

CURRITUCK COUNTY PLANNING BOARD

July 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 July 13, 2004. The following members were present: Bobby Bell, Horace Bell, Eddie Hawley, Alvin Keel, Forrest Midgette, Lloyd Parker, Pat Riley, and Arthur Winter. Absent: William Etheridge. 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.

Wayne Twifford gave the invocation.

APPROVAL OF AGENDA

Mr. Hawley motioned to approve the agenda as presented. Mr. Riley seconded the motion and the motion passed unanimously.

APPROVAL OF JUNE 8, 2004 MINUTES

Mr. Midgette motioned to approve the June 8, 2004 minutes as presented. Mr. Winter seconded the motion and the motion passed unanimously.

PB 04-29 SNOWDEN CROSSING: SKETCH PLAN/SPECIAL USE PERMIT FOR 20 LOTS LOCATED IN SHAWBORO ON THE WEST SIDE OF SNOWDEN ROAD APPROXIMATELY ½ MILE NORTH OF THE INTERSECTION WITH SHAWBORO ROAD, CRAWFORD TOWNSHIP.

David Ryan and James Innes 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 20 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 west side of Snowden Road and comprises the western portion of the parent parcel. The total acreage for this development is approximately 53.8 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 40,000 sf to 3.1 acres.

The subdivision will have one point of entry from Snowden Road. There is a dedicated right-of-way to the south for a future street connection. 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 range in size from 2,000 sf to 2,500 sf in size. The anticipated total sale price for all of the lots is \$1.1 million, or approximately \$55,000 per lot. 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 are five soils types found at the site: Augusta fine sandy loam which consists of somewhat poorly drained, moderately permeable soils; Roanoke fine sandy loam which consists of poorly drained soils that have slow permeability; Nimmo loamy sand which consists of poorly drained soils that have moderate permeability; Tomotley fine sandy loam which consists of poorly drained soil with moderate to moderately slow permeability; and Pasquotank silt loam which consists of 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*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect eight elementary students, two junior high students, 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 **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 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 20 lot subdivision is approximately 0.4 units per gross acre. This proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- On May 13, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. Three of the lots slightly exceeded the 4:1 lot width to length ratio mandated by Section 921 of the UDO. Lot 9 has a ration of 5.6:1; Lot 11 has a lot ratio of 5.6:1; and Lot 18 has a lot ratio of approximately 5:1. It should be noted that Lots 9 and 11 are cul-de-sac lots while Lot 18 meets the ratio when based on the average lot width. 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. The subject property has a slightly triangular shape.
 2. Plans reviewed at the TRC meeting did not address the tentative drainage of the site.
 3. The Fire Marshall had concerns in regards to the access to the fire pond access.
 4. The Albemarle Regional Health Services has concerns with the soils and the ability of the project to support conventional wastewater systems.
 5. A temporary turnaround shall be placed at the end of Floyd Lane. The turn around shall be improved with a minimum 35' radius graveled turnaround.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
 - Lot 9 was reconfigured to meet the 4:1 lot width to length ratio;
 - A temporary turnaround was placed at the end of Floyd Lane;
 - Tentative storm drainage has been addressed and approved;
 - The Fire Marshal's concerns have been addressed and approved.
- The project will require state stormwater and erosion & sedimentation control permits.
- This case was heard at the June 8, 2004 Planning Board. At that meeting the decision was tabled due to an inadequate adjacent property owner notification of the meeting. There were concerns in the audience regarding the adequacy of Snowden Road to handle the additional traffic. The Planning Board directed the Planning Staff to get comments from NCDOT regarding this concern.
- 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."
- NCDOT has concerns regarding the drainage and the oddly shaped cul-de-sac/"T" intersection as to whether it would meet NCDOT standards.

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 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.*

Currituck can expect eight elementary students, two junior high students, and three 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 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 applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection 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

Mr. Hawley asked if NCDOT did not approve the cul-de-sac, what would happen.

Ms. Eggar said that it would have to remain a private road.

Horace Bell asked if the adjoining property owners were properly notified.

Mr. Innes said the adjoining property owners were properly notified.

Horace Bell asked about the NCDOT acceptance of the cul-de-sacs.

Mr. Ryan said the street would remain private and the property owner's association would be required to maintain the street.

Mr. Hawley asked if NCDOT drainage concerns had been addressed.

Mr. Ryan said the drainage would be contained on site.

Mr. Keel asked if the street that is provided for interconnectivity would be necessary if the road remains private.

Ms. Eggar said she would have to research that issue.

Mr. Hawley asked the applicant what had to be done to meet NCDOT standards.

Mr. Ryan said that the applicant would have to lose a couple of lots to redesign the road.

Mr. Keel asked if school buses served private roads.

Mr. Ferguson said that busses usually do not serve private roads.

Sandra Roberts, adjoining property owner, said that the ditches the applicant plans to use for storm drainage are on her property.

Mr. Ryan said they will use swales to control drainage.

Horace Bell said that storm drainage will be closely examined at preliminary plat.

Ms. Roberts asked how the fire pond will be accessed.

Mr. Ryan said the fire pond will be accessed directly from Snowden Road.

Bobby Bell asked who will maintain the fire ponds.

Mr. Ferguson said the property owner's association will be responsible for maintaining the fire pond.

Ms. Roberts asked if the three acre lots could be divided smaller.

Mr. Innes said the smallest lots the UDO allows in the A zone is three acres.

PLANNING BOARD RECOMMENDATION

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

1. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection 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.

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

PB 04-50: AMENDMENT TO ARTICLES 4, 13, AND 25 OF THE UDO TO CREATE USE 2.140 AUCTION HOUSE.

Charles Hardy appeared before the board.

Mr. Ferguson presented the following memo to the board:

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: July 7, 2004

SUBJECT: Auction House Proposed Ordinance Amendment

Charles Hardy, Hardy Moving and Storage, is requesting an ordinance amendment to address auction houses which is not an identified use in the current UDO. The proposed ordinance amendment will provide a definition for auction houses, a use classification and zoning allowance, and parking standard. The planning staff agrees the use classification and definition would provide a clear review process for this type of use; however, there are reservations with the type of permit required and the parking standards.

An auction house is not a familiar use to the county and the impacts to the community are not easily defined and addressed. The planning staff would recommend that the board consider the following:

- *The parking standard requested by the applicant is one parking space for every 400 square foot of gross floor area. The vehicular impacts to the site are generally only during the day of the auction; however, the staff feels this may not provide adequate parking for a use that tends to generate significant vehicular traffic on the day of the auction. This could be addressed by permitting a parking standard that would provide additional parking spaces either improved or unimproved overflow parking.*
- *The applicant is proposing to allow the use in a General Business (GB) zoning district with a zoning permit (permitted by right). Such an unfamiliar use to the county would be better reviewed by a board and held to either a conditional use permit or a special use permit that would be reviewed by the appropriate board in one or two years after issuance. This would provide the county and the appropriate board information and details that would benefit the health and safety of the public.*

DISCUSSION

Mr. Hardy said that he could live with one parking space for every 300 square foot of gross floor area.

