

CURRITUCK COUNTY PLANNING BOARD

February 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 February 10, 2004. The following members were present: Bobby Bell, Horace Bell, William Etheridge, Alvin Keel, Forrest Midgette, Lloyd Parker, Pat Riley, and Arthur Winter. Absent: Eddie Hawley. Shelley Cox, Chief Planner, was also present.

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

APPROVAL OF JANUARY 13, 2004 MINUTES

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

PB 04-11: AMENDMENT TO SECTION 2018 OF THE UDO TO ALLOW AN ADDITIONAL ONE YEAR EXTENSION OF A SPECIAL USE PERMIT APPROVAL IN CASES WHERE THERE IS A BUILDING MORATORIUM.

Mr. Keel motioned to table this request per the applicant's request. Mr. Riley seconded the motion and the motion passed unanimously. (*Note: This action was actually taken during the tabling of Item 6, Corolla Light, Becon Hill, Phase 7B & 7C.*)

PB 04-07: AMENDMENT TO SECTION 1403 OF THE UDO TO REMOVE THE REQUIREMENT OF PROVIDING LOCATION AND DEPTH OF ALL IN-USE WELLS WITHIN .75 MILES OF A MINING OPERATION.

Bob Stewart appeared before the board.

Ms. Cox presented the following memo to the board:

MEMORANDUM

*TO: Planning Board
Board of Commissioners*

*FROM: Shelley Cox
Chief Planner*

DATE: January 2, 2004

*MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE BOARD.

SUBJECT: PB 04-07 UDO Amendment Request

Mr. James Malco has submitted a text amendment application to modify Section 1403 of the Unified Development Ordinance. Section 1403(12) provides criteria for mining operations within the County and currently requires that mining operations provide the location and depth of all in use wells within .75 miles of the mine site. Mr. Malco is requesting that this requirement be removed from the ordinance.

Staff has reviewed this request and found the current requirement to be arduous and nearly impossible to meet. Generally, local ordinances parallel state regulations on these matters and the language that currently appears in the UDO is far greater than what the NC Division of Water Quality requires. Therefore, staff recommends approval of the proposed text amendment.

Ms. Cox 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 1403 Specific Standards. (Amended 6/2/03)

12. Mining is allowed in A, RA, LM and HM Districts with a special use permit except as provided in (a) below. The special use permit may be issued only if the applicant receives the State of North Carolina mining permit and complies with the general standards and following specific standards: **(Amended 8/4/97, 7/24/00)**

(15) ~~location and depth of in-use wells~~ of constructed and natural drainageways and streams within .75 mile radius of the excavation. **(Amended 7/24/00)**

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

Chairman, Board of Commissioners

DISCUSSION

Ms. Cox asked the board to think of other alternatives to protect neighboring wells. She suggested monitoring wells, notification of property owners in the .75 mile radius asking for well location, etc. She thought the best solution would be monitoring wells.

Mr. Parker asked who would monitor the wells and how often staff would receive the data.

Ms. Cox said the property owner would monitor the wells and would report findings to the county at predetermined intervals.

Mr. Parker asked Mr. Stewart if he would be agreeable to the monitoring wells.

Mr. Stewart said yes; however, the reports would have to be provided by a hydrogeologist.

James Malco said his mine has been in effect for 10 years and they have had no problems with neighboring wells. He asked if there had been problems with other wells in the county because of mines.

PLANNING BOARD RECOMMENDATION

Mr. Riley motioned to recommend approval of this amendment with the condition of requiring monitoring wells. Mr. Parker seconded the motion and the motion passed unanimously.

PB 04-08 JAMES MALCO: REZONING OF 36.45 ACRES FROM RESIDENTIAL (R) TO AGRICULTURAL (A) ON PROPERTY LOCATED IN POINT HARBOR AT 136 GRIGGS ACRES ROAD, TAX MAP 132, LOT 159, POPLAR BRANCH TOWNSHIP.

Bob Stewart appeared before the board.

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

TYPE OF REQUEST: Request for rezoning 36.45 acres from Residential (R) to Agricultural (A).

