

CURRITUCK COUNTY PLANNING BOARD

June 8, 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 June 8, 2004. The following members were present: Horace Bell, William Etheridge, Eddie Hawley, Alvin Keel, Forrest Midgette, Lloyd Parker, Pat Riley, and Arthur Winter. Absent: Bobby Bell. 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.

Dukie Davis gave the invocation.

APPROVAL OF THE AGENDA

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

APPROVAL OF MAY 11, 2004 MINUTES

Mr. Riley motioned to approve the May 11, 2004 minutes as presented. Mr. Hawley seconded the motion and the motion passed unanimously.

PRESENTATION BY JOHN CALDWELL, NCDOT DIVISION OF AVIATION

Mr. Caldwell has been Currituck's representative for the airport since 1978. He gave an overview of the responsibility of the NCDOT Division of Aviation. He also explained the funding that is available to the county in developing the airport.

Mr. Bell asked who controlled the flight paths of the planes.

Mr. Caldwell explained that the Airport Authority controls airspace up to 700' above the ground and the FAA controls the airspace above 700'. This same rule applies to private airports such as the one at Pine Island.

Mr. Parker asked who controlled the flight path above 700'.

Mr. Caldwell said FAA still has control of the flight paths. He also gave the example of cell towers being constructed. FAA is made aware of towers being constructed under 700' tall, but the county has authority over these towers. FAA is the approving authority for towers over 700'.

Mr. Bell said complaints had been made regarding noise from the air crafts.

Mr. Caldwell said local ordinances would have to regulate noise issues. He said there is a noise abatement program that the FAA assist with.

Mr. Hawley said complaints had been made regarding the management of the airport.

Mr. Caldwell said that local ordinance would have to regulate management issues. His division can assist with regulations.

Mr. Hawley asked about fire protection at the airport.

Mr. Caldwell said fire protection is not mandatory. There are funds available for fire protection.

Mr. Keel asked about the complaint of planes taking off to the north and then banking left, going over a housing development.

Mr. Caldwell said that the Board of Commissioners have the authority to regulate take-off patterns.

Mr. Hawley asked the largest type of plane that can use the airstrip at this time.

Mr. Caldwell said aircraft with up to approximately 38' to 52' wing spans can use the airstrip. It is a category B2 plane. It includes leer jets.

Mr. Bell asked if leer jets could go into Brady Landing.

Mr. Caldwell said as long as the plane is a B2 category, including the leer jet, it could be housed at Brady Landing. He also said that local ordinance can regulate the type of planes allowed in the subdivision.

PB 04-31: AMENDMENT TO SECTION 1310 OF THE UDO TO PROHIBIT MAJOR SUBDIVISIONS WITHIN THE AGRICULTURAL (A) ZONE.

Mr. Ferguson presented the following memo to the board:

MEMORANDUM

*TO: Planning Board
Board of Commissioners*

*FROM: Gary Ferguson, AICP
Planning Director*

DATE: May 10, 2004

SUBJECT: PB 04-31 Deletion of Major Subdivisions from the Agricultural Zoning District

Based on the Board of Commissioners/Planning Board work session that occurred on May 4, 2004 please find the attached UDO amendment that will eliminate “Major Subdivisions” from the Agricultural zoning district. Although the “use” (i.e.: residential single family homes) as well as minor subdivisions will continue to be authorized in the Agricultural district, all new major subdivisions will no longer be permitted within this zone.

For those land owners whose property is designated Agricultural and who wish to create a more than five (5) lot subdivision, they will need to first have their property rezoned before they can proceed with their major subdivision. This amendment will better control the locations of major subdivisions through the rezoning process.

Two (2) cautionary notes with this proposal:

- 1. This may encourage the practice of creating 10 plus acre exempt subdivisions if property owners are unsuccessful in their rezoning attempts; and,*
- 2. The concept of “spot zoning” may become a more difficult issue as proportionally smaller areas are rezoned residential compared to the larger surrounding Agricultural zone.*

Even with these concerns in mind, the benefits of excluding these major developments from rural areas far outweighs the potential negative consequences associated with this action and therefore staff recommends approval.

Mr. Ferguson 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 section be amended:

(Z - Zoning Permit; C -Conditional Use Permit; S - Special Use Permit)

USE #	DESCRIPTION	A
30.000	Subdivisions	
30.100	Major	S

DISCUSSION

Mr. Hawley asked if any other counties used this regulation to control growth.

Mr. Ferguson was not aware of other counties using this method to control growth.