Mr. Hawley asked the average parking per event.

Mr. Hardy expects an average of 75 people at each event. There are many variables. He said his building is 12,000 square feet, but only 6,000 square feet will be used for the auction house. The remaining portion of the building will be used for storage. If there is overflow parking, he has permission from an adjoining business to use its parking lot.

Brenda Claiman expressed a traffic safety concern.

Mr. Hawley said this amendment is county-wide, not one specific lot.

PLANNING BOARD RECOMMENDATION

Mr. Keel motioned to recommend approval of this amendment subject to requiring a conditional use permit, requiring one parking space for every 300 feet of gross floor area, and review of the permit in one year. Mr. Midgett seconded the motion and the motion passed unanimously.

PB 04-12: AMENDMENT TO SECTION 940 OF THE UDO TO ALLOW PATIO HOMES WITHIN THE PLANNED UNIT DEVELOPMENTS.

Sean Boyle and Dave Rissotto appeared before the board.

Ms. Eggar presented the following memo to the board:

MEMORANDUM

TO: Planning Board

*FROM: Cheryl Eggar
Planner*

DATE: July 13, 2004

SUBJECT: PB 04-12

*A text amendment request has been made to allow patio home developments within **all** districts in Planned Unit Developments for multi-family housing. These homes will be detached multi-family units, or what is typically called single family homes. Specific design and development criteria for detached patio home developments are included within this proposal.*

Detached style developments in multi-family areas within P.U.D.'s have previously been permitted as multi-family housing; however no specific criteria for these types of developments are provided within the current ordinance, with the exception of the Setback Requirements found in Article 2. Examples of these developments within Currituck include "The Mirage" in Corolla Light P.U.D., "The Hammocks", and "Magnolia Bay" in The Currituck Club P.U.D.

The Hammocks is most similar in design concept to the proposed text amendment. In the Hammocks the minimum lot size is 3,000 sf with zero side yard setbacks and a 20' separation between lots. This amendment is proposing 3,000 sf lots with a 20' separation between buildings.

The Mirage was developed as townhouse condominiums where there were no individual lots for the buildings, only a 10' setback around each building with a minimum building separation of 20'. The building separation is increased to 40' for front to rear or front setbacks Magnolia Bay was developed on lots approximately 5,800 sf in size and honored the setback requirements established in Article 2.

Since no specific design standards have been established for detached/patio style multi-family housing, staff has relied on the setback requirements for developments with two or more duplexes found in Section 207(6). The building setback requirements found in Section 207(6) state that no portion of the front or rear of a structure shall be less than 40' from the rear or front of another principal structure. It should be noted that these setbacks are based upon a 35' building height. Accessory structures have a setback of no less than 10' from another structure.

There are several advantages to this style of development. The houses would generally be small, limited to four bedrooms, and would require less parking. The limited number of bedrooms would essentially reduce occupant density and therefore lessen demand on services including water and wastewater (as opposed to the larger cottages that contain more bedrooms). In addition, smaller size cottages are more in keeping with the Corolla atmosphere rather than the stacked apartment style of multi-family housing found in the more urban beach communities.

This amendment was reviewed by the Technical Review Staff. Staff's concerns included the following:

- *In regards to the setback requirements, staff is uncertain exactly what is meant by "developed areas" and "required open space". This needs to be clarified.*
- *This type of development shall only be allowed in areas previously approved for multi-family housing. The density shall not exceed 3 dwelling units/acre and shall be less than the approved multi-family density for the stacked units.*
- *Staff has concerns that the first house constructed will dominate the placement of the surrounding homes to honor the 20' building separation. Unless the home placements are determined prior to the beginning of construction, it might be possible that when the last lots are being developed, the 20' building separation can not be achieved.*
- *Staff has concerns regarding the 3' separation between the lots and the access for maintenance of these areas, especially if the yards are fenced.*
- *Staff would prefer this development to have development standards similar to the Hammock where there is a 20' separation between the lots and the homes are permitted to have zero side yard setbacks. This development follows the setback requirement found in Section 207(6)*
- *The text amendment does not address accessory structure setbacks.*
- *Each unit has only two parking spaces. It was noted on the Sketch Plan that there are only six guest parking spaces for the 35 units that are proposed.*
- *The Fire Marshal has concerns with there being no water available for fire fighting, the fire station being a volunteer fire department with limited staff, and the weather conditions found at the Outer Banks. He requests that if developments of this type are constructed that fire hydrants be installed prior to the beginning of any construction. The cul-de-sac shall have a paved 53' radius with no center island.*
- *The Fire Chief has concerns with the center islands in the cul-de-sac and the fire trucks running over them. If center islands are to be used the maximum diameter shall be 20' or less. There are concerns with several homes being accessed by 24' easements. In case of a fire, the fire trucks will block resident's cars and they will not be able to move them. Due to the lack of adequate guest parking, it is feared that cars will park in the 24' easement which will hinder fire access to the properties. These easements need to have the pavement clearly marked as a fire lane with signage "NO PARKING - FIRE LANE". There need to be clear signage that there is no on street parking allowed.*

- *The county engineer has no comments at this time.*
- *The Soil & Water Conservation Dept. has no comments at this time.*
- *The water department has no comments.*
- *The building inspector will require engineered plans when swimming pools are placed within 8' of pilings that are 8' in depth or within 16' of pilings that are 16' in depth.*

STAFF RECOMMENDATION:

Because this style of housing has been previously approved by the County with no adverse effects, staff recommends approval with the following conditions:

- 1. That the lots maintain a minimum 20' separation.*
- 2. That the lots have a zero side yard setback.*
- 3. No portion of the front or rear of a structure shall be less than 40' from the rear or front of another principal structure*
- 4. Setbacks to principal structures from NCDOT right-of-ways and exterior property lines shall be in accordance with Section 204.*
- 5. Sidewalks a minimum of 4' wide shall be provided along one side of all roadways for pedestrian access.*
- 6. Accessory Structures shall have a minimum 10' separation from another structure.*

Ms. Eggar presented the following amendment 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 940 Design Standards and Development Criteria for Patio Home Developments within PUD's.

Patio Home Developments may be created within all districts in Planned Unit Developments. The following design standards and development criteria shall apply to all Patio Home Developments:

- 1. The minimum lot size shall be 3,000 square foot.**
- 2. The maximum allowable lot coverage shall be 80%.**
- 3. The maximum building height shall be set in accordance with Section 206.**
- 4. The following setbacks shall be required:**
 - (a) The minimum setbacks for all structures from developed areas by 25' and from required open space by 15'.**
 - (b) The minimum front setbacks from sidewalks or the edge of the roadway, whichever is greater, shall be 22'.**
 - (c) The minimum separation of structures shall be 20' as measured wall to wall.**

- (d) **Setbacks from NCDOT right-of-ways shall be in accordance with Section 204.**
- (e) **Pools shall be setback a minimum of 5' from buildings and lot lines.**
- 5. **One structure, containing a maximum of four (4) bedrooms, is permitted on each lot.**
- 6. **A minimum of two (2) parking spaces, meeting the dimensional requirements of Article IV, shall be required for each structure.**
- 7. **Sidewalks, a minimum of four (4) foot wide shall be provided along at least one side of major roadways for pedestrian access**
- 8. **Additional fire hydrants shall be installed in accordance with recommendations made by the Currituck County Fire Marshall.**
- 9. **Where easements are required to access structures, the easement shall have a minimum width of 24'. Pavement length shall be 150' maximum. Pavement length greater than 150' shall provide a turn around for emergency vehicles.**

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

Chairman, Board of Commissioners

DISCUSSION

Horace Bell asked if the fire lane marking requirements was a legitimate request.

