

CURRITUCK COUNTY PLANNING BOARD  
August 10, 2004

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 August 10, 2004. The following members were present: Bobby Bell, Horace Bell, William Etheridge, Eddie Hawley, Alvin Keel, Forrest Midgette, Pat Riley, and Arthur Winter. Absent: Lloyd Parker. Gary Ferguson, Planning Director, and Cheryl Eggar, Planner, were also present.

Horace Bell called the meeting to order, announced a quorum had been met, and lead the Pledge of Allegiance. None of the members disqualified themselves from voting on any of the items on the agenda.

**APPROVAL OF AGENDA**

Agenda was approved with the correction of deleting lot 1C from Old Oak Estates agenda item.

**APPROVAL OF JULY 13, 2004 MINUTES**

Mr. Keel motioned to approve the July 13, 2004 minutes as presented. Mr. Riley seconded the motion and the motion passed unanimously.

**PB 88-66 VILLAGES AT OCEAN HILL, PHASE 5: PRELIMINARY PLAT OF 26 LOTS LOCATED IN COROLLA OFF LAKESIDE DRIVE, POPLAR BRANCH TOWNSHIP.**

David Ryan appeared before the board.

Ms. Eggar presented the following case analysis to the board:

**LOCATION:** In Corolla off Lakeside Drive, Poplar Branch Outer Banks Township.  
**TAX ID:** 0114-000-003J-0000  
**ZONING DISTRICT:** Residential

**OWNER:**  
Ocean Castle Development  
PO Box 2225  
Kitty Hawk, NC 27949

**APPLICANT/AGENT**  
Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

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

**NORTH:** Wetlands - zoned RO1  
**SOUTH:** Wastewater Treatment Plant - zoned RO1/PUD  
**EAST:** Residential Villages at Ocean Hill Phase 1 - zoned RO1/PUD  
**WEST:** Wetlands - zoned RO1

**NARRATIVE OF REQUEST:**

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

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

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

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

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

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

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

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

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

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

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

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

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

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

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

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

**CAMA CLASS:** The 1990 Land Use Plan this property is designated Limited Transition. The purpose of the Limited Transition class is “to provide for development in areas that will have some

services, but are suitable for lower densities than those associated with the urban transition class. This class is intended for residential developments with densities of three units per acre or less, or the majority of the lots are 15,000 sf or larger. The proposed density for this 27 lot phase is approximately 3.8 units per net acre or 1.7 per gross acre. The residential density for the whole PUD is 1.75 units per gross acre and therefore the development is consistent with the Land Use Plan.

### **STAFF COMMENTS:**

- To determine the minimum lot sizes and widths allowed within the phase, the approved sketch plans were reviewed. The sketch plan approved in 1989 showed the single family lots in the area of Phase 5 to be 70'-75' wide x 125' deep or a minimum lot size of approximately 8,750 sf. The amended sketch plan approved in February 1992 shows the lots to be 60'-65' wide x 140' deep. From this research, it appears that the minimum lot size permitted in this phase is approximately 8,400 sf.
- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. Several of the proposed lots do not meet the minimum lot width standard with a number of these lots being only 44.5' wide.
  2. Lots 4, 5 and 26 do not meet the minimum lot size requirement in addition Lot 26 has only 28% of the lot area in uplands.
  3. The grading and drainage plan lacked topographic information, grades, inverts, flow arrows, pad elevations, and minimum first floor elevations.
  4. The Fire Marshall and Fire Chief are requesting a minimum 58' radius for the cul-de-sacs with a radius of 53' for the pavement.
  5. The landscape plan does not meet the tree setback requirements found in Article 5.
- In response to concerns expressed by the TRC, the Preliminary Plat has been revised to reflect the following items:
  - The grading and drainage plan reflected the requested information and was approved by the County Engineer and the Soil & Water Conservation office.
- On the revised site plan there were no changes made to the lots to bring them into compliance with the required minimum lot widths and sizes;
- The cul-de-sacs were not increased to a minimum radius of 58';
- Developer will be required to install all of the necessary waterlines, water services, sanitary sewer, and required fire hydrants. This system will connect to the Southern Outer Banks Water System.

- Developer will be required to plant trees along both sides of the newly created street constructed in accordance with the public street standards as required in Section 513 of the UDO.
- The project has obtained the following approvals and permits:
  - NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; issued letter of approval.
  - The U.S. Army Corp of Engineers issued a General Permit to allow 0.097 acres of fill for the road crossings.
  - NCDEHNR, Water Quality – reviewed and approved the 401 Water Quality Certification with Additional Conditions to allow 0.20 acres
  - NCDEHNR, Water Quality – reviewed and approved a Low Density Stormwater Permit.
  - NCDEHNR, Water Quality – reviewed and approved a permit for the Wastewater Collection System Extension.
  - Enviro-Tech of North Carolina issued the applicant a sewage commitment letter.
  - NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines.
  - The county issued a water availability letter for the Southern Outer Banks Water System.
- This case was presented to the Planning Board on July 13, 2004. At that time staff recommended denial on the basis that this application does not meet the technical requirements for Preliminary Plat approval. At the meeting the Board voted to table the final vote until the applicant could address staff concerns with minimum lot sizes and minimum lot widths.
  - Since the Planning Board meeting, a revised Preliminary Plat has been submitted for review. Lots 1-5, 10 and 16 meet the minimum lot width requirement. Lots 4 & 5 now meet the minimum lot size requirements. The cul-de-sacs have been enlarged to a 58' radius.
  - Lot 26 has been removed from this phase due to wetland issues that need to be resolved and will go to Final Plat as Phase 5A.

**STAFF RECOMMENDATION:**

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

1. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.

2. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
3. That drainage improvements shall be installed and certified prior to submission for final plat approval.
4. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.
5. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions, a current copy of which will be filed in the office of the Planning and Inspections Department.

## **DISCUSSION**

Mr. Ryan said he had addressed all the issues presented at the last meeting.

## **PLANNING BOARD RECOMMENDATION**

Mr. Keel motioned to recommend approval of this request subject to the following conditions:

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

Mr. Winter seconded the motion and the motion passed unanimously.

