

CURRITUCK COUNTY PLANNING BOARD

July 12, 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 July 12, 2005. The following members were present: Horace Bell, Bobby Bell, Alvin Keel, Forrest Midgette, Pat Riley, William Etheridge, and Arthur Winter. William Etheridge. Joe Kovacs. Absent: Eddie Hawley. Cheryl Eggar, Planner, and Gary Ferguson, Planning Director, were also present.

Planning Board Chairman Bell called the meeting to order, announced a quorum had been met. None of the members disqualified themselves from voting on any of the times on the agenda.

Rev. Todd Underwood, Currituck Christian Center, gave the invocation.

APPROVAL OF JULY 12, 2005 AGENDA

Mr. Keel motioned to approve the July 12, 2005 agenda. Mr. Bell seconded the motion. Motion passed unanimously.

APPROVAL OF JUNE 14, 2005 MINUTES

Mr. Riley motioned to approve the June 12, 2005 minutes with correction noted. Mr. Winter seconded the motion and the motion passed unanimously.

Wayne Myers appeared before the board.

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

PB 05-17 Wayne Myers Amendment to Article 1, Section 115 of the UDO to allow the issuance of zoning permits on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road but are on an island completely surrounded by water).



Currituck County

Department of Planning and Inspections
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

TO: Planning Board
 Board of Commissioners

FROM: Planning Staff

DATE: June 21, 2005

SUBJECT: PB 05-17 Wayne Myers Amendment to UDO

Mr. Myers is asking to amend Section 115 of the UDO to allow zoning permits to be issued on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water). Mr. Myers has an Option to Purchase on Long Point, a 57± acre island off the point of Bell's Island (see attached map). He would like to subdivide this island into four 10+ acre lots. Since the lots are 10 acres or larger, they are exempt from subdivision regulations, but not zoning regulations. In order to get a building permit, a zoning permit must be issued. A zoning permit cannot be issued for these lots as the UDO currently requires that all lots abut a street or road. Mr. Myers request that lots whose sole means of access is through Public Trust Waters be exempt from this requirement. Without this amendment no structure will be allowed to be built on this property or similar properties, rendering the islands as "unbuildable."

Also attached for your review are letters from other agencies regarding this property. Mr. Myers ask that you review these letters as evidence that other agencies consider this island as "buildable." The Tax Office values Long Point at \$204,055.

It is important to note that if this amendment is approved, it would apply countywide and not just to Mr. Myers situation. There are 21 privately owned islands off of Currituck mainland.

STAFF RECOMMENDATION

Staff recommends denial of this amendment subject to the following:

1. County Services (Fire, EMS, Public School Transportation, Sheriff's Department, etc.) will not be available to an island. *Please note that Mr. Myers is willing to sign a waiver for all county services for Long Point.*
2. Non-availability of public utilities such as power, telephone, cable tv, etc. to an island.

- 3. There is no method for solid waste disposal on an island.

**WAYNE MYERS
PB 05-17
UDO AMENDMENT REQUEST**

Wayne Myers requests an amendment to Article 1, Section 115 of the UDO to allow the issuance of a zoning permit on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water).

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 115 Every Lot Must Abut a Street or Road

- 1. No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or a private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:

(c) a permit for construction may be allowed on a lot that does not abut a public or private street provided the lot is on an island completely surrounded by water and its only means of access is through Public Trust Waters.

Part 2. This ordinance amendment shall be in effect from and after the ____ day of ____, 2005.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____

VOTE: _____ AYES _____ NAYES

PLANNING BOARD DATE: July 12, 2005

*Minutes are not official until approved by the board.

PLANNING BOARD RECOMMENDATION: _____
Ayes _____ Nays _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

DISCUSSION

Mr. Bell said that Swan Island and Monkey Island do not have electricity and the emergency services that are questioned by the staff.

Ms. Eggar said that no solid waste facilities are available on the island.

Mr. Bell asked if the island has an access on the mainland to park cars, etc.

