

CURRITUCK COUNTY PLANNING BOARD

March 14, 2006

A work session was held prior to the meeting to discuss items on the agenda.

The Currituck County Planning Board met in the Historic Courthouse on March 14, 2006. The following members were present: Forrest Midgette, Alvin Keel, Pat Riley, Joe Kovacs, Arthur Winter, Bobby Bell, William Etheridge, Manly West, William Etheridge and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present.

Planning Board Chairman Midgette called the meeting to order, announced a quorum had been met.

Everyone stood for the Pledge of Allegiance and a moment of silence.

APPROVAL OF MARCH 14, 2006 AGENDA

Mr. Bell motioned to approve the March 14, 2006 agenda. Mr. Kovacs seconded the motion. Motion passed unanimously.

APPROVAL OF FEBRUARY 14, 2006 MINUTES

Mr. Keel motioned to approve the February 14, 2006 minutes with attendance correction noted. Ms. Turner seconded the motion. Motion passed unanimously.

6:00 p.m. Work Session

7:30 p.m. Call to Order
Pledge of Allegiance and Moment of Silence

Item 1 Approval of Agenda

Item 2 Approval of February 14, 2006 Minutes

Item 3 **PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES**
Old Business

PB 06-01 SADDLEWOOD ESTATES: Sketch Plan/Special Use Permit for a 35 lot open space subdivision on property located on the North side of Guinea Road 0.7 miles from Caratoke Highway and opposite to the intersection with Guinea Mill Road. Tax Map 22, Lots 64B, 64C, and 71B, Moyock Township.

Item 4 **New Business**

PB 05-38 BRIGHT MINE: Special Use Permit for a 29 acre mine on property located on the east side of Marsh Causeway adjacent to the Virginia border. Tax Map 55, Lots 1, 2, and 3 Fruitville – Knotts Island Township.

Item 5 **PB 06-06 KIOUSIS:** Rezone 3.66 acres from Residential to General Business on property located on Holly Lane, Tax Map 132, Lot 106B, Poplar Branch Township.

Item 6 **PB 03-39 NEW COLONY LANDING:** Final Plat for 19 residential lots located at the corner of Tulls Creek Rd. and Copeland Dr. Tax Map 39, Lot 16, Moyock Township.

Item 7 **PB 06-10 JARVIS LANDING:** Sketch Plan/Special Use Permit for 14 Residential Lots on property located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd.
Tax Map 11, Lot 74, Poplar Branch Township.

Item 8 Adjournment

OLD BUSINESS

PB 06-01 SADDLEWOOD ESTATES: Sketch Plan/Special Use Permit for a 35 lot open space subdivision on property located on the North side of Guinea Road 0.7 miles from Caratoke Highway and opposite to the intersection with Guinea Mill Road. Tax Map 22, Lots 64B, 64C, and 71B, Moyock Township.

Jason Mizelle appeared before the board

Ms. Keifer presented the following case analysis to the board

LOCATION: On the North side of Guinea Road 0.7 miles from Caratoke Highway and opposite to the intersection with Guinea Mill Road, Moyock Township.

TAX ID: Tax Map 22, Parcels 64B, 64C and 71B
0022-000-064B-0000 0022-000-064C-0000
0022-000-071B-0000

ZONING DISTRICT: Agricultural

OWNER:
Brooks and Tina Clements
145 Spruill Lane
Moyock, NC 27958

APPLICANT/AGENT
Albemarle & Associates
PO Box 3989
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

Brooks and Tina Clements are seeking Sketch Plan approval for a 35 lot Open Space Subdivision on 86.8 acres. The applicants propose this will be a residential, equestrian community. The property is composed of 3 existing parcels that are located on the north side of Guinea Road, adjacent to the intersection with Guinea Mill Road. The proposed development is also adjacent to the Clover Bend subdivision. The

proposed entrance to the subdivision is approximately 0.7 miles East of Caratoke Highway.

The proposed area for lots is 56 acres. The lot sizes range from 0.9 Acres to 1.8 acres, with two lots over 3 acres. The minimum lot sizes are 20,000 SF. This property is zoned Agricultural. The UDO requires that subdivisions that contain between 31 and 40 lots provide 30% of the total tract area as open space. For this development, 26.04 acres of open space is required. The developer has proposed to provide 25.8 acres of open space (29.9%) in order to fulfill this requirement. Open space will be used for equestrian uses such as pasture land and bridle trails.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: This development will be served by county water. The applicant will install or bond for 1,500 linear feet of off-site upgrades from a 4" to a 6" water line.

FIRE: This development will be located within the jurisdiction of the Moyock Volunteer Fire Department which currently has a State ISO rating of 9. A proposed 6" water line extension will be used to serve fire hydrants

WASTEWATER: On-site septic systems are proposed. The applicant indicates these soil types are suitable for on-site septic systems. No information from Albemarle Regional Health Services has been provided for this development. The Currituck Soil Suitability map indicates approximately 18 of the 35 lots are suitable for on-site septic systems.

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:
13 elementary students,
3 middle students, and
5 high school students

After the new 700 seat school on Shawboro Road is built, the Moyock/ Crawford elementary schools will

have a 2,004 student capacity for 2007/08. Previously approved subdivisions indicate the elementary in this area will be 352 under capacity when the new school opens.

Projected School Capacities

School Level	Projected Capacity for 2007/08	Total Projected Students- Previous Sketch Plans	Remaining Capacity after Saddlewood
K- 5	2,004 (Moyock/ Crawford)	1,652	339
Middle	1,142	1,075	64
High	1,456	1,437	14

OPEN SPACE: 25.8 acres (29.9%) of open space is provided, which is below the required 30%. 26.04 acres of net usable open space is required.

