to have 35% open space plus the difference in area for each lot that is less than 10,000 SF and not a Patio Home lot. The required open space for Currituck Reserve is 150 AC ((410.4*.35) + (230*1,250)). The submitted plan proposes 182.36 acres or 44% open space. The 410 acres was calculated by deducting the county dedications and the treatment plant site. There are 230 Village Home units that will average 8,750 SF.

DRAINAGE:

The development will have a series of engineered drainage systems along the streets with stormwater ponds through out the development.

FLOOD ZONES:

The 17 properties are in flood zones Shaded X and AE (5.4).

NARRATIVE OF REQUEST:

Currituck Reserve LLC is requesting amended sketch plan approval of a 688 unit planned unit development. This will be a mixed use development with a range of single family lot sizes and commercial uses. The project was originally approved on May 7, 2007 for a mix of housing types as follows:

- 168 Estate Homes (20,000 SF lots)
- 225 Single Family Detached (7,500 SF lots)
- 188 Single Family Attached Condominiums (Quadraplex)
- 48 Townhomes
- 59 Loft Condominiums above retail uses

The following are other major changes to the project from the plans approved in May:

Approved Land Area May 2007: 651.5 acres

Land Area December 2007: 471 acres

Approved Density May 2007: 1.06 units per acre

Density December 2007: 1.46 units per acre

Land Dedicated to Currituck County-

<p>May 2007- Total: <u>63.9 acres:</u></p> <ol style="list-style-type: none"> 1. School Site of 49.7 acres 2. Soccer Field Site of 10.1 acres 3. Library Site of 4.1 acres 	<p>Proposed December 2007- Total: <u>55.3 acres:</u></p> <ol style="list-style-type: none"> 1. School Site of 49.3 acres 2. Library Site of 4 acres 3. County Services site of 2 acres
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The Development Impact Statement submitted November 30, 2007 states:

The design is based on New Urbanism concepts that emphasize mixed use development with different incomes and lifestyles. To obtain this goal, Currituck Reserve uses compact communities with connecting blocks; a village center is located along the parkway connector and adjacent to the school and library site.

Pedestrian trails will connect all blocks, parks and open spaces. In some instances alleys will be located behind homes to access rear yard parking. This will be done in strategic locations where smaller lots and higher traffic volumes are present.

The Development Impact Statement proposes the follow improvements:

1. The master plan for Currituck Reserve is organized around a green infrastructure of parks and open spaces. Seven residential neighborhoods and a village center are

surrounded by parks and lakes and connected to each other by pedestrian/ bike trails.

2. Prior to School Site Development, recreation fields shall be provided and coordinated with Currituck County Parks and Recreation
3. Each neighborhood is connected to each other by a system of biking, walking and jogging trails. The trails will be asphalt, typically 5-10 feet wide and maintained by the Homeowners Association.
4. There are fourteen neighborhood parks which will provide safe areas for small children to play near their homes.
5. Older children and adults will be able to jog and bike throughout the community, whether going to the Village Center, adjacent proposed high school or library site located within the community all will be easily accessible.
6. The development will be built in 3 phases over a six year period, beginning in 2008, with the first units available in 2009:
 - A. Phase A, 1-2 years from construction start - 1-257 home sites and renovation of existing historic home.
 - B. Phase B, 2-3 years from construction start - 58 (258-314) home sites.
 - C. Phase C, 4 years from construction start 95 (315-410) home sites. Anticipation of office/light retail to begin if market conditions allow (see Phase G).
 - D. Phase D, 5 years from construction start -88 (411-499) home sites.
 - E. Phase E, 6 years from construction start- 73 (500-573) home sites.
 - F. Phase F, 6-7 years from construction start -117 (574-688) home sites.
 - G. Phase G, 2-7 years from construction start; office/light retail.
7. The average home prices are anticipated to be:
 - a. Patio Homes (4,000 - 7,499 SF lots)= \$212,000 - \$349,000
 - b. Village Home (7,500 - 9,999 SF lots) = \$335,000-\$405,000
 - c. Estate Homes (10,000 - 20,000 SF lots) = \$400,000 - \$500,000
8. The total residential value is projected to be \$211.3 million
9. The total commercial value is estimated at \$6.45 million

SPECIAL USE PERMIT CRITERIA:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. The purpose of a planned unit development is to allow mixed residential and commercial development as a unit and where a more efficient use of the land and additional on-site amenities can be delivered.

In order to approve a Special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

A. Is the application complete?

The application meets the submission requirements for sketch plan review.

B. Does the proposal comply with the provisions in the UDO for sketch plan approval?

The application complies with the requirements for sketch plan approval.

C. *Does the proposal comply with the general standards found in Section 1402(2) for a special use permit/sketch plan?*

1. *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.