Ms. Eggar said that the owner would have to work that out.

Mr. Myers said that until he has an approval from the board, he cannot go further with these arrangements. He also stated that solid waste would be disposed of as any other home in the area, it would be discarded at the facility.

Mr. John Snowden, Currituck Independent, stated that the island has a huge historical significance and he commends Mr. Myers for trying to preserve the island.

Mr. Keel motioned to approve the request as presented. Mr. Etheridge seconded the motion. Motion passed 7-1 with Mr. Kovacs voting no.

Todd Hamilton Grant appeared before the board.

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

PB 04-10 Sea Hawk Acres Preliminary Plat for 9 lots on Elliott Road approximately 450' east of Aydlett Rd. Tax Map 92, Lob 30G, Poplar Branch Township

Off of Elliott Road, approximately 450' from its intersection with Aydlett Road, Poplar Branch Township.

ZONING DISTRICT: Residential

OWNER:

APPLICANT/AGENT

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

NARRATIVE OF REQUEST:

Rick Schneck & John Macko are seeking Preliminary Plat approval for 9 single family lots through the major subdivision process. The development is located on a site of approximately 11 acres. Since the subdivision is less than 21 lots, no open space is required. The property is zoned Residential (R) with a minimum lot size of 40,000 sf. Lots within the development range from approximately 41,000 sf. to 65,600 sf.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All of the lots will front on an existing NCDOT street, Elliott Road.

WATER: Currently there is an existing 2" waterline running down Elliott Road. While this size line is adequate to supply drinking water it is not adequate for fire protection. A new 6" line and two fire hydrants will be installed from Poplar Branch Road to the end of the project.

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

WASTEWATER: Each lot has been approved for an on-site septic system.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Property line swales will be used to address drainage for this property.

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

STAFF COMMENTS:

- Sketch Plan/Special Use Permit approval for this development was granted by the Board of Commissioners on April 5, 2004.
- On June 9, 2005 the Technical Review staff reviewed this application. Staff's concerns included the following:
 1. The primary concern is with the drainage for this site and the lack of information relating to the pad elevations. To control the drainage from a depressed area located at the sites high point (Lot 1), it was proposed to build a berm around the side and rear property lines to contain the water to this low spot. TRC Staff suggested that the drainage be looked at a different way by using lot line swales.
 2. The Fire Marshall expressed concerns with access the flag lot and the lack of a turn-around on Elliott Road.
- In response to the TRC review, the drainage plan was revised to eliminate the berm concept and incorporate the use of lot line swales. The proposed swale along the northern boundary shall extend to the westerly property line.
- TRC approvals and comments:
 - (a) County Engineer - reviewed & conditionally approved
 - (b) Soil & Water Conservation - reviewed & conditionally approved
 - (c) Fire Marshal – reviewed & approved.
 - (d) Health Services – reviewed & approved all lots for conventional on-site septic systems
 - (e) County Water Department – reviewed & approved.
 - (f) County Mapper – no comments received
 - (g) Lower Currituck Volunteer Fire Department – no comments received
 - (h) Emergency Management Services - no comments received
 - (i) Recreation Department – reviewed with no comments
 - (j) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines
 - (k) NCDENR, Water Quality – Stormwater Permit - not required – no land disturbance over an acre
 - (l) NCDENR, Land Quality Section – not required – no land disturbance over an acre
 - (m) NCDOT – not required - located on an existing state road
 - (n) Phone Company - no comments received
 - (o) Superintendent of Schools - no comments received
 - (p) Power – no comments received
 - (q) CAMA – outside of the permitting jurisdiction
 - (r) USACOE – outside of the permitting jurisdiction
- The following corrections shall be made to the Preliminary Plat:
 1. Fill in the required information in the survey type and accuracy statements.
 2. Correct the flood note to state “Flood zones subject to change by FEMA.”