DRAINAGE: Lot line swales will be installed and the building pads will be elevated above the 10-year storm design, as required by Article 16 of the UDO. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.

FLOOD ZONES: All or parts of 22 lots are within the 100 year flood plain.

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is “to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed, single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services.

This development is consistent with the land use plan because the proposed density is one unit every 2.45 acres.

STAFF COMMENTS:

1. This plan was reviewed at the December 8, 2005 TRC meeting with the following comments received:
 - (a) County Engineer: Sketch Plan is not approved until the following revisions are made. Existing topographical information needs to

be provided. The plan needs to show existing contours, grade elevations and existing ditches.

- (b) Water Department: Approved with the following conditions: upgrade the existing line to the subdivision the required distance from a 4" line to a 6" line.
- (c) Chief Building Inspector- Approved as is.

2. Connectivity is not provided. The streets could extend to the north or west property lines if the Commissioners determine that a street connection is needed.
3. There is an existing access easement from Guinea Road to the existing residence.
4. The wetland delineation shown in the open space has not yet been accepted by the Army Corps of Engineers.
5. Lots 11, 20 and 21 on the Sketch plan do not meet the minimum lot width.
6. Lots 20 and 21 on the Sketch plan exceed the required 4:1 width to length ratio.
7. The applicant is allowed to have 5 lots at 40,000 SF on each parcel as it existed on April 2, 1989.
8. The Yield Plan indicates 15 lots at 40,000 SF, 5 for each existing parcel.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?* Based on staff review all required information has been submitted for review.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?* Corrections are needed on the plan before consideration by the Board of Commissioners. The proposal does not currently comply with the provisions for Sketch Plan Approval for the following reasons:
 1. The lot width and length to width ratios do not comply with the UDO. This must be corrected prior to submission to the Board of Commissioners.
 2. If the Commissioners determine that the continuation of the proposed streets to another property is appropriate for this subdivision, there is no street connectivity provided to the north and west. This must be corrected prior to submission to the Board of Commissioners.
 3. The open space does not meet the requirements for 30% of the total tract acreage, 26.04 is required. The net usable open space must be identified. This must be corrected prior to submission to the Board of Commissioners.
 4. All of the street names are not identified. This must be corrected prior to submission to the Board of Commissioners.

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

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

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

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

The proposed residential subdivision should have no negative impact on adjoining property;

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

Guinea Road is becoming a mixed use area of low density residential uses adjacent to continued agricultural use. This development will be in harmony with the 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 Rural 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 school facilities exist or will exist to meet the demands generated by this subdivision.

STAFF RECOMMENDATION:

At the January 10, 2006 the Planning Board tabled this item for a legal opinion. The County Attorney recommends this item be tabled again until an ordinance amendment is passed that clarifies the allowance of 15 lots of 40,000 SF on 3 parcels in the A zone.

The Board of Commissioners Passed the Ordinance Amendment on March 6, 2006 that allows each recombined lot in an A zone subdivision to receive 5 lots at 40,000 SF.

Staff recommends **conditional approval** subject to the conditions below, with corrections being submitted by the Monday after the Planning Board approval. The Board of Commissioners shall make a determination that adequate school facilities exist or will exist to meet the demands generated by this subdivision.

1. The applicant shall be required to meet all requirements of the UDO including but not limited to, providing the required open space, planting trees along any newly paved streets, install fire protection, install adequate drainage facilities and roads as shown on the plan, etc.
2. The applicant will be required to upgrade or bond for improvements to the existing water line to the subdivision; the required 1,500 linear feet off-site, from a 4" line to a 6" line. The applicant will be responsible for waterline improvements within the subdivision.
3. The lot width for lots 11, 20 and 21 shall meet the minimum standard of 100 feet wide and shall be corrected prior to submission to the Board of Commissioners.
4. Lots 19 and 20 on the Sketch plan exceed the required 4:1 width to length ratio. These lots shall be corrected prior to submission to the Board of Commissioners.
5. Correct the open space calculations to show the open space will exceed 30% of the total tract area, with any access easements subtracted from the calculation.
6. Show street name of all the streets on the plans.
7. Show the soil types on plan.
8. Any on-site existing or proposed utilities need to be shown.
9. Provide a legend for any symbols used.
10. Show the zoning of the site and adjacent properties.
11. Add the legal references for all adjacent properties. (Deed Book/Page numbers OR Subdivision Name, Lot and Plat Cabinet/Slides)
12. Submit proposed street names for approval to the GIS Coordinator.
13. Existing topographical information needs to be provided. The plan needs to show approximate contours, grade elevations and existing ditches
14. A Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners.
15. That as a continuing condition of this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.
16. If the Commissioners determine that the continuation of the proposed streets to another property is appropriate for this subdivision; street connectivity shall be provided at the west by extending the right of way to those points on the exterior property lines.

DISCUSSION

Mr. Mizelle pointed out that the cul de sac on the west side of the property has an alley for the street to be extended. He also spoke about tweaking the lot lines to meet the open space requirement.

Mr. Kovacs asked about the total lots and the parcels in this proposal.

Mr. Mizelle described the soils and the three parcels that were combined in order to obtain 15 lots.

Mr. Kovacs wanted the audience to be clear as to why the parcels were combined and how the number of lots were determined.

Mr. Kovacs motioned to approve the request per staff recommendations including the condition of interconnectivity and Mane Street and Jacquelyn Court be extended to the property line. Ms. Turner seconded the motion. Motion passed unanimously.

NEW BUSINESS

PB 05-38 BRIGHT MINE: Special Use Permit for a 29 acre mine on property located on the east side of Marsh Causeway adjacent to the Virginia border. Tax Map 55, Lots 1, 2, and 3 Fruitville – Knotts Island Township.