Mr. Boyle said they had no problem clearly marking the lanes in question as fire lanes.

Mr. Hawley expressed a concern for only 6 guest parking spaces for 35 homes. He asked if the homes would be rented.

Mr. Rissotto said they are smaller homes with 2-4 bedrooms. They are primarily for second homes, but may be rented.

Mr. Hawley asked if there are existing safety problems with parking in this subdivision.

Mr. Ferguson said the problems to date have primarily been with the construction traffic.

Mr. Rissotto said that the Hammocks sold much faster than expected and there are 250 contractors on the site. These problems will be addressed in the next phase by having a parking area just for the construction traffic.

Mr. Hawley asked if pools would be constructed on the sites.

Mr. Rissotto said that pools would be constructed and circulated site plans.

Horace Bell stated that the ordinance amendment would be applicable to all planned unit developments.

Pat Riley asked when the fire hydrants would be installed in the Currituck Club.

Mr. Boyle said he has provided necessary comments to the state and hopes to receive approval by next week.

Mr. Rissotto said staff asked for a 3' separation between the lots. Now he has been asked to remove that separation.

Mr. Ferguson said the separation was suggested to keep eaves from over-hanging on another property. He originally asked that the applicant mimic the Hammocks with a 20' lot separation. The lots are sitting on open space.

Mr. Rissotto said that this separation can still be reached by deed restrictions.

PLANNING BOARD RECOMMEDATION

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

1. No portion of the front or rear of a structure shall be less than 40' from the rear or front of another principal structure
2. Setbacks to principal structures from NCDOT right-of-ways and exterior property lines shall be in accordance with Section 204.
3. Sidewalks a minimum of 4' wide shall be provided along one side of all roadways for pedestrian access.
4. Accessory Structures shall have a minimum 10' separation from another structure.
5. That the fire lanes/no parking areas be clearly delineated.

Bobby Bell seconded the motion and the motion passed unanimously.

PB 04-51 RONDA WILLIAMS: REZONE .23 ACRES FROM AGRICULTURAL (A) TO COMMERCIAL (C) ON PROPERTY LOCATED IN POWELLS POINT AT 8294 CARATOKE HIGHWAY, TAX MAP 124, LOT 51, POPLAR BRANCH TOWNSHIP.

Ronda Williams appeared before the board.

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

TYPE OF REQUEST: Request for rezoning a 10,000 sf lot from Agricultural (A) to Commercial (C).

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

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Agricultural	Commercial

ZONING HISTORY: Property has been zoned Agricultural since 1989.

SURROUNDING

ZONING/LAND USE:	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.

*Minutes are not official until approved by the board.

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.

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 not permitted in the Commercial zone. If the property is to be rezoned, the General Business zone would keep the land uses in conformance with the UDO;
- 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 Commercial, nor General Business districts. Staff recommends denial of this application on the basis of spot zoning

DISCUSSION

Ms. Williams said she has been in business for twenty years. There is little pedestrian traffic and would have little to no impact on the area. Her customers would use local restaurants, etc. She said there are a lot of businesses in this area.

Mr. Hawley asked if this is spot zoning since there is GB across the street.

Mr. Ferguson said it is spot zoning since there is no GB zoning adjacent to this property.

Mr. Keel asked how such a small lot got approved.

Ms. Eggar said it was created prior 1989.

PLANNING BOARD RECOMMENDATION

Mr. Hawley motioned to recommend denial of this rezoning on the basis of spot zoning. Mr. Keel seconded the motion and the motion passed unanimously.

PB 03-46 OWENS BEACH ESTATES: PRELIMINARY PLAT FOR 10 LOTS LOCATED IN HARBINGER AT 307 REGGIE OWENS DRIVE, TAX MAP 125, LOT 35D, POPLAR BRANCH TOWNSHIP.

Donnie Wood appeared before the board.

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

LOCATION: In Harbinger at 307 Reggie Owens Drive, Poplar Branch Township.

TAX ID: 0125-000-035D-0000

ZONING DISTRICT: Residential

OWNER:
North Beach Development
4826 N. Croatan Highway
Kitty Hawk, NC 27949

APPLICANT/AGENT
North Beach Development
4826 N. Croatan Highway
Kitty Hawk, NC 27949

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:

North Beach Development is seeking Preliminary Plat approval for 10 single family lots off of Reggie Owens Drive. The total acreage of the entire development is approximately 11 acres.

This property is zoned Residential. Since the subdivision consists of less than 20 lots, no open space is required or provided. Lots within this development range from approximately 40,000 sq. ft. to 51,800 sq. ft with an average lot size of about 44,300 sf.

The subdivision will have one point of entry onto Reggie Owens Drive. The lots will require individual septic systems. At the present time county water is not available to this subdivision. It is expected that in the fall of 2004 that the county will be completing a waterline extension which will connect to this development.

*Minutes are not official until approved by the board.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The proposed subdivision will contain one street which will be built to NCDOT Design and Construction Standards.

WATER: This development will be required to connect to county water. It is anticipated that the waterline expansion to the site will be completed in the fall of 2004.

FIRE: This development will be served by fire hydrants and is located within the Lower Currituck Volunteer Fire Department.

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

SOILS: Two soil types are found at the site: **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems and **Ds** – Dragston loamy fine sand is a somewhat poorly drained soil which requires extensive drainage and site modifications to improve the potential for septic systems. The primary soil is the Conetoe Loamy 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 Township has an occupancy rate of 0.7764.

Based on these pupil generation figures, Currituck can expect 3 elementary students, 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 reflected in the student population count.

OPEN SPACE: No open space is provided, nor required, within the proposed development.

DRAINAGE: A drainage swale is proposed along the exterior north and southwestern property lines of the development for a stormwater

discharge to Reggie Owens Drive. There will be roadside ditches along the new road. Stormwater will be retained in accordance with the Division of Water Quality and the Currituck County Soil and Water Conservation office.

FLOOD ZONES: A majority of the property is located within the 100 year floodplain (flood zone A4) with a base flood elevation of 8 feet with the remaining portion being located out of the floodplain.

