

CURRITUCK COUNTY PLANNING BOARD

January 13, 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 January 13, 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. Shelley Cox, Chief Planner, and Gary Ferguson, Planning Director, were also present.

Vice-Chairman Riley 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 times on the agenda.

APPROVAL OF DECEMBER 9, 2003 MINUTES

Mr. Hawley motioned to approve the December 9, 2003 minutes as presented. Mr. Midgette seconded the motion and the motion passed unanimously.

PB 88-62 EAGLE CREEK, PHASE 7B: FINAL PLAT APPROVAL OF 60 LOTS LOCATED IN MOYOCK OFF SURVEY ROAD, TAX MAP 15, PARCEL 84, MOYOCK TOWNSHIP.

Catherine Holder appeared before the board.

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

LOCATION: Within Eagle Creek Subdivision off of Green View Road, Moyock Township.

ZONING DISTRICT: Agricultural

OWNER:
Sandler at Mill Run, LLC
448 Viking Drive, Suite 220
Virginia Beach, VA 23452

APPLICANT/AGENT
Hassell & Folkes, PC
325 Volvo Parkway
Chesapeake, VA 23320

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Residential – zoned A
SOUTH: Farmland & Residential – zoned A
EAST: Farmland & Residential – zoned A
WEST: Farmland – zoned A

*Minutes are not official until approved by the board.

NARRATIVE OF REQUEST:

Sandler at Mill Run, LLC is seeking Final Plat approval for 60 lots within Phase 7B of Eagle Creek.

Lot sizes in Phase 7B range from 15,562 sq. ft. to 47,198 sq.ft. Lots will be served by a centralized wastewater treatment system and the developer has installed water lines and fire hydrants connected to the county's water system.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The streets within Phase 7B have been installed and certified to meet NCDOT Design and Construction Standards based upon pavement density testing conducted by G.E.T. Solutions.

WATER: Waterline pressure tests and bacteriological tests have been conducted and certified to meet NCDENR- Division of Environmental Health standards. Water tap fees in the amount of \$180,000.00 have been paid.

FIRE: Moyock Volunteer Fire Department provides fire coverage to the area. Hydrants have been installed throughout Phase 7B.

WASTEWATER: A centralized wastewater system will be utilized for the treatment of wastewater. Enviro-Tech, the wastewater treatment operator for Eagle Creek, has certified that the existing facility and collection system has the capacity and ability to accommodate flow from Phase 7B.

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

CAMA CLASS: According to the 1990 Land Use Plan, this development is classified as Rural. The Rural classification calls for "low density dispersed residential uses on lots of approximately one unit per gross acre with on-site water and sewer."

STAFF RECOMMENDATION:

Staff recommends conditional approval for the following reasons:

1. The application is complete. Based on staff review all required information has been submitted for review and has been approved.

2. The application is in substantial conformance to the approved Preliminary Plat. Lot layouts, utilities, drainage and streets conform with the approval given at Preliminary Plat.
3. The applicant meets the standards and requirements within the County's UDO for Final Plat approval. Based upon staff's review, the applicant has met the standards and requirements within the UDO, except for (1) installation of street trees and (2) installation of traffic signs. To ensure that street trees are planted within 6 months of approval, a tree bond in the amount of \$30,176.00 shall be required.

This recommendation is based upon the following conditions:

1. That a Street Maintenance Bond in the amount of **\$20,993.00** (3,110 l.f. of roadway X \$45 = \$139,950 X 15% = \$20,993.00) be submitted and held by the County for a minimum period of at least 18 months and then the bond will only be released at such time as the streets are turned over to either a property owners association or NCDOT;
2. That a Performance Bond for installation of street trees within Phase 7B in the amount of **\$30,176.00** (landscape estimate = \$26,240.00 X 115% = \$30,176.00) be submitted and held by the County for a period of not more than 6 months to guarantee installation of street trees;
3. That stop signs shall be installed at the intersections of Eagleton Circle and Green View Road prior to Final Plat recordation;
4. That applicant meet all requirements of the County's Unified Development Ordinance;
5. That should any conditions within this permit conflict with any other permit(s) issued for this activity, then the more restrictive condition shall prevail;
6. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county's Unified Development Ordinance; and
7. That all Staff Findings of Fact previously cited within this analysis be incorporated within the approval.

DISCUSSION

Horace Bell asked how many more lots are available to develop.

Ms. Holder said this phase is the final phase for Eagle Creek.