Mr. Bobby Outen appeared before the board.

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

LOCATION: East side of Marsh Causeway adjacent to the Virginia State border; Fruitville - Knotts Island Township

ZONING DISTRICT: Agricultural (A)

TAX ID: Map 55 Parcels 1, 2 and 3

OWNER/MINE MANAGER:	APPLICANT
Bonney G. Bright	Bissell Professional
Group	
5513 Buzzard Neck Road	PO Box 1068
Virginia Beach, VA 23457	Kitty Hawk, NC
27949	

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Farmland/ Virginia state line
SOUTH:	Farmland & Woodland / Agricultural
EAST:	Wetlands & Woodland / Agricultural
WEST:	Campgrounds, Residential & Farmland/ Residential-Recreational & Agricultural

PURPOSE OF REQUEST:

The applicant is requesting a approval for sand mining operations which is a permitted use within an Agricultural zoning district with a Special Use Permit. The request is to mine 28.9 acres on parcels having a combined acreage of approximately 102 acres which amounts to 28.4% of the 30% maximum area allowed.

Property is located on the east side of Marsh Causeway, adjacent to the Virginia state line and approximately 2,000' away from the existing Bonney Bright Sand Mine in Virginia. The approximate distances from the pit to the brackish waters of North Landing River and Back Bay is 2,000' and 3,000'. Typical land surface is relatively level with an existing elevation of approximately five feet above Mean Sea Level (MSL). The borrow pit is planned to have a maximum depth of 25' with an average depth of 20'. This equates to an average depth of -15' below MSL and a maximum of -20 MSL.

There will be a 30' wide haul road looping the mine area and connecting to Marsh Causeway (NC Route 615). The first 200' of the haul road will be paved from Marsh Causeway. A 6 foot high earthen berm will be constructed between the haul road and the site perimeter, with the exception of the land to the north which is owned by the mine manager. Adjacent to the berm are a recharge ditch and an undisturbed buffer ranging from 100' to 200' along Marsh Causeway and over 500' to the east.

The estimated truck traffic will average about 100 trucks per day or one truck every six minutes. For the occasional large jobs, it is anticipated that there will be as many as 200 trucks a day to the mine site with one truck leaving the site every three minutes.

The mine manager will bear the responsibility for maintenance of the haul road. The haul road will be kept watered down to keep the amount of dust down to a minimum and will re-grade the road periodically as needed.

The application states that the hours of operation are to be established by the Board of Commissioners. In no case shall the hours of operations be beyond dawn to dusk and no mining is permitted on Sunday.

To lower the water table as the mining progresses, a dewatering pump will be used. The water will be discharged into the recharge ditch located on the outside of the 6' high earthen berms. To allow the pumped water to infiltrate back into the surrounding subsurface water supply, the recharge ditch will be connected to the existing on-site farm ditches. Since there is no off-site discharge of water, a state discharge permit is not required nor has been issued.

An 8'x16' trailer will be placed on the site for use as an office. Dump trucks entering the mining area will be required to stop at the office trailer to receive load tickets and instructions upon entering and exiting the mining area. Speed limits will be posted along the access road to the mining area and will be strictly enforced. All trucks exiting the site with mined materials will be covered with a tarpaulin.

Four monitoring wells will be placed on the site to assist in evaluating the mining operations effect on groundwater quantity and quality. Two wells will be placed along the western portion of the site, one at the southern portion and one on the eastern side.

On February 13, 2006 the state issued a draft mining permit. The state is also requiring that monitoring wells be installed at the site to monitor the water and chloride levels.

The owner anticipates expanding the operations at a later date to a include washing and screening masonry sand plant. It should be noted that if this operation were to be sited at the mine, it will require a modified state mine permit and an amended Special Use Permit.

After reclamation, the site will be a recreational pond and final slopes will be 3 to 1 to the water level and then 2 to 1 from the water level to the bottom of the pit. The water will be approximately 25' deep. No sewage will be generated during the reclamation process.

EXISTING CONDITIONS:

The site currently contains farmland and woodlands. Approximately 4 acres of the site is contained in wetlands located along the northeastern property line. The mining operations will be located at least 130' away from the wetland area. A wetland delineation map was prepared for the site. County Soil Maps indicate predominately two types of soils contained within the mine site area: **To** (Tomotley fine sandy loam) which consists of poorly drained soils that have moderate to moderately slow permeability; and **OuB** (Ousley fine sand) which consists of moderately well drained soils which have a rapid permeability. County Flood Maps indicate this property to be within the 100 year floodplain.

QUESTION(S) BEFORE THE BOARD:

- (1) Does the proposal comply with the general standards found in Section 1402(2) for a *Special Use Permit*?

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

The proposed mining area for the site meets the required setbacks, (100' from property lines; 300' from nearest residence, industrial building, or public road). The proposed site has over a minimum setback of 100' setback from the western, northern and southern property lines. Setbacks to the mining activities along the boundaries range from a minimum of 100' to in excess of 250' with a 6' high earthen berm surrounding the mining operations. The nearest residences are located approximately 400' west of the proposed mine site, according to county Tax Maps and aerial photos.

(a) *Will the proposed use materially endanger the public health or safety?*

The applicant proposes to have up to 200 trucks per day at the site. The majority of the truck traffic will be traveling to the north into Virginia. NCDOT has determined that a left turn lane will be necessary since the majority of the truck traffic will be coming from Virginia. A 3' x 3' sign that says "Trucks Entering Highway" shall be posted 500' in advance of the mine entrance from both directions of March Causeway (NC 615).