3. Show a dimension from the edge of the easement for the cemetery to the property line.
4. Darken up the existing topographic lines and lot numbers
5. Show the building pad elevations
6. Extend the swale along the northerly property line to the westerly property line

STAFF RECOMMENDATION:

Staff recommends **approval** subject to the following conditions:

1. The following corrections shall be made to the Preliminary Plat:
 - (a) Fill in the required information in the survey type and accuracy statements.
 - (b) Correct the flood note to state "Flood zones subject to change by FEMA."
 - (c) Show a dimension from the edge of the easement for the cemetery to the property line.
 - (d) Darken up the existing topographic lines and lot numbers
 - (e) Show the building pad elevations
 - (f) Extend the swale along the northerly property line to the westerly property line
2. ***That the corrected Preliminary Plat be submitted and approved by the Planning Department prior to the Board of Commissioners meeting.*** To be scheduled for the first BOC meeting of the following month, the corrected plans must be submitted to the Planning Department by noon on the Monday following the Planning Board meeting.
3. That required improvements be installed and accepted prior to submission for final plat approval;
4. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners;
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 the expiration of the preliminary plat approval;
6. That applicant meet all requirements of the county's Unified Development Ordinance; and
7. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

DISCUSSION

Mr. Kovacs asked about access to the cemetery

Ms. Eggar said that there is a 15' access easement between lots 2 and 3.

Mr. Bell asked about a flag lot.

Ms. Eggar said that the main driveway would serve as the turn around for fire vehicles.

Mr. Midgette motioned to approve this request as presented. Mr. Winter seconded the motion. Motion passed unanimously.

PB 05-20 Michael & Lucinda Schenck. Rezone 46 acres from Agricultural (A) to General Business (GB) on the west side of Caratoke Highway approximately 1400' north of Macedonia Church Rd. Tax Map 84, Lot 30B, Poplar Branch Township.

Eddie Hyman appeared before the board.

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

Request for rezoning from A (Agricultural) to GB (General Business). The lot is "split zoned" and contains a total area of approximately 46 acres of which slightly less than one half of the site is zoned GB.

LOCATION: This site is located in Poplar Branch along the west side of Caratoke Highway (US 158) approximately 1,300' (1/4 mile) north of Macedonia Church Road.

TAX ID: 0084-000-030B-0000

OWNER:
Michael Weldon & Lucinda Schenck
1071 Morrison Dr.
Charleston, SC 29403

AGENT:
Harrell & Associates
P.O. Box 758
Nags Head, NC 27959

APPLICANT:
Hyman & Robey
P.O. Box 339
Camden, NC 27921

ZONING: Current Zoning
Agricultural & General Business

Proposed Zoning
General Business

ZONING HISTORY: Property has been zoned Agricultural since 1989.

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential, Farmland & Commercial – zoned GB & A
SOUTH: Residential & Office - zoned GB & A
EAST: Wetlands, SFR and Farmland – zoned GB & A
WEST: Wetlands - zoned A

EXISTING LAND USE: Active Farmland

PROPOSED LAND USE: The front portion of the property is zoned General Business while the rear portion is zoned Agricultural. Applicant seeks to have the entire lot zoned General Business to allow business uses on the whole parcel.

LAND USE PLAN: The 1990 Land Use Plan this property is designated Rural with Services. The purpose of the Rural with Services class is to provide for low density land uses, including residential, where limited water services are provided. Development within this class should be low intensity to maintain a rural character. This rezoning is not consistent with the Rural with Services class.

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

TRANSPORTATION: The property has approximately 1,900' of frontage on Caratoke Highway which is 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 2003 Traffic Count reflects an ADT of approximately 10,000.

FLOOD ZONE: Approximately half of the property is located outside of the 100 year floodplain with the remaining portion within the 100 year floodplain.

SOILS: Approximately half of the size is marginally suitable for septic systems while the remaining portion of the site is favorable for septic systems.