*Minutes are not official until approved by the board.

Mr. Hawley asked if the county would be liable if a rezoning was challenged and found to be spot zoning.

Mr. Ferguson said the county could be liable.

Mr. Hawley asked how many exempt subdivisions were in the county and their influence on the adequate public facilities ordinance.

Mr. Ferguson mentioned several exempt subdivisions. He said they are exempt from the adequate public facilities ordinance. He explained that this would be a very effective tool in controlling where growth will occur.

Mr. Hawley asked if the Land Use Plan will direct the location of development.

Mr. Ferguson said the Land Use Plan will be an important tool in directing the location of density throughout the county.

CA Howard spoke in opposition of this amendment. He was concerned that a rezoning process is a political decision by the Board of Commissioners. He said that the R zone has a higher density. He suggested further study before moving forward with such an ordinance amendment.

PLANNING BOARD RECOMMENDATION

Mr. Riley motioned to recommend approval of this amendment as presented. Mr. Winter seconded the motion and the motion passed unanimously.

PB 04-32 CRAWFORD V.F.D: SPECIAL USE PERMIT FOR AN ADDITION (BATHROOM AND CLOSET) TO THE EXISTING FIRE STATION LOCATED IN BARCO AT 612 SHORTCUT ROAD, TAX MAP 52, LOT 24, CRAWFORD TOWNSHIP.

Chris Dailey appeared before the board.

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

OWNER & APPLICANT

Crawford Township V.F.D.
P.O. Box 96
Currituck, NC 27929

TAX ID

0052-000-0024-0000

PURPOSE OF REQUEST

The applicant requests Special Use Permit approval for an addition to the Fire/EMS Station located at 612 Shortcut Road, Rt. 158.

LOCATION OF PROPERTY

The site is located on the north side of Shortcut Road approximately 2,000' east of the intersection with Maple Road, proximate to the Maple Airport in the Crawford Township.

EXISTING CONDITIONS

The property has split zoning of General Business and Agriculture. According to tax records, the existing fire station is a 2,400 sf one story concrete block building built in 1961 located on a 2.44 acre site. The fire station is pursuing a building permit to add an additional bathroom and closet for an additional square footage of 192. The fire station was built, and in use, prior to the county zoning regulations and UDO which now requires a Special Use Permits for fire stations. Since the site is a non-conforming situation (due to the lack of adequate parking and street setback) and the existing building is being enlarged, a Special Use Permit is being requested to bring the property into conformance with the UDO and to allow the building addition to be constructed.

STAFF FINDINGS:

Criteria: (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

Findings: The applicant is requesting a Special Use Permit for a Fire Station/EMS in Agriculture and General Business zoning districts. The existing building is non-conforming, yet the addition meets the setback requirements. Since there is not going to be an increase in the number of employees and/or volunteers, the existing non-conforming parking is not required to meet the current UDO parking standards.

Criteria: (b) Will the proposed use materially endanger the public health or safety?

Findings: The Fire/EMS station has been serving the Short Cut Road/Maple and Coinjock communities and will continue to enhance the public safety of the surrounding area by providing a rapid response time.

Criteria: (c) Will the proposed use substantially injure the value of adjoining or abutting property?

Findings: Woodlands surround the property to the west, north, and east. To the south is the Ponderosa Mobile Home park and farmland. The Maple Airport is located proximate to the site. The surrounding woodlands create a large natural buffer between the proposed improvements and the surrounding properties.

Criteria: (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

Findings: The site will provide necessary Fire and Emergency Services protection to the surrounding area enhancing public health and safety.

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

Findings: The 1990 Land Use Plan classifies the property as Rural with Services. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. This classification volunteer fire protection and emergency rescue services are to be available. This use is in conformance with the Land Use Plan.

Access for the property is from Short Cut Road, Route 158, a minor arterial according to the 1988 Thoroughfare Plan.

Criteria: (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.

Findings: The facility is currently assisting the county in providing adequate public facilities for the Short Cut Road/Maple and Coinjock communities.

STAFF COMMENTS

The site plan for the building was reviewed by the planning staff and was found to meet the criteria for a zoning permit.

STAFF RECOMMENDATION

In consideration of the suggested Findings of Fact, staff recommends approval with the following condition:

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

PLANNING BOARD RECOMMENDATION

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

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

PB 02-12 WINSLOW FARMS: SKETCH PLAN/SPECIAL USE PERMIT FOR 82 LOTS LOCATED IN MOYOCK ON THE EAST SIDE OF CARATOKE HIGHWAY

APPROXIMATELY 300' NORTH OF BRADY OUTDOOR EQUIPMENT, TAX MAP 9, LOT 29K, MOYOCK TOWNSHIP.