**PB 04-51 RONDA WILLIAMS: REZONE .23 ACRES FROM AGRICULTURAL (A) TO GENERAL BUSINESS (GB) ON PROPERTY LOCATED IN POWELLS POINT AT 8294 CARATOKE HIGHWAY, TAX MAP 124, LOT 51, POPLAR BRANCH TOWNSHIP. BOC DIRECTED THAT THIS ITEM BE RE-HEARD WITH "GB" DESIGNATION.**

Ronda Williams appeared before the board.

Mr. Ferguson presented the following case analysis to the board.

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

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

**APPLICANT:** Ronda Williams

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

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

**SURROUNDING**

<b>ZONING/LAND USE:</b>	NORTH: Agricultural/Farmland & residential
	SOUTH: Agricultural, General Business/Farmland, residential & mining
	EAST: General Business/Developing business park, warehouses, retail and residential
	WEST: Agricultural/Farmland & woodland

**EXISTING LAND USE:** Single Family Home

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

**LAND USE PLAN:** The 1990 Land Use Plan this property is designated Limited Transition. The purpose of the Limited Transition class is "to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the

urban transition class. This class is also intended for nonresidential areas along major transportation routes. In addition, the Land Use Plan notes that "Along 158/168 it is not intended that the urban transition area be used as strip commercial development. This rezoning is consistent with the Land Use designation.

**PUBLIC SERVICES AND UTILITIES:**

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

**TRANSPORTATION:**

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

**FLOOD ZONE:**

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

**SOILS:**

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

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**STAFF COMMENTS:**

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

**STAFF**

**RECOMMENDATION:** Although the proposed rezoning would be consistent with the Land Use Plan, this property is only 10,000 sf in size and is not contiguous with the General

Business district. Staff recommends denial of this application on the basis of spot zoning

**PLANNING BOARD**

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

**DISCUSSION**

Mr. Ferguson explained that the Board of Commissioners directed that this item be re-heard as a General Business rezoning request.

Mr. Etheridge asked what type of business could be placed in the GB zoning district.

Mr. Ferguson said that all GB uses allowed in the Table of Permissible Uses would be allowed; however, this could still be considered as spot zoning.

Ms. Williams said that this should not be considered as spot zoning as the lot across the highway is zoned GB.

**PLANNING BOARD RECOMMENDATION**

Mr. Etheridge recommended denial of this request as presented. Mr. Keel seconded the motion and the motion passed unanimously.

**PB 04-52: AMENDMENT TO ARTICLE 17 OF THE UDO TO ALLOW TWO SEASONAL ON-PREMISE SIGNS FOR A FARM MARKET NOT TO EXCEED MORE THAN 250 SF TOTAL AND NOT TO BE PUT UP MORE THAN 30 DAYS PRIOR TO OPENING AND TO BE TAKEN DOWN OR COVERED NO LONGER THAN 30 DAYS AFTER CLOSING.**

Eddie Jo Powell appeared before the board.

Mr. Ferguson presented the following memo to the board:

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: July 28, 2004

SUBJECT: PB 04-52 Proposed Ordinance Amendment for Seasonal Farm Market Signs

A text amendment has been requested to allow seasonal farm markets, not located in the Outer Banks Overlay District, to erect two additional freestanding on-premise signs. The proposed amendment is to allow an additional 250 square feet of advertising area for seasonal signage. Under the proposal, the seasonal signs could be anchored in the ground and would not be considered a temporary sign according to the UDO.

Currently, The UDO allows farm markets to erect one freestanding sign (up to 250 square feet of advertising area) per street front for frontages up to 500'; and, three signs (up to 750 square feet of advertising area) for frontages greater than 500'. In addition, farm markets on the mainland are allowed to erect two temporary signs, not anchored into the ground, up to 40 square feet for both signs and a height of 10 feet. Also, the UDO allows farm markets to erect an UNLIMITED number of off-premises seasonal signs advertising the market where no one sign may exceed 32 square feet in surface area. The unlimited number of off-premises signs may not be erected more than thirty (30) days before the seasonal opening of the market and shall be removed not later than thirty (30) days after the market closes for the season.

The planning staff is concerned with the potential impacts the proposed amendment could create if adopted.

- The UDO currently allows farm markets to erect more signs than any other business by permitting an unlimited number of off-premise seasonal signs. No other type of business can erect an unlimited number of off-premise seasonal signs without renting billboards.
- The UDO currently allows an increased number of signs where lot frontages are greater than 500 feet and signs can be appropriately spaced for safety.
- The increased number of signs in concentrated areas tends to distract the motor vehicle drivers and could create unsafe situations.

The planning staff recommends denial of the request based on the potential impacts listed above.

Mr. Ferguson presented the following case analysis to the board.

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

Part 1. That the following sections be amended:

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

1. On-premise signs where one or more businesses are on one or more lots, excluding shopping centers, shall be subject to the standards listed below. **(Amended 4/17/00, 12/3/01)**
  - (a) freestanding on-premise signs
    1. number of signs: one (1) per street front for frontages up to 500'. If greater than 500', a maximum of three (3) signs shall be allowed. When two or more on-premise signs are

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

Part 2. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Chairman, Board of Commissioners

## DISCUSSION

Ms. Powell said the signs have been at the location for 21 years and 10 years with no problem. They would like to keep the signs that are in place.

Mr. Hawley explained that the ordinance would cover the entire county. He asked the size of the signs.

Ms. Powell said the signs are 60 sf.

Mr. Ferguson asked if sign permits were obtained for the two signs in questions.

Ms. Powell said no.

Mr. Hawley asked how many signs were at the locations now.

Ms. Powell said there were probably 25 signs in one market and more than that at the other location.

**PLANNING BOARD RECOMMENDATION**

Mr. Riley recommended denial of this request. Mr. Winter seconded the motion. Motion passed unanimously.