STAFF COMMENTS:

- When the General Business (GB) zoning district was created along Caratoke Highway numerous lots ended up with split zoning. The width of the GB zoning district along this portion of Caratoke Highway is 500' deep.
- The UDO has an allowance for split zoned lots. When a lot over two acres in size is located in more than one zoning district, and the districts are equal to or greater than the minimum lot size for that district, each portion of the property shall be subject to all of the regulations applicable to the district in which it is located.
- It appears that approximately 48% of the site is zoned GB while the remaining 52% of the site is zoned Agricultural (A).
- The property is contiguous to land zoned GB which extends approximately 2.5 miles to the north and ¼ mile south.
- The current Land Use Plan was approved in 1990 and is dated and is not consistent with this rezoning due to the characteristics stated for the Rural with Services district. It should be noted that the majority of Caratoke Highway from Grandy north is designated Rural with Services.
- The Land Use Plan promotes commercial nodal development instead of having it stretched out along the highway. A goal of the 1994 Highway Corridor Plan is to promote economic development along Caratoke Highway in such a manner to minimize the negative impacts to the traveling public.
- The purpose of the commercial nodes is to minimize the effects of strip commercial development. This rezoning will foster commercial nodal development on Caratoke Highway.

STAFF RECOMMENDATION:

Staff recommends approval of this application for the following reasons:

- This property is surrounded by properties that are zoned General business and this would be an extension of the existing General Business zoning district.
- The site has approximately 1,900 lf on Caratoke Hwy. and will create a commercial node.
- This rezoning would promote commercial nodal development which is supported by the 1990 Land Use Plan and the 1994 Highway Corridor Plan.

DISCUSSION

There was no discussion on this item.

Mr. Midgette motioned to approve this request as presented. Mr. Riley seconded the motion. Motion passed unanimously.

Mark Bissell appeared before the board.

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

PB 04-29 Snowden Crossing Phase 2 Preliminary Plat for 12 lots on the west side of Snowden Rd at the railroad crossing approximately .6 miles north of Shawboro Rd. Tax Map 33, Lot 5F, Crawford Township.

PB 04-29 SNOWDEN CROSSING, PRELIMINARY PLAT FOR 12 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:
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 Preliminary approval for 12 single family lots through the major subdivision process. This 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 54 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 minimum lot size for this development is 3 acres since the maximum number of 40,000 sf have already been created from the parent parcel.

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The subdivision has 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 and a fire pond. However, waterline improvements shall be guaranteed by a performance bond and water connection fees paid for each lot.

In October 2004, the Board of Commissioners granted approval for a 17 lot subdivision. Due to soil unsuitability for septic systems, the preliminary plat approval is only for the 12 lots that were found to be suitable for conventional on-site septic systems.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The 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 area at this time. Site will be served by individual wells. Future waterline improvements for the site shall be bonded.

FIRE: This development is located within the jurisdiction of the Crawford Volunteer Fire Department and will be serviced by a fire pond located on Snowden Road. The fire pond was designed to handle a 50 year drought

WASTEWATER: 12 of the original 17 lots have been approved for on-site septic systems.

OPEN SPACE: No open space is required nor provided.

DRAINAGE: Roadside and property line swales/ditches which tie into an existing ditch system are being used to address the drainage for the site.

FLOOD ZONES: The property is located outside of a 100 year floodplain (flood zone C).

STAFF COMMENTS:

- The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on October 4, 2004 for 17 lots.