Sean Robey appeared before the board.

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

LOCATION: Located in Moyock on the east side of Caratoke Hwy. approximately 1,300' north of intersection with Tulls Creek Road, Moyock Township.

TAX ID: 0009-000-029K-0000

ZONING DISTRICT: Residential

OWNER:
CTX, Inc.
1669 Tulls Creek Road
Moyock, NC 27958

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Vacant Industrial & Woodland - zoned LM & A
SOUTH: Farmland - zoned R & A
EAST: Vacant Residential - zoned R
WEST: Vacant Commercial - zoned GB

NARRATIVE OF REQUEST:

CTX, Inc. is requesting Sketch Plan/Special Use Permit approval for 82 single family lots to be developed as a conservation subdivision. The proposed development will be located on 145.04 acres on the east side of Caratoke Highway, approximately 1,300 feet north of the intersection with Tulls Creek Road. Approximately 24.22 acres of the site consists of adjacent 404 wetlands.

The Yield Plan rendered a density of 101 lots. When the 5% density bonus allowed under Section 930, is applied the resulting yield for this site is 106 lots. On the Yield Plan, the lots range in size from 40,000 sf to 5 acres. The lots that are impacted by wetlands contain a minimum of 42,000 sf of upland area, well in excess of the required 20,000 sf minimum.

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 49 acres. The project is proposing to dedicate approximately 76 acres of open space.

The subdivision will have one point of entry from Caratoke Highway. The access to Caratoke Highway demands the crossing of the existing railroad line. It is proposed that this crossing will be gated. The site offers opportunities for future street connections along the northern and southern boundaries in Parcels C & D. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

The applicant has been working with the Wildlife Resource Commission (WRC) on developing Parcel E as a public boat ramp. An additional feature of the proposed recreational facilities is a trail system interconnecting the open space areas with the development.

According to the initial and updated Development Impact Statements, typical houses will be a mix of “modern upscale one and two story homes” with four bedrooms ranging in size from 2,000 sf to 3,000 sf. The anticipated home/lot sale price ranges from \$225,000 to \$300,000. In the initial Development Impact Statement, the projected sales were 20-25 per year. Based upon this projection, it will take approximately three to four years for the project to build-out. According to the initial Development Impact Statement, the traffic generation was 636 trips per day for the proposed 63 lots. The updated Impact Statement lowers the trips per day to 492 for 82 homes.

In April 2004, the property received approval to have 145 acres of the total 180 acre tract rezoned from Agriculture to Residential. The developer is in the process of preparing an exempt subdivision plat to divide the 145 acre residential property from the remaining agriculture property.

A Sketch Plan/Special Use Permit was previously applied for in March 2002 for a 63 lot common open space subdivision, however a subdivision moratorium was adopted prior to review of the application by the Board of Commissioners. At that time, the subdivision was proposed as a common open space subdivision.

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 Moyock Volunteer Fire Department.
- WASTEWATER:** Individual on-site septic systems are proposed. After the Yield Plan was submitted for review, the Albemarle Regional Health

Services conducted 44 soil samples throughout the site. The locations chosen verified the lots on the Yield Plan while being representative of the proposed lots shown on the Sketch Plan. As required per Section 929, 10% of the lots shown on the Yield Plan were tested and passed.

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; **Cb** – Conaby muck is a very poorly drained soil and is not favorable for development; **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; **Wa** – Wahee fine sandy loam is a somewhat 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 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*).

Based on these pupil generation figures, Currituck can expect 38 elementary students, seven junior high students, and 13 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 79 acres of open space, or 55% of the gross tract area.

DRAINAGE:

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

FLOOD ZONES: The property is located within a 100 year floodplain with a base flood elevation of 6' (Flood Zone A3).