LOCATION: This site is located in Poplar Branch Township north of Griggs Acres Road, Tax Map 132, Parcel 159.

PROPERTY OWNER: James I. Malco

ZONING: Current Zoning Proposed Zoning

Residential Agricultural

ZONING HISTORY: Property was zoned Residential on the January 1, 1989 Official Zoning Map.

SURROUNDING

ZONING/LAND USE: NORTH: General Business/Vacant & Residential
SOUTH: Residential/Residential
EAST: Residential/Residential
WEST: Residential/Agricultural & Vacant

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EXISTING LAND USE: Sand Mine & Agricultural

PROPOSED LAND USE: Extension of existing sand mine operation

**LAND USE PLAN
CLASSIFICATION:**

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

**PUBLIC SERVICES
AND UTILITIES:**

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

TRANSPORTATION:

Property has access onto Griggs Acres Road, classified as a Minor Collector in the 1988 NCDOT Thoroughfare Plan.

FLOOD ZONE:

According to FEMA maps, the property is located in Flood Zone C (outside of the 100 year flood plain) and A4 EL8 (within the 100 year flood plain, 8' elevation).

SOILS:

The property primarily consists of Conetoe loamy sand. Conetoe soils are well drained with moderate to rapid permeability.

STAFF COMMENTS:

- Property is surrounded on 3 sides by Residential (R) and on the 4th side by General Business (GB).
- On July 18, 1994 the BOC approved a request to rezone 6 acres of this parcel from Residential (R) to Agricultural (A) which included 3.03 acres for a mining area with the balance devoted to the haul road. In addition, on the same date, the BOC approved a Special Use Permit for a sand mine operation on the site.
- On January 6, 1997 the BOC approved an amended SUP to allow de-watering at this site.

- On December 15, 1997 the BOC approved the rezoning of 1.12 acres of this property adjacent to the mine area from Residential (R) to Agricultural (A).
- On November 5, 2001 the BOC approved the rezoning of 2.43 acres of this property adjacent to the mine area from Residential (R) to Agricultural (A).

STAFF

RECOMMENDATION: The proposed rezoning would be consistent with the Rural Classification of the Land Use Plan. However, staff is concerned with the potential impact on adjoining residential properties if the rezoning is approved and the existing mining area is expanded upon. Staff recommends approval of this request only if the impact on adjacent properties can be mitigated by the applicant.

DISCUSSION

Ms. Cox said that mitigation could include the monitoring wells.

Mr. Stewart said that to the east is an NC Power compound, not residential. He said he is not sure what “mitigate potential impact on adjacent properties” means. He said he can provide another hydrogeologist study to show no impact on the neighboring wells. He said he could also provide noise level readings and had received no complaints regarding noise to date.

Brenda Clayman said that the staff analysis said county water is available to the site and she did not think it was.

Ms. Cox said county water is available at US 158.

PLANNING BOARD RECOMMENDATION

Mr. Parker motioned to recommend approval of this request subject to the impact on adjacent properties being mitigated by the applicant, including installation of monitoring wells. Mr. Midgette seconded the motion and the motion passed unanimously.

PB 01-03 CURRITUCK CLUB, PHASE 5D, THE HAMMOCKS: FINAL PLAT APPROVAL OF 2 LOTS LOCATED IN COROLLA WITHIN THE CURRITUCK CLUB, POPLAR BRANCH TOWNSHIP.

Sean Boyle appeared before the board.

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

REQUEST: Final Plat approval for 2 single-family lots in the Currituck Club PUD

LOCATION: Located off of NC12, in the Poplar Branch Outer Banks Township

ZONING: RO1/LBH/PUD

PROPERTY OWNER'S NAME & ADDRESS: Currituck Associates – Residential Partnership
P. O. Box 229
Kitty Hawk, NC 27949
(252) 261-2131

APPLICANT/AGENT'S NAME & ADDRESS: Landmark Building & Development of NC, LLC
P.O. Box 147
Harbinger, NC 27941
(252) 491-5757

NARRATIVE OF REQUEST:

Applicant is seeking Final Plat approval for 2 single-family lots in a Planned Unit Development.