- On June 9, 2005 the Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage and the soil suitability for septic systems. In regards to the drainage plan, the property line swales need to run the full length of the property line; downstream drainage information is lacking including the sizes and inverts of the existing culverts; and the need for drainage maintenance easements. There was a discussion in regards to the soil evaluations with Albemarle Regional Health Services and how possibly revising the lot layout might get some of the lots that failed the soil evaluation to work better. It was stated that there was a wet, sticky Roanoke soil found in the lots that did not pass the soil evaluation. The Health Department does not feel that the lowering of the groundwater table will benefit these areas.
- In response to concerns expressed by the TRC, the Preliminary Plat and Construction drawings has been revised to reflect the following items:
 - Flow arrows are adequately shown;
 - Drainage maintenance easements have been added;
 - Side lot line swales run the full length of the property line;
 - Existing culvert information has been provided.
 - A downstream drainage analysis was not submitted
- The following corrections shall be made to the Preliminary Plat and Construction Plans:
 1. The concern with downstream drainage has not been adequately addressed. Require downstream flow analysis;
 2. Proposed ditch grades and stations for the ditch high and low points (culverts) are lacking from the plans;
 3. Existing pipe culverts that are proposed to abandoned in place shall be removed and noted as such on the plans;
 4. 25' Drainage Maintenance Easement shall be removed from the on site major conveyance swales;
 5. Top of Bank is not called out on all sheets and is lacking from the legends;
 6. Renumber all of the lots to agree with the sketch plan;
 7. Type of survey shall be corrected to reflect that the survey creates a subdivision;
 8. Lots that do no have septic approval shall be shaded and noted as Phase 3 – Not a Part;
 9. The text at the south end of Kermit Court is hard to read and is illegible on the construction plans;
 10. The title blocks for the Preliminary Plat shall call the plans Preliminary Plat nt Major Subdivision;
 11. Notes 1 to 10 are missing and need to be restored;

12. The ditch portion of the street cross section shall be noted as being 7.5’;
 13. The fire pond bottom is the same elevation as the mean low water level – correct the bottom elevation;
 14. Show the rail road crossing gate;
 15. The subdivision Bullyard Station is existing, not future.
- TRC approvals:
 - (s) County Engineer - reviewed & conditionally approved if there is adequate downstream culvert capacity
 - (t) Soil & Water Conservation - reviewed & conditionally approved pending evaluation of a downstream stormwater analysis
 - (u) Fire Marshal – reviewed & approved.
 - (v) Health Services – 12 of the 17 lots were approved for conventional on-site septic systems
 - (w) County Water Department – no county water available to the area.
 - (x) County Mapper – approved as is
 - (y) Crawford Volunteer Fire Department – reviewed with no comments
 - (z) Emergency Management Services - some concern with street names
 - (aa) Recreation Department – reviewed with no comments
 - (bb) NCDENR, Water Quality – Stormwater Permit – Low density stormwater permit issued
 - (cc) NCDENR, Land Quality Section – Erosion & Sedimentation control permit issued.
 - (dd) NCDOT – approved driveway permit
 - (ee) Phone Company - reviewed with no comments
 - (ff) Superintendent of Schools - reviewed with no comments
 - (gg) Power – reviewed and no comments
 - (hh) CAMA – outside of the permitting jurisdiction
 - (ii) USACOE – outside of the permitting jurisdiction

STAFF RECOMMENDATION:

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

1. The following corrections shall be made to the Preliminary Plat and Construction Plans:
 1. The concern with downstream drainage has not been adequately addressed. Require downstream flow analysis;
 2. Proposed ditch grades and stations for the ditch high and low points (culverts) are lacking from the plans;
 3. Existing pipe culverts that are proposed to abandoned in place shall be removed and noted as such on the plans;
 4. 25’ Drainage Maintenance Easement shall be removed from the on site major conveyance swales;