LAND USE PLAN: The 1990 Land Use Plan classifies this site as "Rural" and "Urban Transition". The Rural classification 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 82 lot subdivision is approximately 0.6 units per gross acre. The "Urban Transition" area described in the LUP calls for areas which are "presently being developed for urban purposes or will be developed in the next 5-10 years to accommodate anticipated population & urban growth. 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. The WRC is requesting a five acre site for the public boat ramp area. The plat is showing a 1.5 acre site.
 2. The applicant is required to submit a water availability letter.
 3. The Fire Marshall is requesting a 16' pavement section in the cul-de-sacs with islands. There are concerns with the spacing of some of the fire hydrants not meeting the maximum 1,000' requirement. Lot 1 does not appear to be within 500' of a hydrant.
 4. Applicant is required to submit a proposed street name list.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the maximum 1,000' fire hydrant spacing.
- The revised plan reflects a 3.9 acres site for the boat ramp area. The applicant is currently working with the WRC to determine exactly how much space is required for the development of the boat ramp site.
- The project is over 40 lots and shall be required to construct a deceleration turn lane in accordance with NCDOT standards.
- Section 914, Streets, requires that the developer shall be required to install concrete sidewalks along one side of all proposed streets in accordance with NCDOT regulations.
- The project shall be required to obtain state stormwater and erosion & sedimentation control permits.
- To assist with traffic control speed, staff recommended that the main road coming into the development from Caratoke Highway include some curvature to the road to assist in slowing down the traffic going to the boat ramp site..

- The developer is proposing to offer a dedication of approximately 30 acres to Currituck County, which includes the public boat ramp site.

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 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 38 elementary students, seven junior high students, and 13 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, providing adequate fire protection and adequate drainage facilities to serve the development. A gated crossing shall be installed at the railroad crossing.
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. Bell asked the size of the public boat ramp facility.

Ms. Eggar said WRC had asked for five acres according to Mike Doxey.

Sean Robey said he had spoken with Daniel Cave, WRC, who said that they need two acres of high ground. He said the developer would relinquish lot 24 to WRC to provide two acres of high ground and 4.4 acres of wetlands. Mr. Cave was agreeable to this. He said that if WRC would rather have lot 23 than 24, that would be fine with the developer.

Mr. Hawley expressed concerns for drainage problems on the lots.

Mr. Robey said that most of the lots abut open space and adequate drainage will be facilitated in that area. He said there is a major drainage ditch that runs through the property and that will not be relocated. He said that Albemarle Regional Health Services had performed 40 site evaluations. Only three of the evaluations were denied. He said the natural grade of the land send the water run-off to the swamp area.

Mr. Hawley asked if the applicant planned to install sidewalks throughout the development.

Mr. Robey did not know if sidewalks would be installed. Walking trails will be provided throughout the subdivision.

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, providing adequate fire protection and adequate drainage facilities to serve the development. A gated crossing shall be installed at the railroad crossing.
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. Riley seconded the motion and the motion passed unanimously.

PB 04-28 GRANDY WOODS, PHASE 2: SKETCH PLAN/SPECIAL USE PERMIT FOR 5 LOTS LOCATED IN GRANDY AT 634 GRANDY ROAD, TAX MAP 95, LOT 64F, POPLAR BRANCH TOWNSHIP.

CA Howard appeared before the board.

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

LOCATION: Off of Grandy Road, approximately one third mile from its intersection with Garrenton Road, Poplar Branch Township.

TAX ID: 0095-000-064A-0000 & 0095-000-064F-0000

ZONING DISTRICT: Agricultural

OWNER: C.A. Howard, Jr. P.O. Box 94 Currituck, NC 27959	APPLICANT/AGENT Hyman & Robey, PC 150-A US Hwy 158 East Camden, NC 27921
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LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

C.A. Howard is seeking Sketch Plan/Special Use Permit approval for five single family lots, with a residual parcel, through the major subdivision process. The total acreage of the entire development is approximately 29.61 acres.

This property is zoned Agricultural. In the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots.

The lot sizes within this development range from 1.47 acres to 4.07 acres with a 15.07 acre residual parcel.

In April 2004, the property owner did a minor subdivision, Grandy Acres, to create the first four lots of this subdivision. Three of these lots were less than 3 acres. Under the exception rule found in Section 202, the property as it existed in March 1995 is permitted to have two more additional lots less than three acres in size. The proposed subdivision includes one lot that is less than three acres in size.

The lots will be served by individual septic systems and will be connected to the county's water system. The lots will front on Grandy Road, an existing improved state road.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: A 4" waterline currently exists on Grandy Road with the line ending at the southern end of the subdivision. The 4" line can adequately provide drinking water, however it will not be adequate for the installation of fire hydrants as required by Section 916 of the UDO.