Horace Bell asked if there is adequate water and wastewater to service this phase.

Ms. Holder said she has submitted certification of adequate water and wastewater for this development.

PLANNING BOARD ACTION

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

1. That a Street Maintenance Bond in the amount of **\$20,993.00** (3,110 l.f. of roadway X \$45 = \$139,950 X 15% = \$20,993.00) be submitted and held by the County for a minimum period of at least 18 months and then the bond will only be released at such time as the streets are turned over to either a property owners association or NCDOT;
2. That a Performance Bond for installation of street trees within Phase 7B in the amount of **\$30,176.00** (landscape estimate = \$26,240.00 X 115% = \$30,176.00) be submitted and held by the County for a period of not more than 6 months to guarantee installation of street trees;
3. That stop signs shall be installed at the intersections of Eagleton Circle and Green View Road prior to Final Plat recordation;
4. That applicant meet all requirements of the County’s Unified Development Ordinance;
5. That should any conditions within this permit conflict with any other permit(s) issued for this activity, then the more restrictive condition shall prevail;
6. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county’s Unified Development Ordinance; and
7. That all Staff Findings of Fact previously cited within this analysis be incorporated within the approval.

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

PB 04-01 DARIN & PEGGY CLARK: REZONING OF 6.25 ACRES FROM HEAVY MANUFACTURING (HM) TO AGRICULTURAL (A) LOCATED AT 533 GRANDY ROAD, TAX MAP 108, LOTS 55B AND 55C, POPLAR BRANCH TOWNSHIP.

Darin & Peggy Clark appeared before the board.

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

TYPE OF REQUEST: Request for rezoning 6.25 acres from Heavy Manufacturing (HM) to Agricultural (A).

LOCATION: This site is located in Poplar Branch Township off of Grandy Road, Tax Map 108, Lots 55B & 55C.

PROPERTY OWNER: Darin & Peggy Clark

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Heavy Manufacturing	Agricultural

ZONING HISTORY: Property was zoned Manufacturing on the January 1, 1985 Official Zoning Map.

SURROUNDING

ZONING/LAND USE: NORTH: Heavy Manufacturing & Agricultural/
Residential
SOUTH: Heavy Manufacturing & Agricultural/

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Vacant & Residential
EAST: Light Manufacturing/Weeping Radish site
WEST: Agricultural/Residential & Vacant

EXISTING LAND USE: Residential & Agricultural

PROPOSED LAND USE: Residential & Agricultural

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.”

**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 fronts on Grandy Road. Grandy Road is classified as a Minor Collector in the 1998 Thoroughfare Plan.

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

SOILS: The property contains Portsmouth fine sandy loam, Conetoe loamy sand and Munden loamy sand. Portsmouth soils are very poorly drained with moderate permeability. Conetoe and Munden soils are well drained with moderate to rapid permeability.

STAFF COMMENTS: Applicant states on the application that the property currently has a residence on it and they cannot get use out of the property with the current zone.

Single family residential uses are not permitted within the Heavy Manufacturing district.

Two adjoining properties (to the north and south of this site) have been rezoned since 1998 from Heavy Manufacturing to Agricultural.

The property directly east of this site was rezoned from General Business to Light Manufacturing in 1999. This is the location of the Weeping Radish Brewery currently under construction.

STAFF

RECOMMENDATION: The proposed rezoning would be consistent with the Land Use Plan and with surrounding land uses. Staff recommends approval of this request. In addition, staff recommends that the HM zone that remains to the North and fronting on Grandy Road also be considered for rezoning to avoid spot zoning.

DISCUSSION

Mr. Hawley asked if spot zoning would be a problem for the two lots that are to remain zoned HM.

Mr. Ferguson said that those properties would not have to be rezoned.

Mr. Hawley expressed a concern that the new property owners of the property being rezoned could have to deal with a Heavy Manufacturing use abutting them since those small parcels will be left HM.

PLANNING BOARD RECOMMENDATION

Mr. Etheridge motioned to recommend approval of this request as presented. Horace Bell seconded the motion and the motion passed unanimously.

PB 03-36 WHITE TAIL RUN: SKETCH PLAN/SPECIAL USE PERMIT OF 27 LOTS LOCATED IN MOYOCK APPROXIMATELY 850' EAST OF THE TERMINUS OF PUDDIN RIDGE ROAD (SR 1216), TAX MAP 11, PARCEL 4B, MOYOCK TOWNSHIP.

