

CURRITUCK COUNTY PLANNING BOARD

January 11, 2005

A work session was held prior to the meeting to discuss items on the agenda.

The Currituck County Planning Board met in the Historic Courthouse on January 11, 2005. The following members were present: Bobby Bell, Horace Bell, William Etheridge, Eddie Hawley, Alvin Keel, Forrest Midgette, Pat Riley, and Arthur Winter. Absent: Horace Bell. Mike Kear Chief Planner, and Gary Ferguson, Planning Director, were also present.

Vice-Chairman Midgette called the meeting to order, announced a quorum had been met, and lead the Pledge of Allegiance and a moment of silence. None of the members disqualified themselves from voting on any of the times on the agenda.

APPROVAL OF JANUARY 11, 2005 AGENDA

Mr. Keel motioned to approve the January 11, 2005 agenda. Mr. Bell seconded the motion. Motion passed unanimously.

APPROVAL OF DECEMBER 14, 2004 MINUTES

Mr. Kovacs motioned to approve the December 14, 2004 minutes as presented. Mr. Hawley seconded the motion and the motion passed unanimously.

PB 94-97 Dozier Acres, Phase III Final Plat approval for a 14 lot residential subdivision located 800 ft. North of the intersection of Dozier Rd. and Tulls Creek Rd. Tax Map 40, Lot 2T, Tax Map 41, Lot 2V, Tax Map 49, Lot 2V. Crawford Township.

Eddie Hyman appeared before the board.

Mike Kear presented the following case analysis to the board.

Located along Tulls Creek Road and Dozier Road, Moyock Township.

TAX ID: Tax Map 40 Parcel 2T; Tax Map 41 Parcel 2V & Tax Map 49 Parcel 2V

ZONING DISTRICT: Residential

OWNER:
Ward & Stancil
110 Waters Drive
Moyock, NC 27958

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland - zoned A

*Minutes are not official until approved by the board.

SOUTH: Residential/Woodlands - zoned A
EAST: Residential - zoned R
WEST: Residential - zoned A

NARRATIVE OF REQUEST:

The applicant is seeking Final Plat approval for a 14 lot major residential subdivision, the final phase of Dozier Acres. The lot sizes range from 40,000 sf to 3.19 acres. Total acreage of the property being subdivided is approximately 37 acres.

The lots have been approved for individual conventional septic systems and will be connected to the county's water system. The developer has paved the streets and installed the complete water system including fire hydrants.

In October 1994 a four lot minor subdivision with frontage on Dozier Road was approved. The 32 lot major subdivision was granted Sketch Plan approval on June 2, 1997. A Final Plat for one lot created under the family member exception was approved on July 13, 1999. Preliminary Plat approval for 28 lots was granted on June 5, 2000. The 14 lots in Phase 2 were given Final Plat approval on March 13, 2001.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The streets within the subdivision have been installed and the pavement has been certified as meeting NCDOT pavement requirements. Street trees and required signage have been installed. Street maintenance bond has been posted.

WATER: This development will be served by the county's water system. The water lines have been installed and As-Built. Water Impact Fees have been paid.

FIRE: Crawford Volunteer Fire Department provides fire coverage to the area. Fire hydrants have been installed.

WASTEWATER: Individual on-site septic systems have been approved for all lots.

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 six elementary students, one junior high student, and two high school students from this development.

OPEN SPACE: No open space is required nor provided within this development.

FLOOD ZONES: Portions of the development are located outside of the 100 year floodplain (Zone C) and within the 100 year floodplain with a base flood elevation of 5' (Zone A5).

LAND USE PLAN: The 1990 Land Use Plan classifies this site as Rural with Services. The purpose of this class is to provide for low density land uses including residential with low intensity development with a gross density of approximately one unit per acre.

STAFF RECOMMENDATION:

Staff recommends for **approval** subject for the following reasons:

1. Street maintenance bond has been posted;
2. Pavement acceptance letter has been submitted by NCDOT;
3. Street trees have been planted;
4. Waterline, services and fire hydrants have been installed and accepted;
5. Water connection fees have been paid; and
6. The applicant meets the standards and requirements within the County's UDO for Final Plat approval.

DISCUSSION

Mr. Kovacs asked about future sites above phase 3.

Mr. Kear said there is an easement for open space that has been lifted.

Mr. Hyman said the owner would probably seek approval for future development in that area.

Mr. Hawley asked if there would be two lots there in the future.