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is “to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas. Proposed density for the total 10 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 December 1, 2003 for 10 lots.
2. Developer will be required to install all of the necessary waterlines, water services, and required fire hydrants. This system will connect to the county water system once the county waterline expansion is completed.
3. 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.
4. Developer is required to obtain all necessary state permits and approvals from NCDOT and for the waterline construction.
5. Technical Review Staff:

On June 10, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage and the outlet ditch on Reggie Owens Road. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff.

- (a) County Engineer - reviewed & approved
- (b) Soil Conservation Service - reviewed & approved
- (c) Health Services – reviewed & approved
- (d) County Water Department - reviewed & approved
- (e) County Recreation – reviewed with no comments
- (f) County Fire Marshall - reviewed & approved
- (g) Lower Currituck VFD Fire Chief – no comments received
- (h) NCDOT – will require a driveway permit; NCDOT will be evaluating the 18” culvert under Reggie Owens Drive leading to the drainage outfall.

- (i) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; issued letter of approval
- (j) NCDEHNR, Div. of Environmental Management (stormwater requirements) – no comments received
- (k) CAMA - no comment; not within CAMA's jurisdiction
- (l) Phone Company - no comments received
- (m) Superintendent of Schools - no comments received
- (n) N C Power - no comments received

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 corrections be made to the preliminary plat:
 - (a) Sheet C-1 – correct the street cross sections to reflect a 3:1 slope; correct the driveway culverts to 15”.
 - (b) Sheet C-2 – Ditch slopes be shown
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. The trees shall be located 50’ off the street centerline. Large trees with a minimum height of 4’ shall be planted 50’ on center while small trees with a minimum height of 3’ shall be planted 30’ on center.
3. That waterline, water services and fire hydrants 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 its expiration.
6. That the applicant shall complete the development strictly in accordance with the plans submitted to, and approved by, the Board of Commissioners.

DISCUSSION

Mr. Hawley asked if a fire pond would be required until the water line is installed.

Ms. Eggar said the water lines should be installed about the same time the developer would need them.

Mr. Hawley asked if Reggie Owens Road is a state maintained road and if so, he thought no drainage would be allowed on the state right-of-way.

Ms. Eggar said the drainage will be carried by a pipe under Reggie Owens Road. The state will review the plan.

PLANNING BOARD RECOMMENDATION

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

1. That the following corrections be made to the preliminary plat:
 - (a) Sheet C-1 – correct the street cross sections to reflect a 3:1 slope; correct the driveway culverts to 15”.
 - (b) Sheet C-2 – Ditch slopes be shown
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. The trees shall be located 50’ off the street centerline. Large trees with a minimum height of 4’ shall be planted 50’ on center while small trees with a minimum height of 3’ shall be planted 30’ on center.
3. That waterline, water services and fire hydrants 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 its expiration.
6. That the applicant shall complete the development strictly in accordance with the plans submitted to, and approved by, the Board of Commissioners.

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

PB 88-66 VILLAGES AT OCEAN HILL, PHASE 5: PRELIMINARY PLAT OF 27 LOTS LOCATED IN COROLLA OFF LAKESIDE DRIVE, POPLAR BRANCH TOWNSHIP.

Jim Bickford and 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 not meeting state standards because of insufficient right-of-way width. 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 27 lot 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.

*Minutes are not official until approved by the board.

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 Sketch Plan 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.

STAFF RECOMMENDATION:

In consideration of the facts stated within this analysis, staff recommends **denial** on the basis that this application does not meet the technical requirements for Sketch Plan approval in that:

1. Lots 1 - 5, 10, and 16 do not meet the minimum lot width requirement.
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 cul-de-sacs are required to be a minimum 58' radius with a pavement radius of 53'.

DISCUSSION

Mr. Bickford said this is the same site plan as approved in the early 1990s. He is not sure where the minimum lot width requirements came from.

Mr. Ryan said the original sketch plan did not address minimum lot widths or minimum lot sizes. The sketch plan was amended in 1992 and showed minim lot widths of 45' and minimum lot sizes of 5500 square feet. It has been amended three other times. He said they can meet the 60' lot width requirement. The minimum lot size requirement can also be met at preliminary plat. He said he can also acomadate the cul-de-sac requirement.

Jim Bickford said he can satisfy all of the staff's conditions. He asked that the item not be tabled.

Mr. Hawley asked if the developer was being held to the standards now or the standards at the time of approval.

Mr. Ferguson said they are held to the standards under which they were originally approved.

PLANNING BOARD ACTION

Mr. Keel motioned to table this request to allow staff time to review the new submittal. Mr. Winter seconded the motion and the motion passed unanimously.

PB 04-45 LAUREL WOODS SECTION C: SKETCH PLAN/SPECIAL USE PERMIT FOR 9 LOTS LOCATED IN AYDLETT ON WILDFLOWER LANE OFF OF AYDLETT ROAD, TAX MAP 92, LOT 63F, POPLAR BRANCH TOWNSHIP.

Jason Mizzell appeared before the board.

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

LOCATION: Wildflower Lane off of Aydlett Road, Poplar Branch Township.

TAX ID: 0092-000-063F-0000

ZONING DISTRICT: Residential & Agricultural

OWNER:

Charles & Mary Ellen Angus
P.O. Box 113
Aydlett, NC 27916

APPLICANT/AGENT

Albemarle Engineering
P.O. Box 3989
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Residential & Vacant Wetland - zoned R & A
- SOUTH:** Residential & Vacant Wetland – zoned R & A
- EAST:** Low Density Residential & Vacant - zoned R
- WEST:** Vacant Wetland - zoned A

NARRATIVE OF REQUEST:

Charles Angus is seeking Sketch Plan/Special Use Permit approval for nine single family lots through the major subdivision process. The total acreage of the entire development is approximately 26 acres.

*Minutes are not official until approved by the board.

This property has split zoning of Residential and Agricultural. In the Residential zoning district the minimum lot size is 40,000 sf while 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 40,000 sf to 16.6 acres. The 16.6 acre lot is located in the Agriculture zone.

In March 1995 a two lot minor subdivision was approved which created Laurel Woods Section A. In July 2002, another two lot minor subdivision was approved, Laurel Woods Section B.

The lots will be served by individual septic systems and will be connected to the county's water system. The lots will front on an extension of Wildflower Lane, a private gravel road which will be upgraded.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All of the proposed lots will front on Wildflower Lane. The existing Wildflower Lane is a private gravel road which will be improved to NCDOT standards out to Aydlett 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.

SOILS: There are four soils types found at the site: **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems; **Ds** – Dragston loamy fine sand is a somewhat poorly drained soil which requires extensive drainage and site modifications to improve the potential for septic systems; **Po** – Ponzer muck is a very poorly drained soil found in the Dismal Swamp and is unfavorable for septic systems; **Ws** – Wasda muck is a very poorly drained soil which is 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 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 3 elementary students, 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: 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: A majority of the property is located outside of the 100 year floodplain (flood zone C) with the residual parcel and the western edge of the lots located within the 100 year floodplain (flood zone A4) with a base flood elevation of 6'.