In regard to the water quantity and quality, staff has concerns about possible saltwater intrusion due to the mining at this site in conjunction with the mining approximately 2,000' away in Virginia.

With respect to noise levels at the site, the County Noise Ordinance permits manufacturing or industrial operations to generate a maximum of 70dB when measured at the property line. According to the engineer, the noise levels from the operation of the discharge pump are not anticipated to exceed 70dB at any property line. The closest possible point that the discharge pump can be located to a property line is approximately 300 to 350 feet away at the mine's southwest corner. According to the manufacturer, the pump and diesel engine produce a maximum noise level 89 dB at a distance of 30'. The pump will be located in the pit area and it is anticipated that the noise levels will be dampened by the 6' high earthen berm located around the mine perimeter. The projected noise from the mine operation falls within the prescribed limits.

A hydrological study by Groundwater Management Associates, Inc. was performed in October 2005 to evaluate the impact that the mine might have on existing in-use wells within 2,000' of the mine site. There are two community water systems within this area which create the greatest water usage. One of the systems serves the Sandy Point Campground with 130 camp sites while the other system serves the Sandy Point Resort Mobile

Home Park with 50 mobile homes. These systems are served by wells 70' deep and one at a 100' depth. The report did not address any potential impact upon these systems. Within the 2,000' radius of the mine site it was determined that there appears to be ten individual water supply wells. Four of the wells, which service four mobile homes, are located adjacent to the mining area which may be at depths of 30' or 60'. Within 1,300' of the site is a well approximately 45' deep. The depths of the other five wells within 2,000' of the excavation area are unknown.

The hydrological study found that the mining activities may impact the quantity and quality of water available to supply wells in the area. To quantify the impact upon the surrounding wells, the study looked into the effects that the existing Bright Mine, located approximately 2,000' away in Virginia, has had on surrounding wells. The report states that with the available information and the scope of the study, it was difficult to accurately quantify the potential impacts. However, it was determined that the four wells located on the mine tract are at the greatest risk. A well of unknown depth located about 700' away from the excavation site may also be impacted. The conclusion of the study was that the dewatering will have an expected drawdown of approximately 23'. The dewatering will affect groundwater levels and groundwater flow paths. Mr. Bright has indicated that he will provide these residences with new wells providing equal quality and quantity of water as necessary.

To mitigate the potential impact on the water quantity and quality, the hydrological report suggests using ditch systems to recharge the groundwater and the use of monitoring wells. Four monitoring wells are proposed to be installed at the site. Prior to, and during the construction, the water levels at the monitoring well should be recorded weekly. An on-site recharge ditch system will be installed in conjunction with the mining activities. The recharge system will connect to the existing farm ditch system and no discharge water will be leaving the site. The recharge of water pumped from the mine site to surface ditches will lessen the impact to the groundwater flow system.

Access to the site will be limited by a 6' gate placed at the mine entrance. "No Trespassing" signs will be posted at a minimum distance of 250' apart around the site to indicate a mining operation is being conducted on the property.

There will be no bulk waste, hazardous waste, commercial waste, garbage, and construction or demolition waste placed on the site.

The Board of Commissioners shall establish the hours of operation for all mining activities on the site and may require additional buffers and screens in order to minimize negative impacts on adjoining properties and street right-of-ways. Staff recommends that the hours of operation be

from dawn until dusk with no operations beginning earlier than 7 am nor later than 7 pm Monday through Saturday.

It does not appear that the proposed use will materially impact the public health and safety.

- (b) *Will the proposed use substantially injure the value of adjoining or abutting property?*

The adjacent property is farmland and wetlands. Staff does not anticipate the mining operation to injure the value of the adjoining property.

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

The property is surrounded by farmland, campgrounds, wetlands and a mine located in Virginia. Staff's opinion is that the mine operation would be in harmony with the agricultural area.

- (d) *Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?*

The 1990 Land Use Plan classifies this land as "Rural". The purpose of the rural classification is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Areas meeting the intent of this classification are appropriate for, or presently used for, agriculture, forestry, mineral extraction, and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Therefore this proposal is consistent with 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?*

Based on the proposed mining use, it will not exceed the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION:

Staff recommends **approval** with the following conditions:

1. The following corrections shall be made to the site plan and be submitted to the Planning Department prior to March 20th to be scheduled for the April 3, 2006, BOC meeting:
 - a. Show the location of the on-site elevation benchmark
2. If at any time the State permit issued for this mining operation is suspended or revoked, the suspension or revocation shall cause this Special Use Permit to become void;
3. Any modifications to the State permits shall be filed within 10 working days of issuance or submittal in the Planning/inspections Department of Currituck County;
4. This Special Use Permit shall be valid for a period of 10 years from the date it is granted;
5. That no more than 28.9 acres (28.4%) of the total tract shall be excavated for the purposes of mining under this permit;
6. The maximum mining depth shall be 30' below natural ground or an elevation of -26 below MSL;
7. That 3' x 3' warning signs noting "Truck Entering Highway" be posted on Marsh Causeway (NC 615) 500' in advance of the entrance in both directions;
8. That a left turn lane meeting NCDOT design and construction standards shall be installed on Marsh Causeway (NC 615);
9. A benchmark shall be set proximate to the mining area to establish the elevation of the natural ground. The benchmark location shall be shown on the mining site plan;
10. No encroachment into natural drainageways and channels shall be allowed;
11. No off-site discharging of water or sediment from the mine site is allowed under this permit;
12. A minimum of once every six months, there shall be maintenance performed on the recharge/sediment ditch;
13. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation;
14. All trucks and equipment used in conjunction with the mine shall be stored, within the mine site and not the adjacent farmland. The on-site storage of commercial dump trucks shall not be permitted.
15. The hours of operation of all mining related activities on this site, as determined by the Currituck County Board of Commissioners, shall be