Mr. Hyman said that the lots would have to be recombined and meet the current UDO standards.

Mr. Hawley asked what the length of the cul de sac would be if the lots were combined.

Mr. Hyman said the road would have to be extended, but it is currently 637 feet.

Mr. Riley motioned to approve the request and change the future use on the plan to indicate open space and reserve utility space. Mr. Winter seconded the motion. Motion passed unanimously.

PB 94-49 Currituck Club Retail Center Preliminary Plat for 8.2 acres on property located in the Currituck Club PUD, on Currituck Clubhouse Drive in the area East of the Amenity Site and Golf Clubhouse. Tax Map 126, Lot 3. Poplar Branch Outer Banks Township.

Eddie Valdivieso appeared before the board.

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

**ITEM: PB 94-49 THE CURRITUCK CLUB, PUD PHASE 10
Retail Center - Preliminary Plat/Site Plan.**

OWNER:
Curr. Assoc./Res. Partnership
P. O. Box 229
Kitty Hawk, NC 27949
(252) 261-2131

APPLICANT:
Crosland Development Co., LLC
125 Scaleybark Road
Charlotte, NC 28209
(704)561-5210

PURPOSE OF REQUEST:

Applicant is seeking Preliminary Plat/Site Plan approval for a commercial development on 8.21 acres in Phase 10. The commercial buildings will be a 48,756 square feet grocery store and 8,400 square feet of retail shops.

PROJECT DESCRIPTION:

Property is shown on Tax Map 126; Parcel A, Poplar Branch-OB Township. The 8.21 acre site is on the west side of NC 12, north of Clubhouse Drive. The proposed retail center will have two (2) access points onto Clubhouse Drive.

Wastewater treatment and disposal will be handled by a joint system that was constructed in conjunction with Pine Island PUD and is permitted for 600,000 gals/day. Water will be provided by Carolina Water Service who operates the Currituck Club water system. Reverse osmosis water treatment technology has been installed and will be utilized when chloride levels reach 250 mg/l or greater. All roads will be built to state standards and the applicant will be responsible for the maintenance and upkeep of all the "private" streets.

HISTORY OF DEVELOPMENT:

1. Applicant received original Sketch Plan/Special Use Permit approval on February 20, 1995.
2. On July 17, 1995, applicant received Amended Sketch Plan approval for the creation of 430 lots for single-family dwellings, 70 patio homes, 104 golf villas, 4 Club

Cottages, 20 Center Court home sites, a 100 room hotel with restaurant, an 18-hole golf course with clubhouse, 2 commercial areas containing a total of 22.7 acres and a parcel to be donated to the county (located at the north end).

3. On June 1, 1998 applicant received Amended Sketch Plan approval which:
 - a. Revised the Governmental site area located at the north property line (increased acreage from 8.1 ac. to 12.1 ac.);
 - b. Revised "404" wetland delineation which allowed for more efficient layout of lots within Phases 5 and 6;
 - c. To increase the total density from 628 units to 636 units (increase of 8 units); and,
 - d. Reduced the total LF of streets to be paved and reduced the number of cul-de-sacs previously approved.
4. On October 4, 1999 applicant received Amended Sketch Plan approval to increase the number of ingress/egress points along NC 12 from two to three.
5. On August 21, 2001 applicant received Amended Sketch Plan approval from the BOC to allow :
 - a. Phase 5 to develop as 15 SF lots and 72 Patio Home sites (increase in density of 35 units). Total proposed density within the development increased from 636 units to 673 units (1.13 units/ac. to 1.21 units/ac.); and;
 - b. Increase commercial lots from the existing 5 lots to 6 lots with lot #1 being further subdivided into 4 condominium lots. Total commercial lots within the Ocean Club Centre after the approval was 10 lots.
6. On December 3, 2001, Amended Sketch Plan approval was granted for the following changes;
 - a. The deletion of 7 single family lots within Phase 6 (density decrease from 51 to 44 lots);
 - b. The deletion of single-family lot 411;
 - c. Transferred decreased density units (8 in total) to Centre Court Home site (increased total number of sites from 20 to 28); and,
 - d. Commercial area was established at 4% (7% allowed) and the overall density was set at 1.20 units/acre (3.0 units/acre allowed).
7. On March 8, 2004, Amended Sketch Plan approval to depict a two lot subdivision and a site specific layout of the proposed Currituck Club Retail Center for Phases 9 & 10. Phase 10 was previously designated to have 28 center court homes and was amended to a commercial designation.