Lot sizes will have a minimum of 3,000 sq. ft. in area. Access to these 2 lots will be by Ridge Point Drive. Ridge Point Drive has been built to state standards and the applicant will be responsible for the maintenance of all private streets and other common areas until such time as the streets are turned over to the homeowner's association.

Water will be provided by Carolina Water Service who operates the system. Reverse osmosis water treatment technology has been installed and will be utilized when chloride levels reach 250 mg/l or greater.

Sewage will be centrally collected, treated, and disposed by the Pine Island-Currituck Club, LLC. All necessary plant capacity and disposal areas have been installed to provide service for both Pine Island and The Currituck Club PUD's.

The most recent Amended Sketch Plan for the Currituck Club was approved on 12/2/01 reflecting the following: 673 sf & mf units + 1.2 units/acre, 270.7 acres open space = 46.5% and 23.2 acres commercial = 3.9%. To-date Final Plat approval has been issued for 6 previous phases, for a total of 495 single and multi-family lots.

TAX MAP(S): 117

PIN NUMBER(S): 0117-000-001L-0000

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0117-000-001H-0000

LOCATION OF PROPERTY: Within the Currituck Club, P.U.D., Poplar Branch-Outer Banks Township

TOTAL ACREAGE: 1.04 acres

ZONING CLASSIFICATION: RO1/LBH/PUD

LUP CLASSIFICATION: "Limited Transition"

SOIL(S) CLASSIFICATION: Corolla, Duckston, Duneland, Newhan, Osier or a varied combination of each

FLOOD ZONE(S): Flood Zone "C" (not within the 100 year flood zone)

EMS SERVICES PROVIDED BY: Corolla Fire & Rescue, Inc.

ADJACENT LAND USES & ZONING:

NORTH:	Phase V – zoned RO1/LBH/PUD
SOUTH:	Golf Course/Single-family lots (Phase IV) – zoned RO1/LBH/PUD
EAST:	NC 12/Oceans Sands PUD – zoned RO1/LBH/PUD
WEST:	Single-family lots (Phase VI)/Open space/Currituck Sound – zoned RO1/LBH/PUD

CURRENT LAND USE(S): Vacant sandy lands

STAFF COMMENTS:

1. The property is classified as "Limited Transition" in the County's 1990 Land Use Plan.
2. Residential Density proposed under this plan is 2.20 units/ac. which is less than 3 units/ac. permitted within the Unified Development Ordinance.
3. Planned Unit Developments are appropriate in the transitional land use class designated in the 1990 Land Use Plan.

STAFF RECOMMENDATION:

Staff recommends **approval** of this request with the following conditions and Suggested Findings of Fact:

1. That applicant meet all requirements of the county's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, lighting, etc.
2. That the RO system shall be activated when chloride levels reach 250mg/L or higher;
3. That the water operator shall provide the county once a week chloride readings and a copy of the 30 day Report of Operation within 7 days of the end of every month; and
4. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county's Unified Development Ordinance.

PLANNING BOARD ACTION

Mr. Parker motioned to approve this request subject to the following:

1. That applicant meet all requirements of the county's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, lighting, etc.
2. That the RO system shall be activated when chloride levels reach 250mg/L or higher;
3. That the water operator shall provide the county once a week chloride readings and a copy of the 30 day Report of Operation within 7 days of the end of every month; and
4. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county's Unified Development Ordinance.

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

PB 84-11 COROLLA LIGHT, BEACON HILL, PHASE 7B & 7C: FINAL PLAT APPROVAL OF 15 LOTS LOCATED IN COROLLA ON THE EAST SIDE OF NC 12 ACROSS FROM THE INN AT COROLLA, POPLAR BRANCH TOWNSHIP.

Mr. Keel motioned to table this item because the application was incomplete. Mr. Riley seconded the motion and the motion passed unanimously.

Mr. Etheridge left the meeting at this point (8:00 pm).

PB 04-10 SEA HAWK ACRES: SKETCH PLAN APPROVAL FOR 9 LOTS LOCATED IN AYDLETT AT 136 ELLIOT ROAD, TAX MAP 92, LOT 30G, POPLAR BRANCH TOWNSHIP

Bill Owens appeared before the board.