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. Proposed density for the total nine lot subdivision is 0.35 units per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. The street system does not provide for interconnectivity in addition to showing a 1' non-ingress/egress easement along the northern property line.
 2. Under this proposal, Wildflower Lane will be extended to a total length of approximately 1,600'. The maximum allowable cul-de-sac length allowed under Section 914 is 1,000'. The proposed "bump-out" does not meet NCDOT standards nor exempt the street from meeting the maximum allowable cul-de-sac length.
 3. The Albemarle Regional Health Services is aware of serious drainage issues in the area which have caused septic system failures. For the septic systems to work, the lots will require a good ditch system.
 4. Plans reviewed at the TRC meeting did not address the tentative drainage of the site nor the required waterline installation and fire protection.

- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following changes:
 - i. The tentative storm drainage is addressed;
 - ii. The existing and proposed waterlines are shown together with the fire hydrant locations;
 - iii. The “bump-out” was removed and reconfigured as a cul-de-sac. The street now meets the cul-de-sac length requirements.
 - iv. The non-ingress/egress easement has been replaced with a 1’ buffer strip along the property to the north.
- On the revised sketch plan NCDOT had concerns with the way the pavement was now flared at the intersection with Aydlett Road. There are concerns regarding only a 4’ separation between the proposed edge of pavement and the property corner; keeping the drainage ditches within the street right-of-way; and driveway radii overlapping. These issues will need to be resolved at the preliminary plat stage.

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, 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 four elementary students, one junior high student, and one 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 the currently approved subdivisions. 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 applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a 6" water line; fire hydrants; water services, 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 when the gravel road would be paved.

Mr. Mizzell said the road would have to be paved prior to this subdivision going to final plat.

Mr. Hawley said interconnectivity should be required as stated in the ordinance.

Ronnie Cooper expressed a concern regarding his drainage easement within Hunter's Woods. He was required to put in an engineered storm drainage system for Hunter's Woods and the owners of Laurel Woods did not want to assist with the system at that time. The drainage system abuts Laurel's Woods. Laurel's Woods property owners have tried to access his drainage system before this. He has asked Mike Doxey for assistance several times, but has received no feedback. He does not want Laurel Woods run-off draining into his drainage system.

Mr. Hawley asked if water currently drains from Laurel's Woods to Hunter's Woods. Mr. Cooper said that some of it does. He is concerned about them cutting through his property line to access his drainage system.

Mr. Mizzell said he is aware of the drainage easement on the Hunter's Woods property. The developer plans to use infiltration and swales to keep the stormwater on site.

Horace Bell asked if the cul-de-sac met the ordinance requirements.

Mr. Ferguson suggested that allowing the deletion of the cul-de-sac would set a precedent. He questioned the value of the cul-de-sac.

The board agreed that the ordinance requires the second cul-de-sac because of the length of the proposed road.

PLANNING BOARD RECOMMENDATION

Mr. Riley 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 the planting of street trees along all newly paved streets; installation of a 6" water line; fire hydrants; water services, 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.

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

PB 02-13 NAPOLITANO III, LLC PROPERTIES (AKA POYNER/ CROSSNO) SKETCH PLAN/SPECIAL USE PERMIT FOR 62 LOTS LOCATED IN MOYOCK AT THE INTERSECTION OF SR 1222 (TULLS CREEK ROAD) AND SR 1221 (SAWYERTOWN ROAD) TAX MAP 14, PARCELS 8A & 9A. MOYOCK TOWNSHIP.

Eddie Valdivieso appeared before the board.

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

LOCATION: Moyock Township at the intersection of Tulls Creek Road and Sawyertown Road.

TAX ID: Tax Map 14, Parcels 8A & 9A

ZONING DISTRICT: Residential

OWNERS:

Napolitano III, LLC
1492 South Independence Rd., Ste 200
Virginia Beach, VA 23462

APPLICANT/AGENT

Quibble & Associates
PO Drawer 870
Kitty Hawk, NC 27949

Estate of Grace O. Poyner
C/o Mary P. Stokes
702 Canal Drive
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland - zoned A
SOUTH: Farmland, Residential – zoned GB & A
EAST: Residential (Cypress Landing) – zoned R
WEST: Moyock Elementary, Residential, Farmland – zoned R & A

NARRATIVE OF REQUEST:

Napolitano III, LLC is requesting Sketch Plan/Special Use Permit approval for 62 single family lots located off Tulls Creek Road adjacent to Moyock Elementary School. The site is approximately 111 acres and is comprised of two parcels of approximately 42 acres and 69 acres. There are approximately 29 acres of wetlands located within the site. The proposed development is located at the intersection of Tulls Creek Road and Sawyertown Road.

This site was approved in December 2003 by the Planning Board for an 81 lot subdivision known as Poyner/Crossno. The approved Sketch Plan contained lots which averaged between 20,000 sf and 22,000 sf with a minimum 100' lot width. The larger lots within this development contained wetlands. The point of entry to the subdivision was off-set from Sawyertown Road.

The Board of Commissioners denied the Sketch Plan approval primarily because several lots had poor soils that would not be supportive of on-site septic systems. Since the denial, the developer has gone back and redesigned the subdivision. The subdivision has been reduced from 81 lots to 62 lots. The minimum lot size has been increased to 40,000 sf with an average lot size of 41,400 sf. The minimum lot width has been increased to a minimum of 125' on all but a few lots. Rather than being incorporated into the home lots, the wetlands are now protected within open space lots.

The open space requirements mandate that a minimum 30% of the total tract(s) area be dedicated as open space. In addition, 50% of the required open space shall be lands suitable for development and shall not include wetlands. The minimum required open space for this project is 33 acres with approximately 16 acres being located in uplands. The project is proposing to dedicate approximately 44 acres of open space with 16 acres of it being uplands.

The subdivision will have one point of entry from Tulls Creek Road. The revised Sketch Plan has the entry aligned with Sawyertown Road which both the Planning Board and Board of Commissioners supported. Due to the site being bordered by Shingle Landing Creek, the site does not offer any opportunities for future street connections. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

According to the Development Impact Statement, typical houses will be a mix of stick built one and two story homes with three or four bedrooms ranging in size from 1,850 sf to 2,800 sf. The anticipated home/lot sale price ranges from \$175,000 to \$230,000. It is projected that the final build out for the project will be in 5-7 years. The developer is not proposing a phased development. The traffic generation is predicted to be about 372 trips per day. The 2000 traffic count for Tulls Creek Road was 2,000 average daily trips.

In summary, the following positive changes have been incorporated into this plan:

1. The minimum lot size has been increased from 20,000 sf to 40,000
2. The total number of lots has been reduced from 81 to 62, a 23% reduction.
3. There will be no off-site septic systems.
4. The wetlands will remain in protected open space and not apart of any individual lot.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All streets will be built to NCDOT design and construction standards. The developer expects to dedicate streets for maintenance by the NCDOT.

WATER: This development will be served by the County water system.

FIRE: Moyock Volunteer Fire Department provides fire coverage for the area. The development will have fire hydrants.