**PB 04-49 IDA COOPER: REZONE 7.38 ACRES FROM RA (MIXED RESIDENTIAL) TO GENERAL BUSINESS (GB) ON PROPERTY LOCATED IN BARCO ON THE WEST SIDE OF CARATOKE HIGHWAY APPROXIMATELY 1000' NORTH OF THE INTERSECTION WITH BARCO ROAD, TAX MAP 60, LOT 36A, CRAWFORD TOWNSHIP.**

Ida Cooper appeared before the board.

Ms. Eggar presented the following case analysis to the board:

**LOCATION:** This site is located in Barco along the western side of Caratoke Highway (NC 158) approximately 1,000' north of the intersection with Barco Road; Crawford Township

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

**PROPERTY OWNER:** Ida Humphrey Cooper

**APPLICANT:** Ida Humphrey Cooper

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

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

**SURROUNDING**

**ZONING/LAND USE:** NORTH: Mixed Residential/Residential

SOUTH: Mixed Residential& General  
Business/Residential  
EAST: Residential/Farmland & residential  
WEST: Mixed Residential/Farmland

**EXISTING LAND USE:** Farmland

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

**LAND USE PLAN:** The 1990 Land Use Plan this property is designated Rural with Services. The purpose of the Rural with Services class is to provide for low density land uses, including residential, where limited water services are provided. Development within this class should be low intensity to maintain a rural character. This rezoning is consistent with the Rural with Services classification.

**PUBLIC SERVICES AND UTILITIES:** Crawford Volunteer Fire Department provides fire protection for this area. County water, electric, telephone and cable are currently available at this location.

**TRANSPORTATION:** Property has direct access onto Caratoke Highway (US 168) classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan.

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

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

**STAFF COMMENTS:**

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

**STAFF**

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

**PLANNING BOARD RECOMMENDATION**

Mr. Midgett recommended approval of this request as presented. Mr. Riley seconded the motion. Motion passed unanimously.

**PB 04-55 GLADYS TAYLOR: REZONE .607 OF AN ACRE FROM RA (MIXED RESIDENTIAL) TO GENERAL BUSINESS (GB) ON PROPERTY LOCATED IN MAPLE ON THE EAST SIDE OF CARATOKE HIGHWAY APPROXIMATELY 450' SOUTH OF INTERSECTION WITH MAPLE ROAD, TAX MAP 59, LOT 73, CRAWFORD TOWNSHIP.**

A.D. Taylor appeared before the board.

Ms. Eggar presented the following case analysis to the board:

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

**TAX ID:** TM 59 Parcel 73

**PROPERTY OWNER:** Gladys M. Taylor

**APPLICANT:** Gladys M. Taylor

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

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

**SURROUNDING**

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

**EXISTING LAND USE:** Farmland

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

**LAND USE PLAN:** The 1990 Land Use Plan this property is designated Rural with Services. The purpose of the Rural with Services class is to provide for low density land uses, including residential, where limited water services are provided. Development within this class should be low intensity to maintain a rural character. This rezoning is consistent with the Rural with Services classification.

**PUBLIC SERVICES AND UTILITIES:**

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

**TRANSPORTATION:** Property has direct access onto Caratoke Highway (US 168) classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan.

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

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

**STAFF COMMENTS:**

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

**STAFF**

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

**DISCUSSION**

Mr. Taylor said they wanted to put a billboard on the property for added income.

Larry Perry, adjoining property owner, objected to the billboard because of aesthetics.

Wayne Taylor, adjoining property owner, objected to the billboard because of aesthetics.

A.D. Taylor said that he did not think a billboard would detract from the aesthetics of the adjoining properties.

**PLANNING BOARD RECOMMENDATION**

Mr. Hawley motioned to recommend denial of this request.

Mr. Etheridge motioned to second this request. Motion passed unanimously.

**PB 03-39 NEW COLONY LANDING: PRELIMINARY PLAT FOR 19 LOTS LOCATED IN MOYOCK AT THE INTERSECTION OF TULLS CREEK ROAD (SR 1222) AND COPELAND DRIVE (SR 1267), TAX MAP 39, LOTS 16G AND 16H, CRAWFORD TOWNSHIP.**

Sean Robey appeared before the board.

Ms. Eggar presented the following case analysis to the board:

**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 Preliminary 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 are proposed to range from 40,000 sq. ft. to 54,458 sq. ft.

The subdivision will have two points of entry, one from Tulls Creek Road the other from Copeland Road. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** The proposed street will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated to the NCDOT for maintenance.

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

**FIRE:** This development will be 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. 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 property contains Roanoke fine sandy loam which is characterized as being poorly drained. The permeability is slow, and the shrink-swell potential is moderate. This soil is poorly suited for development because of flooding, wetness, slow permeability, and low strength

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. High students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). The Crawford occupancy rate is 0.9106.

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

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is reflected in the student population count.

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

**DRAINAGE:** Drainage will be 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 A5) with a base flood elevation of 6 feet with the remaining portion being located out of the floodplain.

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

1. The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on January 5, 2004 for 19 lots.
2. Developer will connect the subdivision to the county water system and install fire hydrants according to county requirements.
3. Developer will be required to plant trees along both sides of any newly created streets constructed in accordance with the public street standards as required in Section 513 of the UDO.

4. Technical Review Staff:

On May 13, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage outfall. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff. The drainage plan has been approved by the County Engineer and Soil & Water Conservation subject to the following conditions:

That the adjacent downstream property owner allows the developer to upgrade the existing driveway culvert to an adequate size. If the property owner refuses to allow the culvert upgrade, than the developer will be required to modify the site drainage to reduce the downstream flow to account for the flow restriction found at the existing driveway culvert.