5. Top of Bank is not called out on all sheets and is lacking from the legends;
 6. Renumber all of the lots to agree with the sketch plan;
 7. Type of survey shall be corrected to reflect that the survey creates a subdivision;
 8. Lots that do not have septic approval shall be shaded and noted as Phase 3 – Not a Part;
 9. The text at the south end of Kermit Court is hard to read and is illegible on the construction plans;
 10. The title blocks for the Preliminary Plat shall call the plans Preliminary Plat not Major Subdivision;
 11. Notes 1 to 10 are missing and need to be restored;
 12. The ditch portion of the street cross section shall be noted as being 7.5';
 13. The fire pond bottom is the same elevation as the mean low water level – correct the bottom elevation;
 14. Show the rail road crossing gate;
 15. The subdivision Bullyard Station needs to be noted as existing, not future.
2. ***The corrected Preliminary Plat and Construction Plans shall be submitted and approved by the Planning Department prior to the Board of Commissioners meeting.*** To be scheduled for the first BOC meeting of the following month, the corrected plans must be submitted to the Planning Department by noon on the Monday following the Planning Board meeting;
 3. 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;
 4. That the future waterline improvements shall be bonded for at the time of final plat approval;
 5. The drainage improvements shall be installed, as-built and certified prior to submission for final plat approval;
 6. 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 the expiration of the preliminary plat approval;
 7. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.; and
 8. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

DISCUSSION

Mr. Bobby Bell asked where the water line is.

Ms. Eggar said that there is no water line in this area.

Mr. Ferguson said that there is water on the north end of the road, but he is not sure where the line stops.

Mr. Bell asked about the evaluation of the downstream stormwater analysis.

Mr. Bissell said that they are working with Mike Doxey to resolve issues within the next few days.

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

Todd Ottenstein appeared before the board.

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

PB 84-11 Corolla Light Phase 3 Amended Preliminary Plat/Site Plan for the Corolla Light Town Center located at the intersection of Ocean Trail and Austin St. Tax Map 115B, Lot2P2B, Poplar Branch Outer Banks Township.

PB 84-11 COROLLA LIGHT PHASE 3, AMENDED PRELIMINARY PLAT/SITE PLAN TO CONSTRUCT TWO ADDITIONAL BUILDINGS

LOCATION: On the east side of Ocean Trail, NC 12, centered within the Corolla Light Town Center formerly known as the Corolla Light Village Shops commercial area.

TAX ID: 115B-000-2P2B-0000

ZONING DISTRICT: RO1/P.U.D. Commercial

OWNER:
Corolla Light Town Center, LLC
C/o Todd Ottenstein
P.O. Box 303
Corolla, NC 27927

APPLICANT/AGENT
Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:
NORTH: Waste Water Treatment Plant - zoned RO1

SOUTH: Single Family Residential - zoned RO1/PUD
EAST: Single Family Residential - zoned RO1/PUD
WEST: Single Family & Historic Whalehead Club - zoned RO1 & RO1/PUD

NARRATIVE OF REQUEST:

The applicant requests Amended Preliminary Plat/Site Plan approval to allow the construction of two additional buildings with building lot coverage of 20,844 sf within the Corolla Light Town Center (a.k.a. Corolla Light Village Shops).

STAFF COMMENTS:

Initial Sketch Plan approval for the PUD was granted on May 21, 1984. The Town Center site has been approved for 13 building sites with a total building coverage of 51,000 sf. Currently there are 10 buildings constructed on the site with a total building coverage of 27,412 sf. The existing uses are retail, restaurants, a skate park, a fruit stand, and 26 two bedroom apartments. Presently there is a parking deficiency of 78 parking spaces.

On April 18, 2005, the BOC approved a Special Use Permit for this site to permit a skate park to be developed on one of the building sites.

This Amended Preliminary Plat/Site Plan will add two additional buildings, #12, and #13, with lot coverage of 20,844 sf. Building 12 will have lot coverage of 3,800 sf and will be utilized for retail and offices while Building 13 will be improved with a 5,500 sf restaurant and 11,544 sf of office and retail space for a total of 17,044 sf. These new buildings will bring the total building coverage for the site to a total of 48,256 sf. In conjunction with the new buildings, 196 new parking spaces will be created which will bring the Town Center into compliance with the parking requirements and satisfy the existing parking deficiency. Also included is the addition of four additional dumpsters and one additional loading zone for a total of two loading spaces.