WASTEWATER: On-site septic systems will be utilized for the treatment of wastewater.

SOILS: There are five soils types found at the site: **AaA** – Altavista fine sandy loam is a moderately well drained soil and is considered unfavorable for septic systems due to soil wetness; **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; **Do** – Dorovan mucky peat is a very poorly drained soil found in the flood plains and is not favorable for septic systems; **Ro** - Roanoke fine sandy loam which consists of poorly drained soils which are not favorable for septic systems; **StA** –

Statefine sandy loam is a well drained soil which is 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*). Moyock Township has an occupancy rate of .9349.

Based on these pupil generation figures, Currituck can expect 25 elementary students, 5 junior high students, and 9 high school students from this development. The proposed subdivision is **not** reflected in the student population count.

OPEN SPACE: Under the open space provisions a minimum 30% of the total tract(s) must be set aside as open space. Approximately 44 acres has been provided as undivided open space, more than the 33 acre minimum required.

FLOOD ZONES: The majority of the property is located within a 100 year floodplain with a base flood elevation of 6' (Flood Zone A3). A small portion of the site adjacent to Tulls Creek Road is located outside of the 100 year floodplain.

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. Proposed density for the total 62 lot subdivision is 0.6 units per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On June 10, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. A few lots did not meet the minimum lot width requirements.
 2. There are concerns with the spacing of some of the fire hydrants not meeting the maximum 1,000' requirement.
 3. NCDOT might need additional right-of-way for the turn lanes
 4. There is a major drainage ditch which runs through Lot 1. This issue will need to be addressed.

- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the maximum 1,000' fire hydrant spacing; all of the lots meet the minimum lot width.

The major drainage ditch crossing through Lot 1 will be addressed at the Preliminary Plat stage.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?* The application is complete.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?* The application meets the requirements within the UDO 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.*

This development would consist of residential properties. The area in which it is to be located includes residences, an elementary school, farmland and wetlands.

- (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 and Urban Transition classifications 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 25 elementary students, 5 junior high students, and 9 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:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and 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

Bobby Bell asked if the home owner’s association would be required to maintain the existing cemetary.

Mr. Valdivieso said the cemetary would be in open space and the home owner’s association would maintain it.

Horace Bell asked if DOT right-of-way issues have been addressed.

Mr. Valdivieso said the developer is prepared to give DOT the additional right-of-way needed.

PLANNING BOARD RECOMMENDATION

Mr. Parker 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 of street trees along all new streets; installation of waterlines and 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

*Minutes are not official until approved by the board.

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

PB 04-48 INDIAN RIDGE: SKETCH PLAN/SPECIAL USE PERMIT FOR 35 LOTS LOCATED IN SHAWBORO ON THE SOUTH SIDE OF SHAWBORO ROAD APPROXIMATELY 600’ WEST OF THE INTERSECTION WITH INDIANTOWN ROAD, TAX MAP 34, LOTS 17, 24F, AND 41, CRAWFORD TOWNSHIP.

Sean Robey appeared before the board.

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

LOCATION: Located in Shawboro on the south side of Shawboro Road approximately 600’ west of the intersection with Indiantown Road, Crawford Township.

TAX ID: 0034-000-0017-0000, 0034-000-024F-0000 & 0034-000-0041-0000

ZONING DISTRICT: Agricultural

OWNER:	APPLICANT/AGENT
James H. Ferebee, Jr.	Hyman & Robey, PC
P.O. Box 110	150-A US Hwy 158 East
Shawboro, NC 27973	Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Farmland - zoned A
SOUTH:	Farmland - zoned A
EAST:	Residential - zoned A
WEST:	Farmland - zoned A

NARRATIVE OF REQUEST:

James H. Ferebee, Jr. is requesting Sketch Plan/Special Use Permit approval for 35 single family lots to be developed as a conservation subdivision. The proposed development will be located on approximately 354 acres on the south side of Shawboro Road, NC 34, approximately 600 feet west of the intersection with Indiantown Road. The property is located outside of the 100 year flood and does not contain any wetlands.

A Yield Plan was presented which showed 71 lots ranging in size from 3 acres to 3.41 acres. In the Agricultural zone a 20% density bonus is granted with an additional 5% density bonus if at least 50% of the open space remains actively farmed.

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This development is proposing only 35 lots and is not taking advantage of the additional density that is allowed. The proposed lots range in size from approximately 25,000 sf to 62,000 sf with an average lot size of about 31,000 sf.

The open space regulations for a conservation subdivision, Section 932, require 45% of the gross tract area (after deducting primary conservation areas and street rights-of-ways) be dedicated as open space. The minimum required open space for this project is approximately 143 acres. The project is proposing to dedicate approximately 154 acres of open space.

The proposed subdivision will have one point of entry from Shawboro Road. There is a dedicated right-of-way to the southern property line to allow for future street connectivity. The lots will require individual septic systems and the developer will be required to install waterlines and fire hydrants.

According to the Development Impact Statement, the lots will be developed with three bedroom custom built homes starting at 1,600 sf in size. The anticipated home/lot sale price ranges from \$172,000 to \$227,000. According to the initial Development Impact Statement, the traffic generation is 210 trips per day for the proposed 35 lots. The NCDOT 2002 traffic count has Shawboro Road with 4,600 trips and Indiantown Road at 850 trips.

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: This development will be served by county water. A water availability letter has been submitted.

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

WASTEWATER: Individual on-site septic systems are proposed. Section 929, Determining Density or Yield, requires that 10% of the lots shown on the yield plan be tested for septic suitability. If all of these lots pass the soil evaluation, the remaining lots will be considered suitable for septic systems for the purpose of determining the total lot yield. If any of the initial lots fail, several others will be chosen and tested until all the lots in a given sample pass.

The Albemarle Regional Health Services conducted eight soil samples throughout the site. Of the lots tested, only three of the lots passed as being suitable septic systems.

SOILS:

There are seven 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; **BoA** – Bojac loamy sand is a well drained soil which requires special planning, design or maintenance for septic systems; **Ca** – Cape Fear loam is a poorly drained soil and is not favorable for development because of flooding, wetness, slow permeability and low strength; **No** - Nimmo loamy sand which consists of poorly drained soils that are unfavorable for septic systems due to wetness.

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 14 elementary students, three junior high students, and five 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.

OPEN SPACE:

Under the Conservation Subdivision provisions, a minimum 45% of the gross tract area (after deducting primary conservation areas and street rights-of-ways) must dedicated as open space. The project is proposing to dedicate approximately 154 acres of open space, or 48% of the net tract area.

DRAINAGE:

Roadside swales/ditches tying into the existing roadside and lead ditches will be used to address the drainage for this property.

FLOOD ZONES:

The property is located outside of the 100 year floodplain (Flood Zone C).