2. *Will not injure the value of adjoining or abutting property.*

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

3. *Will be in harmony with the area in which it is located.*

The proposed subdivision will be in harmony with the surrounding area.

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

2006 Land Use Plan

The 2006 Land Use Plan classifies the subject property **Rural** and within the **Moyock** sub-area. In the Rural Classification, population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. While the overall Rural Classification does not necessarily support an overlay for a Planned Unit Development, the Moyock sub area is described as the fastest growing part of the county, experiencing development pressure from the Tidewater area of Virginia.

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2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY CD2 states: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with

a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

Because this is a mixed use development supported by policies HN3, CD2 and CD8 and the proposed density does appear to fit with the description of the Moyock sub-area, this project **complies** with the 2006 Land Use Plan.

5. *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 school capacity for Currituck Reserve was approved in May 2007; however since all of the sites are now single family dwellings, the revised capacity calculations are shown below.

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Currituck Reserve- 688 units	Available Capacity	Subdivision Demand	Remaining Capacity
Moyock Elementary School	349	172	64
Middle School	157	55	54
High School	249	96	66

Staff has determined adequate public facilities exist to serve this development.

VariANCES Required:

The Currituck UDO does not have design standards to accommodate a design such as Currituck Reserve. To allow the development to proceed with the proposed designs for the Patio Home Lots, a separate action will be required for VariANCES. Section 4.3.6 (PUD VariANCES) of the UDO indicates the Board of Commissioners has jurisdiction over PUD variANCES.

VariANCES are needed to allow the creation of 20' wide alleys, create double frontage lots (with alleys), reduce setbacks for Patio Home Lots, "Village Lots" and "Estate Lots" and to allow an increase in allowable lot coverage for lots that are 7,500 to 9,999 SF.

The sections requested to be varied are:

- 2.6 General Lot Provisions
- 2.7 Dimensional Requirements
- 9.1.8.1 Subdivision Streets
- 2.8 Residential Accessory Structure Location and Setbacks

The following is a summary of the dimensional standards requested for the different lots:

Patio Homes

Minimum Size: 4,000 S.F.

Min Lot Width: 45'

Max Lot coverage: 60%

Patio Home Setbacks

Front: 22'
Side: 5' (variance required)
Rear: 20'
Corner: 10' (variance required)

Village Homes

Minimum Size: 7,500 SF
Min Lot Width: 70'
Max Lot coverage: 55% (variance required)

Village Home Setbacks

Front: 10' (variance required)
Side: 5' (variance required)
Rear: 20' (variance required)
Corner: 10' (variance required)

Estate Home

Minimum Size: 10,000 SF
Min Lot Width: 80'
Max Lot coverage: 45% (variance required)

Village Home Setbacks

Front: 30'
Side: 10' (variance required)
Rear: 20'
Corner: 20'

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting an Amended Sketch Plan/ Special Use Permit within a PUD staff recommends **approval** of the application in accordance with the Technical Review Agencies' comments and subject to the following conditions:

PLANNING DEPARTMENT**Code and Technical Review Committee Requirements:**

- a. A Traffic Impact and Traditional Neighborhood Development study with a traffic pattern for the school shall be approved by the Department of Transportation prior Preliminary Plat submission.
- b. The placement of utilities, lighting, signs, mailboxes, and/or trees shall not cause a hindrance to larger fire apparatus as the vehicle often extends over the curbing during turning.
- c. Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 9.6 (Drainage Plan Requirements) which indicates the post development stormwater run off shall not exceed the pre-development runoff. Stormwater devices and plans should be shown for the Private ROWs/ alleys at Preliminary Plan as well.
- d. Any development or filling of 404 wetlands will require a site specific plan approved by the US Army Corps of Engineers.

- e. The required improvements including streets, multi-modal paths, utilities, and recreational improvements shall be installed and accepted prior to submission for Final Plat approval for each phase.
- f. The applicant shall complete the development strictly in accordance with the plans submitted to, and approved by the Board of Commissioners.
- g. As a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.
- h. In keeping with Section 9.2.7 and 9.2.8 the applicant shall create a sewer district for the proposed development prior to final plat submission. In addition, the applicant shall provide the following information regarding the waste water treatment system at preliminary plan submission:
 - (1) A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
 - (2) State approval of the proposed system; and,
 - (3) The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
- i. The details of the sidewalk locations and crosswalks should be shown at Preliminary Plat.
- j. The lot numbers should be consecutive through out the entire PUD, and not broken down for each section. This will be critical for the Tax Department to assign parcel ID numbers for recorded properties.
- k. If accepted by the Board of Commissioners, all of the areas intended for dedication to the County (i.e. school site, or library site) shall be identified on the Final Plat as "Areas Dedicated to Currituck County for Public Use" rather than as the specific uses currently contemplated.
- l. In the area table, correct the allowed commercial area (10% of total tract) to reflect it on the basis of the total lot area. (4.3.2(c))
- m. A legend is need for all lines and symbols used.
- n. Existing streets need to be labeled within 50' of the site. None of the local streets off of Tulls Creek Road are labeled. (Appendix 9-A)
- o. On the Preliminary Plat, show the actual lot areas, ROWs and Open Space for each phase sheet and then summarize it on the Master Plan.
- p. The R/V and boat site should not be counted as open space.
- q. Indicate the linear feet of each road through out the PUD in a master table.