- (a) County Engineer - reviewed & conditionally approved
- (b) Soil & Water Conservation - reviewed & conditionally approved
- (c) Fire Marshal – reviewed & approved
- (d) County Water Department - reviewed & approved

- (e) Health Department – engineered LPP systems must be submitted and approved by the Albemarle Regional Health Services; prior to issuance of the Operation Permits, the design engineer shall submit a letter certifying satisfactory installation of the wastewater system to the Health Services
- (f) Moyock VFD Fire Chief – no comments received
- (g) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
- (h) NCDEHNR, Water Quality – reviewed and approved a Low Density Stormwater Permit
- (i) NCDOT – reviewed and approved encroachment & driveway permits
- (j) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines
- (k) Phone Company - no comments received
- (l) Superintendent of Schools - no comments received
- (m) N C Power - no comments received
- (n) CAMA - no comment; not within CAMA's jurisdiction
- (o) USACOE - no comments; not within USACOE jurisdiction

#### **STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
2. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
3. That the downstream issue be resolved either by upgrading the existing driveway culvert on an adjacent property or modifying the drainage plan to reduce the downstream drainage. That the drainage improvements shall be installed and certified prior to submission for final plat approval.
4. That the drainage issue be resolved either before *or* at the Planning Board meeting with Planning Board input.
5. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions, a current copy of which will be filed in the office of the Planning and Inspections Department.

## **DISCUSSION**

Mr. Robey explained the drainage patterns on the site. They will be diverting much of the water from Mr. Springle's property through culverts and ditching. They have reduced the drainage area by about 8 acres from that going to Mr. Springle. They estimate 24" culverts under Mr. Springle's driveway would handle the runoff. Mr. Springle declined allowing the applicant to install the culverts. Now they must detain the water on site. The water will be detained at the back of lot 8 by using a rip-rap weir.

Mr. Hawley asked if the weir would be sufficient for a significant storm.

Mr. Robey said the weir would protect within excess of the 10 year storm.

Mr. Hawley asked if NCDOT ditches were contributing to the flooding at Mr. Springle's property.

Mr. Ferguson said it appeared to him that an obvious drainage path was well established through farm ditches.

Mr. Springle objects to the request because of drainage issues. He said the applicant does not comply with NC drainage laws. He said the drainage is not naturally occurring.

Mr. Ferguson asked Mr. Springle if the area to the right of Springle Ln was a drainageway. He said that it appeared to be under CAMA jurisdiction. He asked the width of the ditch.

Mr. Springle did not know the width of the ditch, but said it is not a drainageway.

Mr. Hawley asked Mr. Springle why he would not allow the 24" pipes.

Mr. Springle said it is his right to deny the culverts. He said they have not maintained anything to date and he is not going to take that much water.

Dan Gilbreth, adjoining property owner, objected to the request because of drainage and bald eagle habitat.

Mike Doxey said his recommendation is denial because the water is not being retained on the site, which it must be, since Mr. Springle will not allow the culvert improvement on his property.

Mr. Robey said that another weir could be constructed between lots 13 and 14. He said if the proposed drainage plans do not work, then he asked for the design standards that he needs to meet and he will redesign the subdivision

## **PLANNING BOARD RECOMMENDATION**

Mr. Keel motioned to table this request. Mr. Hawley seconded the motion and the motion passed unanimously.

Mr. Robey asked for clarification.

Mr. Doxey said that a separate drainage pond could be installed.

**PB 03-35 TUCKER’S LAIR: PRELIMINARY PLAT FOR 5 LOTS LOCATED IN GRANDY ON THE WEST SIDE OF POPLAR BRANCH ROAD (SR 1131) ACROSS FROM THE INTERSECTION WITH WOODHOUSE DRIVE (SR 1175), TAX MAP 94, PARCEL 172C, POPLAR BRANCH TOWNSHIP.**

Sean Robey appeared before the board.

Ms. Eggar presented the following case analysis to the board:

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

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

**ZONING DISTRICT:** Agricultural & Residential

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

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

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

**NORTH:** Agricultural & Residential – zoned A  
**SOUTH:** Residential (Grandy Acres) - zoned R  
**EAST:** Residential (Waterview Shores) - zoned R  
**WEST:** Agricultural - zoned R

**NARRATIVE OF REQUEST:**

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

The total lot area is 5.06 acres. In order to meet the 40,000 sf minimum lot size requirement, the developer proposes to recombine 8,048.54 sf of Grandy Acres Lot 5 with Tucker’s Lair Lot 2. Once the recombination plat is finalized, the tract will be 5.15 acres. The proposed lots range in size from 40,000 sf to 42,715 sf.

\*Minutes are not official until approved by the board.

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

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** The proposed street will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated to the NCDOT for maintenance.

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

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

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

**SOILS:** The western half of the property contains Portsmouth fine sandy loam which is characterized as poorly drained and unsuitable for development. The remaining area consists of Conetoe loamy sand and Dragston loamy fine sand. The Conetoe soil is well drained with a moderate permeability and is well suited for development. The Dragston is a somewhat poorly drained soil with a moderately rapid permeability and is poorly suited for development.

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

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

According to the January 2004, school population projections, Griggs Elementary School has a capacity of

(-41) students after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision **is** reflected in the student population count.

- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** Drainage will be provided an existing ditch drainage system.
- FLOOD ZONES:** This development is located with outside of the 100 year floodplain (Flood Zone C).
- LAND USE PLAN:** The 1990 Land Use Plan classifies this site as Rural with Services. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Once the lot recombination is finalized, the proposed density for the five lot subdivision is approximately 1.0 unit per gross acre and is therefore consistent with the Land Use Plan.

## **STAFF COMMENTS**

1. In January 2004, the Sketch Plan/Special Use Permit for this five lot development was approved by the Board of Commissioners
2. Developer will connect the subdivision to the county water system and install a fire hydrant according to county requirements.
3. Developer will be required to plant trees along both sides of any newly created streets in accordance with Section 513, Required Trees along Dedicated Streets, of the UDO.
4. On May 13, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage and the lack of drainage calculations. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff and the drainage issues have been resolved to the satisfaction of the County Engineer and the Soil & Water Conservation District.
  - (p) County Engineer - reviewed & approved
  - (q) Soil Conservation Service - reviewed & approved
  - (r) Fire Marshal – reviewed & approved
  - (s) County Water Department - reviewed & approved
  - (t) Health Services – reviewed & approved
  - (u) Lower Currituck VFD Fire Chief – no comments received
  - (v) County Mapper – approved as is
  - (w) Emergency Management – approved as is
  - (x) County Dept. of Recreation – reviewed with no comment
  - (y) Superintendent of Schools – reviewed with no comment

- (z) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
- (aa) NCDEHNR, Water Quality – reviewed and approved a Low Density Stormwater Permit
- (bb) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines
- (cc) NCDOT – reviewed with no comment; driveway permit applied for
- (dd) Phone Company – reviewed with no comment
- (ee) N C Power – reviewed with no comment
- (ff) CAMA - no comment; not within CAMA's jurisdiction
- (gg) USACOE - no comments; not within USACOE jurisdiction

### **STAFF RECOMMENDATION:**

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

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

### **PLANNING BOARD RECOMMENDATION**

Mr. Hawley motioned to recommend approval of this request subject to the following conditions:

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

Mr. Keel seconded the motion. Motion passed unanimously.