ADJACENT LAND USE:

North: Golf Club and Condominiums - zoned RO1/PUD

South: Hotel Site and Cottages – zoned RO1/PUD

East: Ocean Sands Sections E&F - zoned RO1/PUD

West: Golf Club and Property Owner's Assoc. Amenities

TECHNICAL REVIEW STAFF:

On December 9, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concerns were with the Fire Marshall. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff.

- (a) County Engineer - reviewed & approved
- (b) Soil & Water Conservation - reviewed & approved
- (c) Fire Marshal – reviewed & approved after changes were made to include pavement markings around the buildings, fire hydrant adjacent to parking space 287 was shifted 15 feet to the east. A note was added to the Utility Plan that the final location for the fire system Siamese connection shall be reviewed and approved by the County Fire Marshall.
- (d) County Water Department – not within their regulatory jurisdiction.
- (e) County Health Department - not within their regulatory jurisdiction.
- (f) NCDOT – reviewed and approved.
- (g) NCDEHNR, Div. of Water Quality – reviewed and approved expansion of the wastewater treatment system..
- (h) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued.
- (i) NCDEHNR, Water Quality – reviewed and approved a High Density Stormwater Permit.
- (j) NCDEHNR, Public Water Supply Section – reviewed and issued Authorization to Construct the waterlines,

STAFF COMMENTS:

- The property is classified as "Limited Transition" in the Count's 1990 Land Use Plan. Planned Unit Developments are appropriate in the transitional land use class designated in the 1990 Land Use Plan.
- The proposed retail center will **not** have direct access to NC12. Two driveways are proposed along Currituck Clubhouse Drive.
- The BOC on March 8, 2004 approved an amended sketch plan/special use permit for this proposed retail center.
- Based upon staff's review, the applicant has met the standards and requirements within the UDO for Preliminary Plat Approval.

STAFF RECOMMENDATION:

Staff recommends **approval** with the following conditions:

- That the applicant submit letters of service availability for both water and wastewater treatment;
- That required improvements be installed and accepted prior to submission for final plat approval;

- That applicant meet all requirements of the County's Unified Development Ordinance, including, but not limited to parking spaces, landscaping, shading, etc.;
- That the applicant shall complete the development strictly in accordance with the plans submitted to, and approved by, the Board of Commissioners; and
- That should any conditions within this permit conflict with any other permit(s) issued for this activity, then the more restrictive condition shall prevail.

DISCUSSION

Mr. Hawley asked if there was a projection on traffic in this area and if there would be a traffic signal installed.

Mr. Kear said that DOT indicated that the existing turning lane is sufficient.

Mr. Valdivieso said that the property owners in the area are using this development to encourage DOT to install a traffic signal.

Mr. Kovacs asked if lighting would be directed into the parking lot rather than on the road way.

Mr. Valdivieso said that there have already been modifications discussed to keep lighting from adjoining property owners.

Mr. Kovacs asked about water depth in the ponds.

Mr. Valdivieso said the water depth would be about 5 feet, and the landscaping plan would provide a buffer to keep people from entering the water.

Mr. Kovacs asked about restrictions on the back of the building with regard to the golf course.

Mr. Valdivieso said that the building would not be seen from the golf course, that issue has been addressed.

Mr. Hawley asked how far the homes were from the building.

Mr. Valdivieso said approximately 500 feet.

Mr. Hawley asked if the home owner's association had approved this project and commented on the noise levels.

Mr. Valdivieso said yes, and said that there is a retaining wall being installed to absorb noise.

Mr. Kovacs asked if the store would be open 24 hours.

Mr. Riley said that the Food Lion is open 24 hours only in the summer.

Mr. Ferguson explained the lighting restrictions, and stated that the lighting would be pointed to the ground.

Mr. Etheridge said that he doesn't see the lighting as a problem.

Mr. Riley stated that the lights wouldn't be any more of a problem than the lights at the tennis courts.

Mr. Etheridge motioned to approve the request as presented. Mr. Keel seconded the motion. Motion passed unanimously.

PB 04-73 Henry Ward Rezone 2.4 acres from Agricultural (A) to Light Manufacturing (LM) on property located on the west side of Caratoke Highway approximately .8 mile South of Macedonia Church Road. Tax Map 94, Lot 77A, Poplar Branch Township.