- Monday through Friday from _____ a.m. to _____ p.m., Saturday from _____ a.m. to _____ p.m. and no mining activity shall occur on Sunday.
- Staff recommends that the hours of operation be from dawn until dusk with no operations beginning earlier than 7 am nor later than 7 pm Monday through Saturday;
16. The proposed mine entrance shall be gated;
 17. At least 200' of continuous pavement shall be required onsite starting at the point the access road intersects with a public street and shall be completed prior to the excavation of any fill material;
 18. All roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained in order to minimize potholes and standing water;
 19. All trucks hauling mined materials shall be covered with a tarpaulin;
 20. Mined materials shall not be stored in excess of 25' in height;
 21. Stockpile areas and overburden (ie: excess material) to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion;
 22. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site;
 23. "No Trespassing" signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property;
 24. Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning/Inspections Department of Currituck County within 10 days of being filed with the State;
 25. All provisions of State and local permits issued for the operation shall be met;
 26. No mining activities shall adversely affect surrounding in use wells. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply or equal quantity and quality;
 27. A minimum of four monitoring wells shall be located on the site. During the installation of the wells, the stratigraphy of the subsurface at each well shall be accurately logged by a qualified geologist. At all monitoring well locations, separate wells shall be screened at shallow and deep depths, both above and below any clay layers identified;

28. The wells shall be secured against unauthorized entry with a lockable cap. The necessary permits or approvals to construct these wells shall be obtained from the N.C. Division of Water Quality;
29. The owner/operator shall establish a benchmark for the water quality and quantity as it exists prior to the mining operation and establish a monthly monitoring program during the excavation activity. The wells shall be monitored at least 90 days prior to initiating any excavation of the initial pit area or recharge swale to allow for the determination of pre-existing (static) groundwater levels. Copies of the monitoring reports shall be submitted monthly to the Planning Department;
30. Water levels in all monitoring wells shall be measured and recorded weekly for the first 90 days prior to any dewatering activities at the site and weekly for the following 90 days upon initiation of dewatering activities. Following this initial period, the wells shall be measured monthly on the same day and approximate time of day. The static water levels shall be measured with an accuracy of plus or minus 0.1 foot and shall be referenced to a datum point and a record of the water levels maintained. The monthly precipitation and the volume of pit water discharge shall also be recorded. Copies of these records shall be provided to the State and the County Planning Department on or about the end of each quarter. Static water level monitoring frequency may be increased or decreased as deemed appropriate by the Department.
31. An initial chloride sample shall be collected, analyzed, and recorded from each monitoring well prior to dewatering activities to create base line data level for the site. Furthermore, chloride samples shall be collected, analyzed, and recorded on a monthly basis from all monitoring wells and from the 12-inch discharge pipe prior to the water entering the outlet apron. As noted above, monthly pumping withdrawals and rainfall amounts shall be measured and recorded at the site and reported to the Land Quality Section, along with the required monitoring well water level data and chloride data, on a quarterly basis.
32. A reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future lake use of the property. At a minimum, the estimated capital expense shall be an amount equal to \$1,000 times the number of acres in the total site. The reserve fund shall include an assumed inflationary rate of 5% per year for the expected life of the mining site. Any funds held by the State of North Carolina pursuant to G.S. 74-54 will be credited towards the required amount.
33. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open.

a. The annual amount shall be calculated as follows:

102 acres x \$1,000 = \$102,000 - \$52,100 State Bond= \$49,900
 \$49,900/10 years = \$4,990;

Year + 5% Inflationary Rate:

Year 1	\$4,990.00
Year 2	\$5,239.50
Year 3	\$5,501.48
Year 4	\$5,776.55
Year 5	\$6,065.38
Year 6	\$6,368.64
Year 7	\$6,687.08
Year 8	\$7,021.43
Year 9	\$7,372.50
Year 10	\$7,741.13

34. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement. In the event the mining operation permanently discontinues before the expected timetable submitted, the owner shall pay all remaining amounts to the reserve fund as evidenced by a notarized statement to the administrator;
35. The reclamation shall be in accordance with the state approved reclamation plan; and
36. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.
- 37.

DISCUSSION

Mr. Outten stated that the State permits are in hand. The area is zoned for this purpose, and it complies with the Land Use Plan, so the board should have no reason to deny the request.

Mr. Outten also stated that they were in agreement with all the conditions except two. The conditions that were objectionable were #14, and #27. He said that the operator needs to store his trucks on his property at the end of the day.

Ms. Keifer stated that there were no objections to the mines' trucks being there in the evening, the condition was meant more for other businesses commercial vehicles.

Ms. Keifer clarified #27 the condition came as a result of the hydrological report.

Barbara Humphries 115 Martin Lane stated her opposition to the proposed mine site. Ms Humphries wishes for the County to withhold the permit until the mine is closed on the Virginia side of the site. She also stated her concern with the impact on traffic in the area.

John Purnell, adjoining property owner brought a deed from 1904 showing a right of way to his property through the proposed mine site and stated his opposition to the project. He owns 95 + 9.6 acres in this area and owns the property with the deeded access. He also presented the Board an Army Corp. of Engineers map showing the right of way in 1916.

Roy Donathan, Jr. adjoining property owner, spoke about the traffic in the area since he bought his property in 2001. His concern is with his well, the wetlands, and the property values in the area.

Deborah Donathan spoke in opposition to the project and stated that the mine was not a 'good neighbor'.

Mr. Outten stated that the conditions are the mechanism the board should use to protect the public and should monitor the site and revoke the permit if it fails to comply. These conditions are stringent; and water quality is monitored by DWQ.