**PB 04-17 GRANDY ACRES, PHASE II: PRELIMINARY PLAT FOR 4 LOTS  
LOCATED ON BETSY COURT OFF POPLAR BRANCH ROAD, TAX MAP 94, LOT  
172N, POPLAR BRANCH TOWNSHIP.**

Sean Robey appeared before the board.

Ms. Eggar presented the following case analysis to the board:

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

**ZONING DISTRICT:** Residential

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

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

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

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

**NARRATIVE OF REQUEST:**

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

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

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

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

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

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

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

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

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

**SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568

High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764.

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

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

- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** Roadside and property line swales/ditches are being used to address the drainage for this property.
- FLOOD ZONES:** This development is outside of the 100 year flood zone (Flood Zone C).
- LAND USE PLAN:** The 1990 Land Use Plan classifies this site as Rural with Services. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. The proposed density for the four lot subdivision is approximately 0.8 units per gross acre and is therefore consistent with the Land Use Plan.

**STAFF COMMENTS:**

- The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on April 5, 2004 for 7 lots
- On July 8, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with location of water meters, blow-off assembly and fire hydrants; clarification of drainage swales and easements; correct the street cross section to show a 45' right-of-way; and the need to regrade the existing ditch along the northern property line. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff, with the exception of the street cross section, and the drainage issues have been resolved to the satisfaction of the County Engineer and the Soil & Water Conservation District.

- (hh) County Engineer - reviewed & approved
- (ii) Soil Conservation Service - reviewed & approved
- (jj) Fire Marshal – reviewed & approved
- (kk) County Water Department - reviewed & approved; submit corrected plans to the state for the waterline extension.
- (ll) Health Services – reviewed & approved
- (mm) Lower Currituck VFD Fire Chief – no comments received
- (nn) County Mapper – approved as is
- (oo) Emergency Management – approved as is
- (pp) County Dept. of Recreation – reviewed with no comment
- (qq) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
- (rr) NCDEHNR, Water Quality – reviewed and approved a Low Density Stormwater Permit
- (ss) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines
- (tt) NCDOT – need to correct the street section to show a 45' R/W; a driveway permit has been applied for.
- (uu) Phone Company - no comments received
- (vv) Superintendent of Schools – reviewed with no comments
- (ww) N C Power - no comments received
- (xx) CAMA - no comment; not within CAMA's jurisdiction
- (yy) USACOE - no comments; not within USACOE jurisdiction

**STAFF RECOMMENDATION:**

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

1. That the street cross section be corrected to show a 45' R/W.
2. That the NCDOT driveway permit be approved prior to the beginning of any construction.
3. That the applicant shall submit the revised plans to the state for the waterline extension approval.
4. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval.
5. That waterline, water services and fire hydrant shall be installed and accepted prior to submission for final plat approval.
6. That drainage improvements shall be installed and certified prior to submission for final plat approval.

7. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval.
8. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions, a current copy of which will be filed in the office of the Planning and Inspections Department.

### **PLANNING BOARD RECOMMENDATION**

Mr. Keel motioned to recommend approval of this request subject to the following conditions:

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

Mr. Winter seconded the motion. Motion passed unanimously.

**PB 04-30 OLD OAKS AT BELLE ISLE: SKETCH PLAN/SPECIAL USE PERMIT FOR 13 LOTS LOCATED ON BELL'S ISLAND ON THE EAST SIDE OF BELL'S ISLAND ROAD (SR 1245) APPROXIMATELY 300' NORTH OF THE INTERSECTION WITH REDHEAD DRIVE, TAX MAP 68, LOTS 1A, 1B, 1C, AND 1D, TAX MAP 68D, LOT 19, CRAWFORD TOWNSHIP.**

Bill Owen and Bob Evans appeared before the board

Ms. Eggar presented the following case analysis to the board:

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

**ZONING DISTRICT:** Residential

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

**OWNER:**  
Chapman Lumber Company, Inc  
19585 Fullers Mill Road  
Boykins, VA 23827

**APPLICANT/AGENT**  
Bob Evans  
105 Scarborough Lane  
Duck, NC 27949

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

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

**NARRATIVE OF REQUEST:**

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

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

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

## **OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** All streets will be built to NCDOT Design and Construction Standards.
- WATER:** This development will be served by County water. The existing waterline on Bells Island Road will need to be upgraded to provide adequate water flow and pressure to the site. The upgrades will be at the developers expense.
- FIRE:** This development will be serviced by the Crawford Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed.
- SOILS:** There are five soils types found at the site: **BoA** – Bojac loamy sand is a well drained soil which requires special planning, design or maintenance for septic systems; **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems; **Cu** - Currituck mucky peat is a very poorly drained soil which is not suited to urban and recreational uses because of frequent flooding and low strength; **To** – Tomotley fine sandy loam which consists of poorly drained soil which requires extensive drainage and site modification for septic tank systems; and **Mu** - Munden loamy sand is a moderately well drained soil which requires extensive drainage and site modifications to improve the area for septic systems.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106
- Based on these pupil generation figures, Currituck can expect approximately five elementary students, one junior high student, and two high school students from this development.
- According to the January 2004, school population projections, the three elementary schools servicing the

Moyock and Crawford Townships has a capacity of (-184) additional students after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