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

ZONING DISTRICT: Residential

OWNER:

Rick Schneck & John Macko
P.O. Box 3689
Kill Devil Hills, NC 27948

APPLICANT/AGENT

Bill Owen
Seaboard Surveying
P.O. Box 58
Nags Head, NC 27959

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Vacant - zoned R
SOUTH: Vacant - zoned R
EAST: Residential & Vacant - zoned R
WEST: Residential - zoned R

NARRATIVE OF REQUEST:

Rick Schneck & John Macko are seeking Sketch Plan/Special Use Permit approval for 9 single family lots through the major subdivision process. The total acreage of the entire development is approximately 10.95 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 range from 40,235 sq. ft. to 59,075 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All proposed lots will front on Elliott Road, an existing NCDOT maintained right-of-way.

WATER: A 4" water line currently exists on Elliott Road, with an 8" line located along Aydlett Road (approximately 450' away). Under Section 915 of the UDO, the developer will be required to install a six inch water line, with fire hydrants, to serve this subdivision.

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

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WASTEWATER: Individual, on-site septic systems are proposed. The property contains Conetoe loamy sand which consists of well drained soils that have moderately rapid 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.*) Based on these pupil generation figures, Currituck can expect 3 elementary students, 1 Jr. high student, and 1 high school student from this development.

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: This development is within Flood Zone C (not within the 100 year flood area).

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural with Services. The purpose of the Rural with Services class is “to provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem. Development within this class should be low intensity to maintain a rural character.”
This proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- On January 8, 2004 Technical Review staff reviewed this application. Staff’s concerns included the following:
 1. A small cemetery is located on this parcel in the vicinity of lots 9 and 3. The exact location of the cemetery should be determined by the applicant, and appropriate provisions must be made to ensure that the gravesites are not disturbed during development.
 2. Lot 9 is the lowest point on this property. Concerns regarding drainage and septic suitability for this lot were expressed during TRC and must be addressed during the Preliminary Plat process. In addition, the minimum setback requirements are not correctly shown on the plat (20’ front, 15’ side and 25’ rear yard).

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 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 Rural with Services classification and with the Thoroughfare Plan;
 - (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.* Based on these pupil generation figures, Currituck can expect 3 elementary students, 1 Jr. high students and 1 high school students from this development.

According to the current school population projections Griggs Elementary School has -41 additional student capacity after full development of currently approved subdivisions.

STAFF RECOMMENDATION:

Although this application meets the technical requirements for Sketch Plan/Special Use Permit approval, staff has concerns regarding the existence of adequate school facilities to serve the proposed development. The Board of Commissioners may deny this request if it concludes that the development will exceed the county's ability to provide adequate public facilities, including schools.

If approval of this request is granted, staff recommends the following conditions;

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to installation of a 6" water line, fire hydrants, and adequate drainage facilities to serve the development;
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

DISCUSSION

Horace Bell asked if there was a database of gravesites in the county.

Ms. Cox said she thought there was a list in the Register of Deeds office and she plans to search that for information on this site.

Mr. Owen said they have done a topo on the property and found that elevations runs from 11' to 16'. He said lot 9 is at 15'.

PLANNING BOARD RECOMMENDATION

Mr. Parker motioned approval of this request subject to the following:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to installation of a 6" water line, fire hydrants, and adequate drainage facilities to serve the development;
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Bobby Bell seconded the motion and the motion passed unanimously

OLD BUSINESS

Horace Bell asked Ms. Cox to set up a work session with the Board of Commissioners. He said several items of discussion would be drainage issues, water system issues, the mid-county bridge, ferry to the outer banks, school figures, etc.

Mr. Midgette asked the status of the Hazard Mitigation Plan. He thought the board was supposed to meet at least once per year. He asked Ms. Cox to come back with an update.

ADJOURNMENT

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Midgette seconded the motion and the motion passed unanimously. The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Tammy D. Glave/s/

Tammy D. Glave
Clerk to the Board