Phase Plan

- r. Please give a total for the residential units that will be developed or platted in each phase. (Section 10.6.6)

Utility Plans

- s. Any area that has a sewer line in it cannot be counted as open space. (Section 10.4.1)

Staff Recommendations:

- (1) Use a different line type to show where the asphalt trails will be on all sheets.
- (2) Use a different line symbol for the offsite property lines. The current line looks the same as the offsite ditch lines.
- (3) The developers shall transfer without restrictions the following property identified on the Sketch Plan to Currituck County to be used for any public purpose upon Final Plat approval of the Phases A:
 1. School Site: 49.3 AC
 2. Site #2 (Library): 4 AC
 3. Site #3 (at entrance): 2 AC
- (4) Upon a voluntary offer by the developer, a payment of \$3000.00 to be placed in a schools capital improvement fund for each residential dwelling unit shall be submitted to Currituck County prior to the issuance of building permit for the unit. This is a fee that was offered voluntarily by the developer and accepted by Currituck County.
- (5) The applicant shall submit a design palate for all structure types to be built. Compliance with the approved designs must be demonstrated at building permit application by submission of a certification that the Currituck Reserve Architectural Review Committee has approved the design.
 - (a) The design palates shall be submitted for Planning staff review and approval prior to submission of Preliminary Plat. A member of the Planning Department or designee shall serve on the Architectural Review Committee.
 - (b) With respect to the proposed single-family detached dwellings, staff suggests the following criteria:
 - (i) Variation in exterior architectural materials (siding, roofing);
 - (ii) Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - (iii) Variation in house styles/types; and
 - (iv) Inclusion of front porches, projecting bays, vestibules.
 - (c) Commercial Architecture
With respect to the nonresidential structures, staff suggests the following elements be considered:
 - (i) Facades of new buildings shall incorporate, but not mimic, the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties or the vernacular of the general area and shall incorporate similar proportions of solids (i.e. siding, blank walls, etc.) to voids (i.e. windows, door openings, etc.);
 - (ii) The principal building façade of proposed buildings shall be oriented toward the primary street frontage and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner or dual frontage properties shall reflect a public façade on both streets.
 - (iii) Facades shall be designed to reduce the massive scale and the one dimensional appearance of large retail buildings and to provide visual interest.
 - (iv) The street facing elevations shall incorporate functioning windows into the overall design concept. Functioning windows are defined as those windows which let light into the interior of the structure and are integrated and related to the interior layout of the space.
 - (v) In addition to functioning windows, the corridor elevations shall contain at least two of the following elements:
 1. A primary entrance door or doors (except for loading doors).

2. A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.
 3. Landscaping integrated into the building design concept.
 4. Architectural or urban design elements, which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
 5. Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines.
- (vi) Large expanses of blank walls shall be avoided. The public facade shall incorporate windows and primary doorway entrances along the street frontage as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines, and overhangs.
- (vii) The plan shall incorporate durable exterior surface materials complementary with the color, texture, size, and scale of exterior materials reflected on a historical Currituck County vernacular that shall be developed as part of a pattern book.
- (viii) The general roof shape, ridge and eave heights, and material characteristics proposed shall be visually compatible with these same attributes expressed in existing buildings in the immediate vicinity or in keeping with the historical vernacular of Currituck County.
- (ix) Building materials include brick, wood, fiber-cement siding, stone textured split face block, tinted and textured concrete masonry, or synthetic stucco. Metal building materials shall only be permitted on elevations not visible from the public right-of-way or used as accent materials.
- (x) A landscape plan shall be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
- (d) Commercial Parking.
- (i) No parking lot shall be designed to be within the front building setback and shall instead be located behind the front building line. This allows front parking, but increases the space from the street property line.
 - (ii) Parking lots shall be arranged in such a manner so that not more than twenty (20) parking spaces in a row shall be permitted without a landscaped island. Parking lot landscape islands shall be a minimum of ten (10) feet wide.
 - (iii) Five (5) percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.
- (e) Commercial Area Landscaping
- (i) Staff recommends a landscape plan be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
 - (ii) Shrubs shall be at least ten (10) gallons in size, and trees must be at least two (2) inches in caliper at planting.
 - (iii) Parking lot screening is required adjacent to public rights-of-way - Low profile screening shall be installed when parking spaces would result in vehicles facing onto the roadway in addition to the requirements of Chapter 5 Bufferyard and Shading Requirements. Screening may consist of a low wall, evergreen hedge with minimum height of two (2) feet at time of planting planted three (3) feet apart on center and a maximum height of three (3) feet at maturity, or earth berm. Should a low wall be used, such wall shall be accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten (10) feet apart on center.