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

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

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

**LAND USE PLAN:** The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. The proposed density for the 13 lot subdivision is approximately 0.6 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- Technical Review staff reviewed this application. Staff's concerns included the following:
  1. The curve in Old Oaks Drive does not meet NCDOT design standards.
  2. The plans do not show the tentative drainage.
  3. The plans do not show the location of the existing and proposed waterline improvements.
  4. A water availability letter has not been issued for this subdivision due to the lack of adequate water flow and pressure for fire protection and domestic use. The developer will be required to have a flow analysis completed to determine what upgrades are necessary on the existing waterline so that it can service this subdivision. All of the testing and upgrades will be at the developer's expense. These items will be addressed at the preliminary plat stage.
  5. The Soil & Water Conservation District has concerns with pond at the southwest corner of the site. This pond appears to be over capacity after a normal rainfall. The stormwater runoff will need to go to the northern pond. This will be addressed at the Preliminary Plat stage.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:

- Old Oaks Drive conforms to NCDOT design standards.
- Tentative drainage and the waterlines and fire hydrants are shown.
- The following correction shall be made to the Sketch Plan:
  - The total amount of open space and usable open space shall be noted in the general notes.
  - The proposed waterline sizes shall be noted.
  - The road section shall be corrected to show a 15' drainage and utility easement along the street.
  - The plat shall be labeled "Sketch Plan"
  - The Preliminary Plat references shall be removed.
- The project will require state stormwater and erosion & sedimentation control permits.

### **QUESTION(S) BEFORE THE BOARD:**

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

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

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

Public health and safety issues including, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal. The water pressure and flow for adequate fire protection will be resolved after the flow analysis and the existing line is upgraded.

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

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

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

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

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

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

(e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and*

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

Currituck can expect approximately five elementary students, one junior high student, and two high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

#### **STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That the following correction be made to the Sketch Plan:
  - a. The total amount of open space and usable open space shall be noted in the general notes.
  - b. The proposed waterline sizes shall be shown.
  - c. The road section shall be corrected to show a 15' drainage and utility easement along the street.
  - d. The plat shall be labeled "Sketch Plan"
  - e. The Preliminary Plat references shall be removed.
  - f. An additional street name shall be submitted for approval.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
4. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

## **DISCUSSION**

Ms. Eggar said the developer did not provide a yield plan and she has a concern with the amount of wetlands on the property.

Mr. Ferguson explained a yield plan. He said the applicant has to comply with density allowances. Staff wants to ensure that the 13 lots can be approved as a conventional subdivision.

Mr. Evans said he met with Shelley Cox in November, 2003 and received her approval of the yield plan. He said he will provide staff with another copy of the yield plan.

Mr. Evans said he though he only had to install a certain length of water lines. He did not have the understanding that he had to provide 3 miles worth of lines for a 13 lot development.

Mr. Ferguson said there is a waterline running adjacent to the property. If the waterline study finds the lines to be insufficient, the county and developer would have to agree on the improvements. He said this will be addressed before the preliminary plat may be submitted to the county.

Glenn Brinkley, adjoining property owner, expressed a concern for drainage from the property. He has a pond behind his property that is over capacity now.

Ms. Eggar said Mr. Doxey had expressed a concern for this pond being used for drainage as the pond is already at capacity.

Charlotte Martin, adjoining property owner, expressed a concern for protecting the wetlands on the property.

Jerry Cochran, adjoining property owner, expressed a concern for the value of the homes being proposed.

## **PLANNING BOARD RECOMMENDATION**

Mr. Hawley motioned to recommend approval of this request subject to:

1. That the following correction be made to the Sketch Plan:
  - a. The total amount of open space and usable open space shall be noted in the general notes.
  - b. The proposed waterline sizes shall be shown.
  - c. The road section shall be corrected to show a 15' drainage and utility easement along the street.
  - d. The plat shall be labeled "Sketch Plan"

- e. The Preliminary Plat references shall be removed.
  - f. An additional street name shall be submitted for approval.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
  3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and

That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Mr. Keel seconded the motion and the motion passed unanimously.

**PB 04-53 BRUMSEY WOODS: SKETCH PLAN/SPECIAL USE PERMIT FOR 17 LOTS LOCATED ON BRUMSEY ROAD APPROXIMATELY 500' WEST OF THE INTERSECTION WITH TULLS CREEK ROAD, TAX MAP 49, LOTS 34S AND 34T, CRAWFORD TOWNSHIP.**

Sean Robey and Jerry Old appeared before the board.

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

**LOCATION:** Off Brumsey Road approximately 500' from intersection with Tulls Creek Road (SR 1222), Moyock Township.

**ZONING DISTRICT:** Residential

**TAX ID:** 0049-000-034S-000 & 0049-000-034T-0000

**OWNER:**  
Currituck Homes, LLC  
PO Box 62  
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 - zoned R
- SOUTH:** Residential - zoned R
- EAST:** Residential - zoned R
- WEST:** Residential - zoned R

**NARRATIVE OF REQUEST:**

Currituck Homes is seeking Sketch Plan/Special Use Permit approval for 17 single family lots. The total acreage of the entire development is approximately 20 acres.

This property is zoned Residential. No open space is required or provided. Lots within this development are proposed to range from 40,000 sq. ft. to 2.24 acres with an average lot size of approximately 46,000 sf.

The subdivision will have one point of entry from Brumsey Road. The site offers an opportunity for a future street connection along the southern property line which could tie in at the intersection of Tulls Creek Road and Dozier Road. The lots will be served by individual septic systems and county water.

According to the Development Impact Statement, the developer proposes to build houses that will be three or four bedrooms with two bathrooms ranging in size from 2,000 sf to 3,000 sf. It is estimated that lot and home combinations will have a sales price in the range of \$450,000 to \$560,000, or an average sales price of about \$505,000. The land value is estimated to be approximately \$55,000 per lot.