Henry Ward appeared before the board

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

This site is located in Poplar Branch along the west side of Caratoke Highway (US 158) between Danruth lane and Alfred Court both private access drives.

TAX ID: 0094-000-077A-0000

PROPERTY OWNER: JS and P, LLC – Joseph W. Lubrecht

APPLICANT: Henry B. Ward

ZONING: Current Zoning Agricultural Proposed Zoning Light Manufacturing

ZONING HISTORY: Property has been zoned Agricultural since 1989.

SURROUNDING ZONING/LAND USE:	<u>Zoning</u>	<u>Land Use</u>
NORTH:	Agricultural	Residential
SOUTH:	Agricultural	Residential
EAST:	Agricultural	Residential
WEST:	Agricultural	Residential

EXISTING LAND USE: Vacant/Open Field

PROPOSED LAND USE: The applicant has stated that the reasons for the request is to construct, display and sell small storage buildings, mini-barns, horse run-ins. Construction and completion of the products to be accomplished inside an approved building.

LAND USE PLAN: The 1990 Land Use Plan shows this property as Limited Transition. The purpose of this class is “to provide for development in areas that have some services, but are suitable for lower densities than those associated with the urban transition class, and/are geographically remote from existing towns and municipalities”. This class is intended for residential developments with densities of three units per acre or less. This class also contains nonresidential areas along major transportation routes. This rezoning request is consistent with the Land Use designation.

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

TRANSPORTATION: Property has about 320 feet of frontage on Caratoke Highway, (US 158) classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan. The Average Daily Traffic (ADT) Count according to NCDOT in 2002 along this section of Caratoke Highway was approximately 15,000 ADT. The property also has 315 feet of frontage on Danruth Lane a private access drive.

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

SOILS: According to the Currituck County Soil Survey, the property consists of Portsmouth fine sandy loam which consists of poorly drained soils that are unfavorable for septic systems due to wetness. On-lot septic system permits are being issued for the surrounding new home construction.

STAFF COMMENTS:

- This proposed rezoning is a corner lot on Danruth Lane and Caratoke Highway. The lot was one of four lots created in the Lubrecht Subdivision. The lot is sandwiched on three sides (south, west & north) with residential development. Two recently approved private access subdivisions (Lubrecht Subdivision - 4 lots along Danruth Lane approved 8/12/99 and Everett Acres - 5 lots along Alfred Lane approved 7/14/03) are currently undergoing new home development. All the contiguous land is zoned as Agricultural including east, across Caratoke Highway.
- Even though the lot has 365 feet of frontage on Caratoke Highway (US 158) access will be restricted to the existing Danruth Lane a private access drive. The UDO Article 3, Section 304 restricts driveway spacing to 300 foot intervals or greater. Alfred Lane is adjacent to the south line of this lot.
- The proposed rezoning is consistent with the Land Use Plan, but is 3.3 miles from the closest Light Manufacturing (LM) Zone to the South and 5.7 miles from the closest LM Zone to the North.

STAFF RECOMMENDATION:

Staff recommends denial of this application on the basis of spot zoning for the following reasons:

- Proposed rezoning is not compatible with surrounding land use.
- Parcel to be rezoned has only 2.5 acres and could be considered spot zoning.

DISCUSSION

Mr. Hawley asked where the closest General Business site is to this location.

Mr. Kear said that he believes the closest is the Freedom Business Park.

Mr. Ward stated that he has collected signatures from adjoining property owners supporting the rezoning. He is interested in building sheds, not having a retail business, and doesn't think traffic will pose a problem.

Mr. Midgette asked if Mr. Ward is planning to put up a building to work inside.

Mr. Ward said he would like to put up a 50x50 building to build the sheds.

Mr. Kear asked what size lots the county considers spot zoning.

Mr. Ferguson said there is no written rule as to a specific size, but this property is not located near any other property with this type of zoning and future complaints could become an issue.

Mr. Kovacs motioned to deny the request as presented due to spot zoning. Mr. Winter seconded the motion. Motion passed unanimously.

ELECTION OF OFFICERS

Mr. Keel motioned to keep officers as they are with Mr. Bell as Chairman and Mr. Midgette as Vice-Chairman. Mr. Etheridge seconded the motion. Motion passed unanimously.

OLD BUSINESS

There was no old business discussed.

ADJOURNMENT

There being no further business to discuss, Mr. Keel motioned for adjournment. Mr. Winter seconded the motion and the motion passed unanimously. The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board