This item was removed from the agenda prior to the meeting.

PB 04-03 RIVER LANE ESTATES: SKETCH PLAN/SPECIAL USE PERMIT FOR A 19 LOT SUBDIVISION LOCATED IN POWELLS POINT ON THE SOUTH SIDE OF RIVER LANE (SR 1157), TAX MAP 110, LOT 83B, POPLAR BRANCH TOWNSHIP.

David Ryan appeared before the board.

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

LOCATION: At the end of River Lane Road, approximately 1600' from its intersection with Caratoke Highway, Poplar Branch Township.

ZONING DISTRICT: General Business

OWNER: **APPLICANT/AGENT**

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John and Jane Newbern
300 Luid Drive
Chesapeake, VA 23322

Bissell Professional Group
P.O. Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

John and Jane Newbern are seeking Sketch Plan/Special Use Permit approval for 19 single family lots through the major subdivision process. The total acreage of the entire development is approximately 20.60 acres.

This property is zoned General Business, however the developers are proposing the subdivision be utilized for residential purposes. Lot sizes within this development range from 40,000 sq. ft. to 51,556 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: A loop road is proposed to serve this development. In accordance with Section 921, the road will be built to NCDOT Design and Construction Standards.

WATER: The nearest existing County water line is located off of Caratoke Highway which is approximately 1,600' from the proposed subdivision. Utilizing the formula in Section 915, this development would have to be within 1,180' of an existing water line before the County would require a water main extension (100 feet per unit for the first ten residential units plus an additional 20 feet for each additional unit). Therefore, water for this development will be provided by individual wells. However, a bond will be required for the future installation of a 6" water line and hydrants throughout the subdivision.

FIRE: This development will be located within the jurisdiction of the Lower Currituck Volunteer Fire Department. A fire protection pond is proposed for fire suppression purposes.

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 7 elementary students, 2 Jr. high students, and 3 high school students from this development.

OPEN SPACE: No open space is required, however .19 acres of open space has been provided for a fire protection pond.

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 Limited Transition. The purpose of the Limited Transition class is “to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities.”
This proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- On December 11, 2003 Technical Review staff reviewed this application. Staff’s concerns included the following:
 1. Two paralleling cul-de-sac roads were initially proposed, which did not provide for interconnection in accordance to Section 914 (1b) which states, “*All streets shall provide for the continuation or appropriate extension of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts where the County deems appropriate.*” This concern has been addressed with a redesign which shows a loop road providing access throughout the subdivision.
 2. Since this development is proposed for residential use only, staff requested that a note be placed on the plat which stated as such. This concern was addressed with the newest Sketch Plan under Note 10.

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 Limited Transition 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 7 elementary students, 2 Jr. high students and 3 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 planting street trees along newly paved streets, installation of the fire protection pond as shown on plan, and payment of a bond for water improvements (including fire hydrants, laterals, service lines, meter boxes and yokes) at a rate of cost + 20% to be installed at a later date;
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

Mr. Hawley asked if the access easement was approved by the property owners and if it was just for foot traffic. He asked if the fire protection pond would be fenced.

Mr. Ryan said the easement is a foot accessway to the sound. He said the pond could be fenced.

Roy Etheridge said that the water access is just for 11 lots for HD Newbern and his heirs. A lot cannot be sold to someone other than heirs and they receive access to the easement. He asked if water will be made available to the site.

Ms. Cox said the applicant will not be required to install water at this time because they are more than 1400' away from county lines. They will have to bond the water lines and fire hydrants for when the county extends the lines in that area.

Roy Etheridge said he thought the property was within 1400' of county waterlines. He said Mr. Newbern has already created two minor subdivisions on this same lot. He also expressed a concern for the new lots accessing his private road.

Ms. Cox said she would research the issue.

Mr. Ferguson reiterated that this property was 200 to 300' away from being required to connect to county water and that the applicant would have to post a bond for the waterline extension and fire hydrants. He explained that the bond was more expensive than installing the infrastructure.

Mr. Hawley asked if the lots in this subdivision would have access to the river.

Roy Etheridge said that according to two lawyers he had spoken with, the new owners would not have legal access to the river.

Bobby Bell asked the purpose for the 10' easement to the east of lot 1.

Mr. Ryan said it is for future development to allow provisions for access to the river.

Mary Barber voiced a concern for the narrow easement to the sound. She said you did not have room to turn a vehicle around once you reach the water. Ms. Barber was talking for approximately nine other members in the audience.