#### **OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.
- WATER:** This development will be served by County water.
- FIRE:** This development will be serviced by the Crawford Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed.
- SOILS:** There are four soils types found at the site: **AaA** – Altavista fine sandy loam is a moderately well drained soil and is considered acceptable for septic systems; **At** - Augusta fine sandy loam is a somewhat poorly drained soil which requires an extensive drainage system and site modifications to improve the site for a septic system; **StA** – Statefine sandy loam is a well drained soil which is favorable for septic systems; and **To** – Tomotley fine sandy loam which consists of poorly drained soil which requires extensive drainage and site modification for septic tank systems.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck*)

*subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106

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

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have a student capacity of (-184) students after full development of the approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

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

**DRAINAGE:** Roadside and property line swales/ditches will be used to address drainage for this property.

**FLOOD ZONES:** The majority of the property is located outside of the 100 year floodplain (flood zone C) with the eastern portion of the site being located within the 100 year flood plain with a base flood elevation of 6' (Flood Zone A3).

**LAND USE PLAN:** The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. The proposed density for the 17 lot subdivision is approximately 0.8 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- Prior to the TRC meeting, the applicant had numerous soil samples performed by the Health Dept. Based on the findings, the lots were slightly reconfigured to take advantage of the most suitable soils for septic systems.
- On July 8, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. None of the proposed street names were approved. Need to submit additional street names for approval.

2. Section 921 mandates that no more than 5% of the lots in a subdivision may be flag lots. There is one flag lot in the subdivision which equates to 6% of the total number of lots.
  3. Lots 1 and 17 need a 5' non-access buffer along Brumsey Road.
  4. For connectivity, extend the street and waterline to the lot owned by Ms. Smith at the southern property line.
  5. To meet the 500' hose length requirement, a second fire hydrant is probably required.
  6. For drainage purposes, the slough in the Brumsey Landing Open Space lot needs to be cleaned out. This will be addressed at the Preliminary Plat stage
  7. Joe Hobbs with the Health Dept. did soil evaluations on the site a few months ago and is concerned with the site being low and wet. There were additional concerns with the drainage and the septic suitability.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
    - The lots were reconfigured to eliminate the flag lot.
    - The street and waterline were extended to the southern property line for future connections.
    - A second fire hydrant was added.
  - Additional street names need to be submitted for review and approval.
  - The project will require state stormwater and erosion & sedimentation control permits.

#### **QUESTION(S) BEFORE THE BOARD:**

4. *Is the application complete?*

Based on staff review all required information has been submitted for review.

5. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

6. *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.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

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

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

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

Currituck can expect approximately seven elementary students, one junior high student, and two high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

#### **STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That additional street names be submitted for review and approval.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and

4. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

## **DISCUSSION**

Ms. Eggar said preliminary soil samples showed that lots one and two were insufficient for septic systems. She said the drainage would be addressed at preliminary plat.

Mr. Hawley asked if lot 10 would support a septic system.

Mr. Robey explained that lots one and two are as large as they are because of septic issues. Lot ten is suitable as determined by the Health Department.

Ms. Eggar said that there is a pond on lot 13.

Horace Bell asked the amount of wetlands on the property.

Mr. Robey said the Army Corps of Engineers approved this plan previously, but they would have to re-submit the request because of the length of time since the last review.

Don Drake, adjoining property owner said that the pond on lot 13 will cover more than 1/3 of that lot. He said there are ditches that connect three ponds on the property. He is concerned about drainage.

Bill Robins, adjoining property owner, expressed a concern with drainage.

Mike Doxey said the wetland area slough will contain most of the run-off. He said the pipe under Brumsey Road may need to be upgraded.

## **PLANNING BOARD RECOMMENDATION**

Mr. Etheridge motioned to recommend approval subject to the following conditions:

1. That additional street names be submitted for review and approval.
2. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
3. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
4. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Mr. Keel seconded the motion and the motion passed unanimously.

**PB 04-54 BULLYARD STATION: SKETCH PLAN/SPECIAL USE PERMIT FOR 9 LOTS LOCATED AT THE SOUTHERN RAILROAD CROSSING, TAX MAP 33, LOT 5, CRAWFORD TOWNSHIP.**

Mark Bissell appeared before the board

Ms. Eggar presented the following case analysis to the board:

**LOCATION:** On Snowden Road, at the rail road crossing, approximately 0.6 miles from its intersection with Shawboro Road, Crawford Township.

**TAX ID:** 0033-000-0005-0000

**ZONING DISTRICT:** Agricultural

**OWNER:**  
Three of a Kind, Inc.  
257 Caratoke Highway, Ste. B  
Moyock, NC 27958

**APPLICANT/AGENT**  
Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

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

**NORTH:** Low Density Residential, Farmland & Woodland - zoned A  
**SOUTH:** Farmland - zoned A  
**EAST:** Farmland & Woodland - zoned A  
**WEST:** Farmland - zoned A

**NARRATIVE OF REQUEST:**

Three of a Kind, Inc. is seeking Sketch Plan/Special Use Permit approval for 9 open space single family lots through the major subdivision process. The parent parcel for this development is approximately 99.6 acres and is divided into three separate tracts of land due to public street and railroad right-of-ways. The proposed subdivision is located on the east side of Snowden Road and comprises the eastern portion of the parent parcel. The total acreage for this development is approximately 38.5 acres.

This property is zoned Agricultural. In the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots. The lot sizes within this development range from 1.07 acres to 1.42 acres with an average lot size of approximately 1.23 acres. Due to the lot size reduction, 16 acres of open spaces is required. The project includes approximately 26 acres of open space, or 67% of the total site.

The subdivision will have one point of entry from Snowden Road. The lots will be served by individual septic systems. Since there is no county water available for this site, the lots will be served by individual wells. However, water improvements shall be bonded and water connection fees paid for each lot.