Mr. Bissell said that the state permit indicates the conditions made by Division of Water Quality. He described the test/monitoring wells. They test water quality and quantity and they are tested as required by DWQ. There is no salt water intrusion on the Virginia side of the mining operation after 15 years of operation.

Mr. Outten stated that he did not personally do the title work for this property so he is not sure where this easement is coming from that Mr. Purnell described. Mr. Bright said that his own attorney indicates that there is no easement. This is not an issue for the Planning Board to decide, Mr. Purnell would have to try this issue in a court of law.

Mr. Keel asked who is required to monitor the wells.

Mr. Webb stated that the applicant would have to submit reports to DWQ.

Mr. Outten said that there cannot be any water removed for 90 days so as to have an accurate comparison.

Mr. Kovacs asked what the size of the mine is in Virginia.

Mr. Bissell said he thinks its about twice the size of the mine that is proposed.

Mr. Outten said that DWQ looks at water quality in the entire area, not just on the NC side.

Mr. Kovacs stated that he assumes that the mine in VA is twice the size with no issues, he would assume this one would have no water problems as well.

Mr. Bissell and Mr. Outten agreed.

Mr. West asked about the mine restrictions in VA.

Mr. Bissell stated that they are less stringent, he doesn't know about the permitting processes.

Mr. Keel motioned to approve the request with item #14 removed and make the county monitoring consistent with State requirements.. Mr. West seconded the motion. Motion passed unanimously.

The applicants are requesting that this item go to the second Commissioners meeting in May because of a scheduling conflict.

PB 06-06 KIOUSIS: Rezone 3.66 acres from Residential to General Business on property located on Holly Lane, Tax Map 132, Lot 106B, Poplar Branch Township.

Mr. Keel motioned to table the item due to lack of representation. Ms. Turner seconded the motion. Motion passed unanimously.

PB 03-39 NEW COLONY LANDING: Final Plat for 19 residential lots located at the corner of Tulls Creek Rd. and Copeland Dr. Tax Map 39, Lot 16, Moyock Township.

Eddie Hyman appeared before the board.

Ms. Keifer presented the following case analysis.

LOCATION: At the intersection of Tulls Creek Road (SR 1222) and Copeland Drive (SR 1267), Crawford Township.

TAX ID: 0039-000-016G-0000 & 0039-000-016H-0000

ZONING DISTRICT: Residential

OWNER:
Nolton Hill
805 Puddin Ridge Road
Moyock, NC 27958

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Vacant- zoned R

SOUTH: Residential & Farmland - zoned R

EAST: Residential & Farmland - zoned R
WEST: Residential & Farmland - zoned R

NARRATIVE OF REQUEST:

Nolton Hill is seeking Final Plat approval for 19 single family lots. The total acreage of the entire development is approximately 20.14 acres.

This property is zoned Residential. Since the subdivision consists of less than 20 lots, no open space is required or provided. Lots within this development range from 40,000 sq. ft. to 54,458 sq. ft.

The subdivision has two points of entry, one from Tulls Creek Road the other from Copeland Road. Individual septic systems will be installed as each residence is constructed. The developer has installed a waterline and fire hydrants.

The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on January 5, 2004 for 19 lots. A Preliminary Plat for 18 lots was approved by the Board of Commissioners on October 18, 2004 with the condition that 19 lots were approved if the developer and Mr. Springle could reach an agreement concerning the stormwater concerns on lot #8. An agreement was signed on April 11, 2005 by Nolton Hill, William Earl Springle and Gil Falasco, County Engineer on the drainage system. Based on this April 11, 2005 agreement, on February 6, 2006 staff gave administrative approval for a 19 lot Amended Preliminary Plat that conformed to the original 19 lot Sketch Plan.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The street is built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated to NCDOT for maintenance. A DOT pavement acceptance letter was issued February 6, 2006 by District Engineer Gretchen Byrum. An application can be made for acceptance as a state route after Final Plat approval.

WATER: This development is served by County water. The NC Division of Environmental Health issued a final approval of the waterlines on January 23, 2006. The water tap fees of \$57,000.00 were paid February 27, 2006 and the Water Department has given final approval.

FIRE: This development is located within the Moyock Volunteer Fire Department which currently has a State ISO rating of 9.

WASTEWATER: Individual on-site septic systems are proposed. The lots have been tested and were classified as unsuitable for conventional ground absorption wastewater systems by Albemarle Regional Health on April 22, 2004. The lots may be reclassified from unsuitable to provisionally suitable if two lots incorporate a mound type disposal system and a low pressure pipe system (LPP) is used on the remaining lots.

SOILS: The soils are classified as un-suitable and marginally suitable according to the Currituck County soil suitability map.

SCHOOL CAPACITIES: Based pupil generation figures, Currituck can expect seven elementary students, one junior high student, and three high school students from this development.

These students are included in the current school population allocations issued January, 2006 based on the 19 lots approved at Sketch Plan.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Drainage is provided by roadside and lot line swales and a retention basin which tie into existing ditches.

FLOOD ZONES: A majority of the property is located within the 100 year floodplain (flood zone AE) with a base flood elevation of 5 feet with the remaining portion being located in the Shaded X zone, out of the regulated flood zone.

LAND USE PLAN: The 1990 Land Use Plan classifies this site as Rural with Services. This class calls for low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape. Proposed density for the total 19 lot subdivision is approximately 0.9 units per gross acre and therefore the development is consistent with the Land Use Plan.