- (f) Outdoor Display Areas.
 - (i) All outdoor display areas, including garden centers and any seasonal sales, shall be enclosed on all sides with high-quality fencing such as fencing resembling wrought iron, (chain link fencing is prohibited).
 - (ii) All outdoor display areas shall be designated on the site plan and must not extend into parking areas.
 - (iii) Mechanical or HVAC equipment shall not be installed at ground level along any portion of a building facing a state maintained street or road or internal street or way unless such location is necessitated by the nature and design of the building it serves. Roof top installation may be allowed provided that such equipment is concealed behind a parapet wall.
 - (iv) A solid fence or wall and native plants shall screen any ground level equipment. Block or brick enclosures, if used, may include decorative openings within the block or brick pattern.

TECHNICAL REVIEW STAFF: On November 14, 2007, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved with the following condition: Show design of utilities at Preliminary Plat.
2. **Soil & Water Conservation** - Approved with the following conditions: Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 9.6 (Drainage Plan Requirements) which indicates the post development stormwater run off shall not exceed the pre-development runoff.
3. **Currituck County Fire Services**– Approved with the following comments:
 - a. Fire hydrants must be within 500' of every portion of road frontage with no more than 1000' between any two fire hydrants.
 - b. Any structure other than a one or two family dwelling requires a fire hydrant within 400' of all portions of the exterior of the structure. This is measured as hose comes off the back of fire apparatus.
 - c. Any structure other than a one or two family dwelling requires access from fire apparatus within 150' of all portions of the exterior of the structure. This is measured from access that is at least 20' wide capable of withstanding 75,000lbs.
 - d. Cul-de-sacs must be 96' of pavement capable of withstanding 75,000 lbs.
 - e. Any structures other than a one or two family dwelling greater than 30' in height will require additional road width requirements for fire apparatus access by ladder trucks.
 - f. I caution the placement of utilities, lighting, signs, mailboxes, and/or trees in areas that may cause a hindrance to larger fire apparatus as I note a portion of the vehicle often extends over the curbing during turning.
4. **Albemarle Regional Health Services** – Approved with the following comments: A central wastewater system will be under the jurisdiction of the Division of Water Quality.
5. **Currituck County GIS** – Approved as is- street names are under review.

6. **County Parks & Recreation Department** – Approved with the following comments-continue to provide updates on park designs. A park matching program for recreational improvements is available.
7. **Emergency Management** – No comments received.
8. **Moyock VFD**– No comments received.
9. **NC Department of Transportation:** Approved with following conditions-require a Traffic Impact and Traditional Neighborhood Development study with a traffic pattern for the school prior to Preliminary Plat approval.
10. **US Army Corps of Engineers:** No comments received.
11. **NC Department of Natural Resources, Division of Water Quality,** – No comments received.
12. **NC Department of Natural Resources, Division of Land Resources** – No comments received.
13. **Currituck County Superintendent of Schools-** No comments received.
14. **N C Dominion Power** – No comments received.
15. **Sprint Telephone** – Approved with no comments.
16. **Mediacom Cable** - No comments received.

Chairman Nelms opened the public hearing.

Walt Grimes, opposes the request due to traffic concerns on Tulls Creek Road.

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

Commissioner Taylor moved to approve with staff findings of fact and the deletion of Item 4, \$3,000 impact fee. Commissioner Gregory seconded the motion. Motion carried.

Appointment to Board of Adjustment

Tabled to next meeting

Appointments to Economic Development Board

The Board voted by ballots which were then counted by Clerk.

Commissioner Gregory voted to appoint the following by majority vote. Chairman Nelms seconded the motion. Motion carried.

Fannie Newbern

Kevin Burwell

Bob Collins

Matt Converse

Tameron Kugler

H.D. Newbern

Brian Innes

Consent Agenda:

1. Change Order for \$3,848.89 Jarvisburg Historic Colored School
2. Change Order No. 1 for Jarvisburg Elementary School
3. Approval of December 17, 2007, Minutes
4. Approval of extension of water agreement with CWS

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

Commissioner's Report

No comments

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.