According to the Development Impact Statement, the typical houses will be four bedrooms with two bathrooms and will average 2,500 sf in size. The developer estimates the total land value at the time of sale to be approximately \$450,000 to \$500,000, or an average price of approximately \$50,000 to \$55,600. The build-out value, including the homes is estimated to be approximately \$2 to \$5 million or an average price of approximately \$222,220 to \$555,560. It is projected that the vacant lots will sell out within a year or two.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** The proposed streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.
- WATER:** County water is not available to this site at this time.
- FIRE:** This development will be located within the jurisdiction of the Crawford Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed.
- SOILS:** There is only one soil type found at the site: Roanoke fine sandy loam which consists of poorly drained soils that have slow permeability and which are not favorable for septic systems.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 junior high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106.

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

According to the January 2004, school population projections, the three elementary schools servicing the

Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

**OPEN SPACE:** Due to the lot size reduction, 16 acres of open space is required. The subdivision is dedicating approximately 26 acres of open space.

**DRAINAGE:** Roadside and property line swales/ditches will be used to address drainage for this property.

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

**LAND USE PLAN:** 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 residential uses on lots approximately one unit per gross acre with on-site water and sewer are consistent with the intent of the rural class. The proposed density for the 9 lot subdivision is approximately 0.2 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- The entry to the subdivision is proximate to the existing railroad crossing signal for Snowden Road. The North Carolina & Virginia Railroad has submitted a letter agreeing to relocate the crossing signal pending final approval by the NCDOT Rail Division.
- The North Carolina & Virginia Railroad is granting an easement for a 45' wide access to the property pending final written approval of the RailAmerica Real Estate department.
- On July 8, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. Six of the lots slightly exceeded the 4:1 lot width to length ratio mandated by Section 921 of the UDO. The UDO does allow this ratio to be exceeded where the Board finds that the physical dimensions of the tract provide no other practical alternative.
  2. Section 921 mandates that no more than 5% of the lots in a subdivision may be flag lots. There is one flag lot in the subdivision which equates to 11% of the total number of lots.

3. A majority of the lots had side lot lines which were at 55 degrees to the right-of-way. The UDO requires these lines to be at or near right angles to the right-of-way.
  4. NCDOT is concerned with the railroad crossing and the street intersection.
  5. NCDOT requires a minimum 150' centerline radius for the entry road.
  6. The existing ditch may require a 25' maintenance easement. This will be determined at the preliminary plat stage.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
    - The lots were reconfigured to eliminate the flag lot, bring the side lot lines into conformance, and bring the lot length to width ratio into compliance.
  - The following corrections shall be made to the sketch plan:
    - The line and curve data tables are incomplete and needs to have data for curves C1 to C5 and lines L14 to L17 entered.
    - The 1' non-ingress/egress easement across lots 4 & 5 shall be changed to a 5' non-access buffer and include Lot 7.
    - The open space summary shall re corrected to show 16 acres of required open space.
    - The long cul-de-sac shall be named Bullyard Station Way and the short cul-de-sac shall be called Bullyard Court.
    - Project name – correct the city to Moyock, North Carolina
  - The project will require state stormwater and erosion & sedimentation control permits.
  - NCDOT's response to the adequacy of Snowden Road is that based on 10 vehicle trips per day per lot, "it would have an impact on the surrounding roadway, but I don't know if it would be a detriment to the existing level of service. Should it become obvious that the pavement width is causing problems, there is always a chance the road could be widened."
  - Since there is no water currently available to the site at the present time, the future water improvements will be required to have a surety posted at the time of final plat. A water plan shall be submitted for review and approval by the Water Department to establish the required water improvements.

#### **QUESTION(S) BEFORE THE BOARD:**

##### *7. Is the application complete?*

Based on staff review all required information has been submitted for review.

##### *8. Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

9. *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.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

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

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

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

Currituck can expect three elementary students, one junior high student, and one high school students from this development.

According to the current school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision **is not** reflected in the student population count.

**STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this

subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

5. That the following correction be made to the sketch plan:
  - a. The line and curve data tables are incomplete and needs to have data for curves C1 to C5 and lines L14 to L 17 entered.
  - b. The 1' non-ingress/egress easement across lots 4 & 5 shall be changed to a 5' non-access buffer and include Lot 7.
  - c. The open space summary shall be corrected to show 16 acres of required open space.
  - d. The long cul-de-sac shall be named Bullyard Station Way and the short cul-de-sac shall be called Bullyard Court.
  - e. Project name – correct the city to Moyock, North Carolina
6. That the streets meet NCDOT design and construction standards.
7. That the applicant shall be required to meet all requirements of the UDO including, but not limited to, providing adequate fire protection and adequate drainage facilities to serve the development.
8. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
9. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

## **DISCUSSION**

Ms. Eggar said that since the Board of Commissioners is not allowing additional 40,000 sf lots for this subdivision, the yield plan will change and the applicant may not be able to have 9 lots on this lot because of upland requirements.

Mr. Bissell argued that the Board of Commissioners' interpretation of the five 40,000 sf lots is incorrect.

James Innes, applicant, asked that the yield plan be required prior to the Board of Commissioner's meeting. He asked that the board not table this request.

Mr. Hawley said there are many other concerns with this subdivision including drainage, entrance design, etc.

A letter from Sandra Roberts was entered into the record. (See Attachment 1)

## **PLANNING BOARD ACTION**

Mr. Hawley motioned to table this request until the next meeting to allow staff to review the new yield plan. Mr. Midgette seconded the motion and the motion passed unanimously.

## **OLD BUSINESS**

Gary Ferguson introduced Tammy Underwood as the new Clerk to the Board.

Horace Bell asked about NCDOT presentation of driveway workshop, adjacent property owner notification process, presentation from Mike Doxey about who is responsible for drainage.

Mr. Hawley reminded the board of the LUP Committee meetings and asked for input at the meetings.

Mr. Midgette said that Mr. Ferguson seemed disgusted with the board with his comments on the board not being able to offer further direction for certain cases. He said he is confused at times and feels the staff needs to provide additional options. The board agreed with Mr. Midgette's observation.

## **ADJOURNMENT**

There being no further business to discuss, Mr. Etheridge motioned for adjournment. Mr. Hawley seconded the motion and the motion passed unanimously. The meeting adjourned at 10:20 p.m.

Respectfully Submitted,

*Tammy J. Underwood* /s/

Clerk to the Board