LAND USE PLAN: The 1990 Land Use Plan classifies this site as “Rural” and “Rural with Services”. The Rural and Rural with Services classifications described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre are appropriate." The proposed density for the 35 lot subdivision is approximately 0.1 units per gross acre. This proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- The development has yet to prove that the proposed 71 lot Yield Plan is feasible. Eight lots were tested and five of the lots are not suitable for conventional septic systems.
- Section 929 requires that 10% of the lots shall be tested for septic suitability. If all of these lots pass the soil evaluation, the remaining lots will be considered suitable for septic systems for determining the total lot yield. If any of the initial lots fail, several others will be chosen and tested until all the lots in a given sample pass.
- The requirements under Section 929 have not been satisfied. The applicant shall test additional lots “until all the lots in a given sample pass”.
- Once the total yield for a site is determined a density bonus is awarded to the development. It should be noted that the application is for 35 lots with an average lot size of 31,000 sf which is less than what is shown on the yield plan.
- At the time of Final Plat, the major drainage canal crossing through Open Space Area “B” shall be protected with a drainage maintenance easement.
- The engineer is required to submit the “Preliminary Engineering Certification” as per Section 933(5).
- On June 10, 2004, Technical Review staff reviewed this application. Staff’s concerns included the following:
 1. Staff has concerns with access to the site. For traffic safety, staff requests that access to the site come from Indiantown Road rather than Shawboro Road, NC 34. The current traffic count on Shawboro Road is 4,200 trips per day while Indiantown is only 850 trips per day.
 2. The plat shows individual lot recombinations with off-site properties. It is not clear where the recombination area is accounted for in the area calculations.
 3. The total tract area does not reflect all of the parcels involved in the development.
 4. The conservation & open space summary is incorrect.
 5. The full boundary of the property is not delineated. Ferebee Acres Road needs to be shown.
 6. A 50’ buffer strip is required between the lots and the active farming.
 7. NCDOT requests that access to Lots 1 and 8 have no direct access to NC 34. Once the preliminary plan is developed, NCDOT needs the drainage outfall locations delineated.

8. To allow for future water connections, the water line shall be stubbed out at the southern property line within the dedicated right-of-way.
 9. If Donoma Court were to be extended for a connection to Indiantown Road, the Fire Marshal requests that the fire hydrant located in Lot 15 be located on the Donoma Court side of the lot.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following:
 1. The individual lot recombinations were removed
 2. The total tract area has been corrected.
 3. A 50' farming buffer has been added.
 4. The conservation & open space summary has been corrected.
 5. The exterior boundary of the tract has been corrected to reflect all of the parcels involved in the subdivision.
 - The following items were not addressed on the revised site plan:
 1. It is unclear where the land set aside for the lot recombinations is accounted for in the summaries. This needs to be clarified.
 2. The waterline needs to end at the southern property line to allow for future connections.
 3. Additional soil tests are required to satisfy the requirements of Section 929, Determining Density or Yield.

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 does **not** comply with all UDO requirements for Sketch Plan approval. The septic system evaluations required under Section 929 have not been satisfied.

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.* In regards to wastewater disposal the applicant has failed to show that the property is suited for conventional septic systems. In determining density/yield, the applicant was required to have 10% of the lots shown on the Yield Plan tested by Albemarle Regional Health. This evaluation has been performed and five of the eight lots selected were unsuitable for conventional septic systems. Public health and safety issues including fire protection, stormwater management, 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 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.*

Based on these pupil generation figures, Currituck can expect 14 elementary students, three junior high students, and five 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:

In consideration of the facts stated within this analysis, staff recommends **denial** on the basis that this application does not meet the technical requirements for Sketch Plan approval due to the lack of adequate soil testing for septic systems.

Once the soil testing requirement of Section 929 is satisfied, staff will recommend 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 applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and fire hydrants; and adequate drainage facilities to serve the development.
2. The engineer shall submit the "Preliminary Engineering Certification".
3. That the following corrections be made to the sketch plan:

- i. The area summaries shall clarify where the land for the future lot recombinations is accounted for;
 - ii. The waterline shall stub out at the southern property line.
4. 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
5. 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 adequate soil testing has been performed since the agenda packets were mailed and that staff now recommends approval.

Mr. Hawley asked how drainage would be handled.

Ms. Eggar said the developer will use road side ditches and swales and this will be examined in more detail at preliminary plat.

Mr. Robey said there are major drainage ditches within the property and along NC 34. He also said that NCDOT had no concern with the entrance on NC 34.

Ms. Eggar said staff would rather the subdivision entrance be on Indian Town Road for safety concerns.

Mr. Robey said the property owner did not want the entrance on Indian Town Road.

Mr. Robey presented a corrected plan to the board.

Bobby Bell asked if the "checked orange" area on the new plan could be developed at a later time.

Mr. Robey said that it could if septic regulations change or if an alternative septic system was used.

Bobby Bell asked how the current paying users for the large drainage ditch would be effected.

Mr. Robey said he would research this and see if a drainage district exist.

Michael and Teresa Elkie, adjoining property owner, expressed a concern for drainage and traffic safety.

PLANNING BOARD RECOMMENDATION

Mr. Hawley motioned to recommend approval subject to the following:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to, planting of street trees along all new streets; installation of waterlines and fire hydrants; and adequate drainage facilities to serve the development.
2. The engineer shall submit the "Preliminary Engineering Certification".
3. That the following corrections be made to the sketch plan:
 - iii. The area summaries shall clarify where the land for the future lot recombinations is accounted for;
 - iv. The waterline shall stub out at the southern property line.
4. 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
5. 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.
6. That the entrance road to the subdivision be moved from Shawboro Road to Indian Town Road.

Mr. Winter Seconded the motion and the motion passed with Mr. Parker voting no.

PB 04-05 MILLER'S WAY: SKETCH PLAN/SPECIAL USE PERMIT FOR 10 LOTS LOCATED AT THE END OF FOX LANE, APPROXIMATELY 800' FROM ITS INTERSECTION WITH TULLS CREEK ROAD, TAX MAP 9, LOT 37, MOYOCK TOWNSHIP.

Eddie Valdivieso and Eldon and Ann Miller appeared before the board.

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

LOCATION: At the end of Fox Lane, approximately 800' from its intersection with Tulls Creek Road, Moyock Township.

TAX ID: 0009-000-0037-0000

ZONING DISTRICT: Agricultural

OWNER:
E.L. Miller, Jr.
P.O. Box 127
Moyock, NC 27958

APPLICANT/AGENT
Quible & Associates, P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Vacant (proposed Winslow Farms Subdivision) - zoned A&R
SOUTH: Residential - zoned A
EAST: Farmland - zoned A

*Minutes are not official until approved by the board.

WEST: Commercial - zoned GB

NARRATIVE OF REQUEST:

E.L. Miller, Jr. is seeking Sketch Plan/Special Use Permit approval for 10 single family lots through the major subdivision process. The total acreage of the entire development is approximately 21.20 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. Five of the proposed lots range in size from 40,038 sf to 45,132 while the remaining lots are 3.0 acres in size.

The subdivision will be served by one point of entry which connects to Tulls Creek Road via the existing Fox Lane. The project is providing future street access and a water connection for the property to the east. The lots will be served by individual septic systems and the county's water system. The lots will front on an extension of Fox Lane.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: This development will be served by County water.