STAFF RECOMMENDATION:

Staff recommends **Conditional Approval** with the following reasons and with the following conditions:

1. The plan was submitted for review and final inspection to the following:
 - (a) County Engineer - reviewed & approved
 - (b) Soil & Water Conservation - reviewed & approved
 - (c) Fire Marshal – reviewed & approved
 - (d) County Water Department - reviewed & approved
2. All other review agencies approved the plans at the Preliminary Plat stage.
3. The developer has submitted a performance bond in the amount of \$1,097.21 for the installation of street trees in accordance with Section 513 of the UDO.

Conditions

1. For note #8, add the flood note required by UDO Section 1606: “Use of land within a floodway or floodplain is substantially restricted by Article 16 of the Currituck County Unified Development Ordinance”
2. Add a note to the plat relating to the amount of lot coverage required by the state storm water permit that states:

No more than **10,000 SF** of any lot shall be covered by impervious structures and materials, including asphalt, gravel, concrete, brick stone, slate, or similar material, not including wood decking or the water surface of swimming pools. This covenant is intended to ensure compliance with the Stormwater Permit SW7040319 issued by the State of North Carolina. The covenant may not be changed or deleted without the consent of the State. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any person.

3. Correct the Certificate of Approval for the Chairman. The correct note is found in Appendix 9-A:

I hereby certify that all streets shown on this plat are within Currituck County, all streets and other improvements shown on this plat have been installed or completed and that the subdivision shown on this plat is in all respects in compliance with the Currituck County Unified Development and, therefore, this plat has been approved by the Currituck County Planning Board and signed by the Chairman, Board of Commissioners, subject to its being recorded in the Currituck County Registry within ninety (90) days of the date below.

4. Add the open space note to the plat found in Appendix 9-A:

"Open space, ponds, and drainage facilities required to be provided by the developer in accordance with this Ordinance shall not be dedicated to the public except upon written acceptance by the County, but shall remain under the ownership and control of the developer (or his successor) or a Homeowners

Association or similar organization that satisfies the criteria established in the Currituck County Unified Development Ordinance".

5. Please correct the names and add additional signatures to the notary and sign-offs. The property owners are: Nolton R. Hill III, Patricia A. Hill, and William H. Spruill.
6. Add a plat note stating who the responsible party is for the stormwater maintenance.
7. Correct the reference to the Inge North Minor Subdivision, it should be PC H; Sld 125 (The exempt subdivision is H/126.)
8. For Note #7 – add “unless otherwise noted.” This is because of the additional easements shown between some of the lots.
9. Show a 30’ front and rear setback for all lots (per Restrictive Covenants)
10. The “Protective Covenants” shall be revised as follows:
 - (a) Add the requirements found in the NC Division of Water Quality Stormwater Management Permit (SW7040319) condition number 12 to the covenants.
 - (b) Add the requirements found in the stormwater agreement between County Engineer Gil Falasco, Nolton Hill and William Earl Springle dated April 11, 2005.
 - (c) Indicate the responsible party for stormwater maintenance if a homeowners association is not to be formed.
11. Monumentation:
 - (a) Staff suggests having an additional tie point. NCDOT is doing road widening and repaving where the tie is. It might be destroyed during the road work.
 - (b) Indicate the location of the “Hydrant” elevation benchmark and the elevation data found on it.
 - (c) You are not showing the existing PINs from the Inge North Subdivision. These need to be shown with the dimensions to the PINs to be set.
 - (d) You are showing PINs to the set which should have already been set:
 - (1) The cemetery (along L1; L2 & L3)
 - (2) At the SW corner – your control point
 - (3) At the Holsen/Gilbreath property corner

(4) At the Gilbreath/Springle property corner

12. Since the street trees will be put in at a later date– staff suggests putting in a street tree easement for the future installation of the required trees. The trees are to be set 50’ off the centerline of the road – which equates to 2.5’ behind the front building setback line. The easement can have a note that states:

“Temporary streetscape easement to be terminated upon installation of required streetscape trees as determined by the Currituck County Planning Department.”

13. On the Drainage As-Built, no information was given for the new pipes installed at the Springle property line.
14. Submit a street maintenance bond for the total amount of \$13,500.00 until the streets are accepted into the NC DOT system. Staff calculates the required street bond amount to be \$13,500.00, based on 1800 linear feet of road and a total construction cost of \$50.00 per foot. Section 914(3) of the UDO requires “A Maintenance Guarantee of fifteen percent of the construction cost is required to cover maintenance expenses until the streets are accepted by NCDOT.” A bond of \$3105.00 was submitted January 26, 2006. The balance due for the street maintenance bond is **\$10,395.**
15. As a continuing condition of Final Plat approval the development shall meet all the requirements of the Currituck Unified Development Ordinance.
16. Corrected copies of the Final Plat, As-Builts, Restrictive Covenants and bonds shall be submitted to the Planning Department for review and approval.
17. Upon staff approval of the corrections, the applicant shall submit 3 mylars, 1 8.5” x 11”, 10 prints and an electronic copy of the drainage as-builts. The mylars will be submitted to the Chairman of the Board of Commissioners for approval and signature. After the Chairman approves, the Final Plat can be recorded in the Currituck County Register of Deeds.

DISCUSSION

There was no discussion on this item.

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

PB 06-10 JARVIS LANDING: Sketch Plan/Special Use Permit for 14 Residential Lots on property located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd. Tax Map 11, Lot 74, Poplar Branch Township.

Shelley Meyer and Mark Bissell appeared before the board.

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

LOCATION: Located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd.