Jane Newbern said the houses are not going to face the road at Roy Newbern's property. They will face internally. She said that the complaining property owners have used the road to their own benefit and each of them were given the opportunity to purchase this property. She said the 25' easement to the water runs with the property, not the property owner. She said it is for foot traffic. There will not be a boat ramp. There will be steps leading into the river.

Mr. Ferguson said that the county is not requiring access to the sound. He explained that this is a civil issue.

Mr. Hawley asked if the homes facing the private access road could use that road.

Mr. Ferguson said there could be a non-ingress/egress easement running along the private access subdivision road. He said it would not benefit the property owner to access that sand road when the applicant is building a paved road on the other property line.

PLANNING BOARD RECOMMENDATION

Mr. Hawley motioned to recommend 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 planting street trees along newly paved streets, installation of the fire protection pond as shown on plan, and payment of a bond for water improvements (including fire hydrants, laterals, service lines, meter boxes and yokes) at a rate of cost + 20% to be installed at a later date;
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.

Horace Bell seconded the motion and the motion passed unanimously.

PB 04-04 OWENS BEACH EXTENDED: SKETCH PLAN/SPECIAL USE PERMIT FOR A 5 LOT SUBDIVISION LOCATED AT 112 OWENS BEACH ROAD EXTENDED, TAX

MAP 125, LOT 35E, POPLAR BRANCH TOWNSHIP.

La Ree Lynn appeared before the board.

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

LOCATION: At the end of Owens Beach Road Extended, approximately 800’ from its intersection with Owens Beach Road, Poplar Branch Township.

ZONING DISTRICT: Residential

OWNER: Shirley Lynn 105 S. Spot Road Powells Point, NC 27966	APPLICANT/AGENT Donnie Wood P.O. Box 433 Kitty Hawk, NC 27949
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LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

Shirley Lynn is seeking Sketch Plan/Special Use Permit approval for 5 single family lots through the major subdivision process. The total acreage of the entire development is approximately 5.15 acres.

This property is zoned Residential which allows for a 40,000 sq. ft. minimum lot size. Lot sizes are proposed to range from 40,000 sq. ft to 45,000 sq. ft. All lots are proposed to front on Owens Beach Road Extended, an existing NCDOT maintained right-of-way.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: Lots are proposed to front on Owens Beach Road Extended, an existing NCDOT right-of-way.

WATER: Water for this development will be provided by individual wells.

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

WASTEWATER: Individual, on-site septic systems are proposed. According to the County’s GIS, the property contains Conetoe loamy sand which

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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 2 elementary students, 1 Jr. high student and 1 high school student from this development.

OPEN SPACE: No open space is required or provided within this development.

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

FLOOD ZONES: This development is within Flood Zone A4 (within the 100 year flood area, 8' elevation).

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is "to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Other land uses, due to their noxious or hazardous nature and negative impacts on adjacent uses may also be appropriate here if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources....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 proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- On December 11, 2003 Technical Review staff reviewed this application and no major concerns were expressed.

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

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.

PLANNING BOARD RECOMMENDATION

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

1. That applicant shall be required to meet all requirements of the UDO;
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.

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

PB 04-05 MILLER'S WAY: SKETCH PLAN/SPECIAL USE PERMIT FOR A 10 LOT SUBDIVISION LOCATED IN MOYOCK AT THE TERMINUS OF FOX LANE, TAX MAP 9, LOT 37, MOYOCK TOWNSHIP.

The applicant requested that this item be removed from the agenda prior to the meeting.

ELECTION OF OFFICERS

Mr. Hawley nominated Mr. Riley as chairman. Mr. Riley declined the nomination. Mr. Riley nominated Mr. Hawley as chairman. Mr. Hawley declined the nomination. Mr. Hawley nominated Horace Bell as chairman. Mr. Etheridge seconded the nomination. Nominations were closed. Horace Bell was appointed chairman by acclamation.

Mr. Hawley nominated Mr. Midgette as vice-chairman. Mr. Etheridge seconded the nomination. Nominations were closed. Mr. Midgette was appointed vice-chairman by acclamation.

ADJOURNMENT

There being no further business to discuss, Mr. Midgette motioned for adjournment. Mr. Etheridge seconded the motion and the motion passed unanimously. The meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Tammy D. Glave /s/

Tammy D. Glave
Clerk to the Board