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: The majority of the property contains Conetoe loamy sand with Dragston loamy fine sand found at the western edges of the proposed lots. The Conetoe soil is well drained with a moderate permeability and is well suited for development. The Dragston is a somewhat poorly drained soil with a moderately rapid permeability and is poorly suited for development. In the western 2/3's of the residual parcel are 404 wetlands with Dorovan mucky peat soils.

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

Based on these pupil generation figures, Currituck can expect two elementary students, one junior high student, and one 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 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 five lot subdivision is approximately 0.3 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. Lots 5, 6, 7, and 8 have a lot width to length ratio of approximately 8:1 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. The subject property has a few development constraints: there is a 120' power line easement running through the property approximately 200' off the Grandy Road right-of-way; the unusual shape of the property and the presence of wetlands.
 2. Plans reviewed at the TRC meeting did not address the tentative drainage of the site.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the tentative storm drainage.
- A grading and drainage plan will be required for county review and approval. Since the project is disturbing less than one acre of land no state permits will be required.

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;

- (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 two 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 installation of a 4" water line, 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

Mr. Hawley asked if you can build the house under the power line easement. He asked if you can build beyond the power line easement and have a driveway crossing the easement.

Ms. Eggar said there is no construction allowed within the power line easement.

Mr. Howard said the front of the lots have poor soils, so the houses will sit at the back of the lots and will have a driveway through the power line easement.

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 installation of a 4" water line, 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. Etheridge 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.

Mark Bissell appeared before the board.

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

ITEM: PB 04-29 SNOWDEN CROSSING, SKETCH PLAN FOR 20 SINGLE FAMILY LOTS

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:	APPLICANT/AGENT
Three of a Kind, Inc.	Bissell Professional Group
257 Caratoke Highway, Ste. B	PO Box 1068
Moyock, NC 27958	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.*)

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

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;

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

Currituck can expect nine 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 questioned soil suitability for septic systems.

Ms. Eggar said the septic issues would be addressed at the preliminary plat stage.

Mr. Bissell said that the Health Department and a private soil scientist had visited the site. It will be possible for conventional or mound systems for each of the lots. He said that he has been advised that NCDOT will make road improvements as necessary.

Mr. Hawley questioned the drainage plans for the property.

Mr. Bissell said they plan to maintain the existing drainage ditches of the property.

Mr. Bell asked if the 35.8 acre residual parcel is planned to be subdivided.

Mr. Bissell said there are plans to subdivide that parcel too.

Sandra Roberts, adjoining property owner, said she was not notified of the meeting.

Mr. Bissell said the adjoining property owner notices were mailed about a week ago.

Mr. Ferguson said there is a 10 day requirement for the applicant to mail the notices prior to the Planning Board meeting.

James Innes said that an affidavit had been submitted to the county stating that the adjacent property owners have been notified.

Ms. Eggar said the affidavit Mr. Innes is speaking of is for TRC meetings, not adjoining property owners.

Ms. Roberts also expressed a concern about the width of Snowden Road. She was concerned that the road is so narrow that it is unsafe for two cars to pass. She said that the pavement depth is also unsafe as it is a significant drop-off. She said there are drainage problems along Snowden Road. There is flooding along the road during heavy rains and high tide.

Vernon Burgess expressed safety concerns with the width of the road, including no shoulder at all. He asked the size of the homes to be constructed.

Ms. Eggar said the homes will be approximately 2500 sf.

Mr. Hawley asked how much drainage would be emptying into NCDOT's right-of-way.

Mr. Bissell said he must not exceed the current run-off rate. He plans to use swales to address drainage.

Mr. Hawley suggested sending the adjoining property owner notices certified.

Mr. Burgess expressed a drainage concern.

PLANNING BOARD ACTION

Mr. Hawley motioned to table this request subject to the applicant properly notifying adjoining property owners and subject to NCDOT comments being provided regarding the width/safety of Snowden Road. Additional drainage information was also requested

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

OLD BUSINESS

Mr. Bell asked for a review of the NCDOT driveway work shop. The board would also like NCDOT to provide a representative to discuss drainage issues within its rights-of-way.

Mr. Riley said that Pine Island Airport is still advertising commercial air tours.

Mr. Ferguson said that a violation letter has been sent to the applicant.

Mr. Hawley asked the status of the plat review process.

Mr. Ferguson said he would be providing an ordinance amendment to address this issue.

ADJOURNMENT

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Midgette seconded the motion and the motion passed unanimously. The meeting adjourned at 9:45 p.m.

Respectively Submitted,

Tammy D. Glave /s/

Tammy D. Glave
Clerk to the Board