TAX ID: 0110-000-0074-0000

ZONING DISTRICT: Residential

OWNER:
Daniel Ken and Debora Griggs
PO Box 125
Point Harbor, NC 27964

APPLICANT/AGENT
Bissell Professional Group
PO Box 1068

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential and Sand Mine-	Zoned R and GB
SOUTH:	Residential and Vacant-	Zoned R
EAST:	Vacant Woodland and Fields	Zoned R
WEST:	Vacant and Residential	Zoned GB

NARRATIVE OF REQUEST:

Daniel Ken and Debora Griggs are proposing a 14 lot major subdivision. The property has access to Caratoke Highway and is just south of Albemarle Beach Estates in the Jarvisburg area. The site contains 15.3 acres, with 13 acres proposed to be in the lot areas.

The property is zoned Residential (R). The minimum lot size is 40,000 SF. The developer is proposing lots ranging from 40,000 SF to 47,865 SF. No open space is required or provided.

The development will have a road leading 300 feet between two existing 1 acre properties to access Caratoke Hwy (US 158). The sketch plan states the lots will be for residential purposes only.

Currently, the entrance to this property is 25 feet wide. A recombination plat will be needed to create the required 45 foot right of way.

This plan was reviewed at the February 9, 2006 TRC meeting and received conditional approval. The revised Sketch Plan submitted February 16, 2006 appears to address all of the UDO requirements except for the 45 foot wide right of way.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: This development will be served by county water.

FIRE: This development will be located within the Lower Currituck Volunteer Fire Department district. A fire hydrant will be required for the development.

WASTEWATER: On-site septic systems are proposed. The Currituck Soil Suitability Map indicates the soils are suitable for on-site septic systems.

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:
 5 elementary students (14 x .7764 x .4243)
 1 middle student; and (14 x .8673 x .084)
 2 high school student. (14 x .8673 x .1568)

Projected School Capacities

School Level	Projected Capacity for 2007/08	Total Projected Students- Previous Sketch Plans	Remaining Capacity with Jarvis Landing
K- 5	865 (Poplar Branch)	712	148
Middle	1,142	1,071	70
High	1,456	1,437	17

OPEN SPACE: None is required or provided.

DRAINAGE: Lot line swales will be installed and the building pads will be elevated above the 10-year storm design, as required by Article 16 of the UDO. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.

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

CAMA CLASS: The 1990 Land Use Plan classifies this site as Limited Transition. This class is intended for residential development with densities of three units per acre or

less. This development will have a density of approximately one unit per acre. This development is consistent with the Land Use Plan.

QUESTION(S) BEFORE THE BOARD:

1. ***Is the application complete?*** Based on staff review all required information has been submitted for review.
2. ***Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*** The proposal appears to comply with UDO requirements for Sketch Plan conditional approval.
3. ***Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?***
 - (a) ***Will not endanger the public health or safety.***

Public health and safety issues including fire protection, stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;
 - (c) ***Will not injure the value of adjoining or abutting property.***

The proposed residential subdivision should have no negative impact on adjoining property;
 - (d) ***Will be in harmony with the area in which it is located.***

This development will be in harmony with the surrounding area. The majority of the surrounding area is used for residential purposes or is vacant. To the north is Albemarle Beach Estates, a dense development that is platted with lots as small as 3,500 square feet.
 - (e) ***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 Limited Transition classification and with the Thoroughfare Plan;
 - (f) ***Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of***

lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.

From this development Currituck can expect:

- 5 elementary students
- 1 middle student; and
- 2 high school student.

Based upon the 2005 Currituck County Schools 10-year facilities plan, the needed school capacity will exist by the 2007/ 2008 school year. This development does not appear to exceed the county's ability to provide services within 2 years.

STAFF RECOMMENDATION:

Staff recommends **conditional approval** subject to the conditions below and the Board of Commissioners determination that adequate school facilities exist or will exist to meet the demands generated by this subdivision

17. That applicant shall be required to meet all requirements of the UDO including but not limited to installing fire hydrants and roads as shown on the plan.
18. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners.
19. According to Section 914 of the UDO if the Commissioners determine that the continuation of Jarvis Landing Drive to the Hornbrook property is appropriate for this subdivision, connectivity shall be provided by extending a right of way to the property line. Connection to this property would be more logical.
20. The cul-de-sacs should be reconfigured to eliminate unusable portions of lots 8 and 14.
21. A recombination plat shall be recorded giving the entrance a 45 foot right of way within a week of Planning Board approval, prior to the Board of Commissioners hearing.

DISCUSSION

Mr. Kovacs asked about extending of the cul de sac.

Mr. Webb indicated where the cul de sac would be extended.

Mr. Bissell said that the request was to take it to the north property line and that was not feasible. He said that extending to the west could potentially cost the development a lot and would like to have approval with connectivity to the south instead.

Mr. Midgete indicated that Case Landing Rd. is not a state road.

Mr. Etheridge indicated that this is not a state road.

Ms. Keifer said that the point of providing interconnectivity is so that if the adjoining property ever does develop in the future the connectivity will be there.

Mr. West asked if the cul de sac was left where it is, is there a house that would keep the connection to Case Landing Rd.

Mr. Webb pointed out on the aerial photograph where the cul de sac would be to the south and the west.

Mr. Ken Griggs, owner of the property, said that if he loses a lot, he'll have to increase the cost of the lots. He's trying to keep the cost down in order to make the prices more affordable.

Mr. Kovacs asked Mr. Griggs what type of housing he is proposing.

Mr. Griggs said he is the contractor and will be building the houses in the development and will not be putting in trailers.

Jim Lammers, adjoining property owner, said that he has no problem with this development and his only concern is that the lots stay the size they are shown to be in the design.

Mr. West motioned to approve the request as presented per the staff recommendations with the exception of the extension of the cul de sac. Mr. Etheridge seconded the motion. Motion passed unanimously.

ADJOURNMENT

With no further business to discuss, Mr. Riley motioned for adjournment. Ms. Turner seconded the motion and the motion passed unanimously. The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board