FIRE: This development will be located within the jurisdiction of the Moyock Volunteer Fire Department which currently has a State ISO rating of 9. Currently there is a 4" water line in Fox Lane which is not adequate for fire suppression. For fire protection, a 6" line will be required to be installed down the existing Fox Lane and connected on Tulls Creek Road.

WASTEWATER: Individual, on-site septic systems are proposed.

SOILS: There are three soils types found at the site: **AaA** – Altavista fine sandy loam is a moderately well drained soil and is considered unfavorable for septic systems due to soil wetness; **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; **Cb** – Conaby muck is a very poorly drained soil and is not favorable 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.*) Moyock Township has an occupancy rate of 0.9349

Based on these pupil generation figures, Currituck can expect four 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.

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 property is located within of the 100 year floodplain (flood zone A3) with a base flood elevation of 6'

CAMA CLASS: 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. Proposed density for the total 10 lot subdivision is 0.47 units per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On June 10, 2004 Technical Review staff reviewed this application. Staff's concerns included the following:
 1. The existing waterline in Fox Lane is only 4" and is inadequate for providing fire protection.
 - The Board has three options regarding the waterline and fire protection for this subdivision. They are as follows:
 - Option 1: Extend the existing 4" waterline into the new subdivision. This will provide drinking water but **no** fire protection.

- Option 2: Install a 6" waterline and fire hydrants. The waterline will be stubbed out at the CTX/Winslow Farms property line to the north to allow for a future water connection. When the waterline to serve the Winslow Farms subdivision is constructed, the stubbed out line will be extended and connected. This option will require that a surety is posted for the future waterline extension/connection.
 - Option 3: Install a 6" waterline through the subdivision and extend a new 6" waterline down the existing Fox Lane to Tulls Creek Road. Since the existing waterline in this portion of Tulls Creek Road is only 4", the waterline in Tulls Creek Road will be required to be upgraded to a 6" minimum. The Fire Marshal is requesting that fire hydrants be installed along the existing portion of Fox Lane to provide fire protection for the existing homes. The waterline upgrade in Tulls Creek Road would be at the county's expense.
 - The water department prefers Option 2 since it will create a looped water system for both the Miller's Way and Winslow Farms subdivisions.
2. To allow for water connectivity, a 6" minimum sized waterline shall be extended down the future access road and to the CTX property to the north.
 3. NCDOT requires that the minimum street centerline radius be 150'.
 4. Cul-de-sac lots 4 and 5 have a lot length to width ratio of approximately 7:1 which exceeds the 4:1 lot 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.
 5. Lots 5 and 8 do not meet the minimum lot width requirements of Section 921. Lot 5 is a cul-de-sac lot and is required to be a minimum of 100' wide within 75' of the right-of-way. Lot 5 does not meet the minimum lot width until approximately 280' back from the right-of-way and Lot 8 approximately 80' from the right-of-way.
 6. The existing lead ditch will be required to have a 25' wide maintenance easement.
 7. The applicant shall submit a water availability letter from the Water Dept.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
 - The waterline was extended down the future access road;
 - On the revised site plan there were no changes made to Lots 5 and 8 to bring them into compliance with the required minimum lot widths.
 - Lots 4 and 5 were not changed and exceed to the required lot length to width, however the Board of Commissioners may waive this requirement per the UDO.

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 does **not** comply with UDO requirements, specifically Section 921, which regulates the minimum lot widths and lot ratios.*

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. Adequate fire protection shall be provided by the installation of a 6" waterline and fire hydrants;

 - (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;

 - (h) *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 four 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:

*Minutes are not official until approved by the board.

In consideration of the facts stated within this analysis, staff recommends **denial** on the basis that this application does not meet the technical requirements for Sketch Plan approval in that:

1. Lots 5 and 8 do not meet the minimum lot width requirement.
2. Lots 4 and 5 exceed the 4:1 lot length to width ratio

The Board of Commissioners may deny this request if it determines that the development will exceed the county's ability to provide adequate public facilities, including schools.

The applicant has requested that this project go before the Board of Commissioners on July 19, 2004, immediately after the Planning Board review.

DISCUSSION

Mr. Parker asked who would be responsible for running new 6" water lines in Option 2.

Ms. Eggar said the developer would be responsible for installing this line.

Mr. Parker asked why the developer would be required to install the new lines.

Ms. Eggar explained a formula in the UDO that requires connection to the water system.

Mr. Parker asked about the lot ratios and width issues.

Mr. Ferguson said the lot length to width ratio is a non-issue. The Board of Commissioners have deleted this requirement on previous subdivisions. He said the minimum lot width is a major concern.

Mr. Valdivieso said that he can meet all the requirements for lot width and can submit a new sketch showing the same. He said that lot 5 already meets lot width requirements. The developer plans to install the 6" lines but cannot install the hydrants because the lines do not exist on the county's portion of the lines.

Mr. Miller said he already has a 4" line from Tull's Creek Road to his development.

Mr. Ferguson said that Option 2 is workable for fire suppression.

PLANNING BOARD RECOMMENDATION

Mr. Parker motioned to recommend approval subject to the following:

1. That the applicant install a 6" waterline and fire hydrants. The waterline will be stubbed out at the CTX/Winslow Farms property line to the north to allow for a future water connection. When the waterline to serve the Winslow Farms subdivision is constructed, the stubbed out line will be extended and connected. This option will require that a surety is posted for the future waterline extension/connection. (Option 2)

2. That the minimum lot size issues be corrected prior submittal to the Board of Commissioners for sketch plan approval.

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

OLD BUSINESS

Horace Bell talked to the board about the applicant notifying adjacent property owners for the Planning Board meetings. He would like to improve the process.

Horace Bell asked if NCDOT or staff can make a presentation about the NCDOT Driveway Workshop.

Horace Bell asked for a meeting with an engineer and Mike Doxey to discuss drainage issues.

Horace Bell asked if the violation of Pine Island Airport had been addressed.

Mr. Ferguson said the applicant has received the violation notice and is going before the Board of Adjustment for an interpretation. He said the Board of Adjustment is overwhelmed with request.

Mr. Hawley asked if the Planning Board could do something to assist the Board of Adjustment.

Mr. Ferguson said staff will be bringing an over-lay ordinance amendment for Walnut Island regarding density and lot coverage.

Horace Bell asked the status of the plat review amendment.

Mr. Ferguson said the amendment has not been prepared.

Horace Bell expressed a concern for receiving incomplete packets.

Horace Bell asked that all maps in the agenda packets be legible.

Mr. Hawley asked how to handle the cul-de-sac issue.

Mr. Ferguson said staff needs to review the ordinance.

ADJOURNMENT

There being no further business to discuss, Mr. Parker motioned for adjournment. Mr. Midgette seconded the motion and the motion passed unanimously. The meeting adjourned at 10:45 p.m.

Respectfully Submitted,

Tammy D. Glave/s/

Clerk to the Board