- On June 9, 2005 the Technical Review staff reviewed this application. At the TRC meeting, the primary concerns were as follows:
 - Six - two bedroom apartments were being proposed which exceeds the number allowed for the PUD.
 - The allowable building coverage for the site was exceeded.
 - Needed an agreement for the relocation of the easement located within the wastewater treatment plant site.
 - Concerned with sewer and water capacities to service the site expansion.
 - Meeting the required parking standards
- In response to concerns expressed by the TRC, the Amended Preliminary Plat/Site Plan was revised to reflect the following items:

- The additional apartments were removed.
 - The building coverage was reduced to be in compliance with the approved Sketch Plan;
 - An agreement with Outer Banks Ventures for the easement relocation has been met. The easement will be recorded within one week of Amended Preliminary Plat/Sketch Plan approval;
 - Sewer and water capacity letters have been submitted. In regards to the water capacity the average daily summer demand is 67% of the production capacity. The state is concerned that the peak demand is 91% of the production capacity and allows only a small margin for line breaks, fires, or other unusual water usage.
 - The parking requirements are met.
- The following corrections shall be made to the Amended Preliminary Plat/Site Plan:
 1. Lighten up the shading on the proposed buildings and existing pavement on all sheets;
 2. The parking and loading spaces at the Austin Street entrance shall be relocated;
 3. Note #4 – show the percentage of lot coverage;
 4. Occupancy Summary – show the total number of apartments;
 5. Parking space breakdown – show the total number of parking spaces;
 6. Existing fire access at Austin Street – note that the entrance is to be removed;
 7. Show the wheel stops in the parking area located in the parking easement;
 8. The drive aisle along the pond – show the areas where the drive aisle is 20' wide;
 9. Show the top of banks for the infiltration basins along Ocean Trail;
 10. Locate at least two dumpsters to the south end of the site;
 11. Add the symbol for the light posts and rope detail to the legend and show at pond 1A from the south end of the pond up to the parking spaces with wheel stops;
 12. Three parking spaces need to be adjusted for inadequate overhangs – south most space by Building 5; the eastern most space on lot adjacent to Building 9 and the western most space by the north entrance to the drive aisle going around the pond;
 13. Note that the existing propone tank is to be placed underground;
 14. At the pond, the shoreline is shown outside of the bulkhead;
 15. Sheet L1 – show the top of banks for the infiltration basins along Ocean Trail;
 16. Sheet DR2:

- Add the light post and rope symbol to the legend – at Basin 1A continue the light posts and rope up to the parking spaces with wheel stops;
- Rename the drainage basin of the skate park to Basin 1A
- Use different symbols for proposed and existing improvements;
- Shoreline of pond is outside of bulkhead;
- Proposed man hole on 15” line tying into Basin 1A – invert out is higher than invert in

17. Sheet LT1:

- All exterior lighting, excluding security lighting, shall be reduced by a minimum of 50% after operating hours. Designate which lights shall remain on after operating hours to meet the 50% lighting reduction;
- Diagram all light fixtures as full cut-off fixtures;
- Show the height of the post lighting;
- Lacking in information on existing lights including the lumens, LLF, description and quantity;
- Plan is hard to read – suggest using a larger symbol for the lighted areas under the post lighting;
- Buildings 2, 5, 7, 8, 9, 12 lack entrance and security lighting;
- Lighting plan lacks showing the existing lighting on the interior buildings and the light; and
- Showing existing light poles yet this is not noted, nor shown, in the luminaries schedule.

18. The building elevations shall show the location and type of building fixtures.

- Staff has been informed by Mr. Don Creek, President of the Corolla Light Property Owners Association (POA) that they notified Mr. Todd Ottenstein in May 2005, that he was in violation of the agreement for the use of Austin Street, a private street. One of the conditions of the agreement was that Austin Street was not to be the primary access into the site, especially for delivery trucks. The POA wants the access to the site to be controlled and keep the delivery trucks off Austin Street. The POA has considered prohibiting access to the site if the traffic issue can not be resolved to their satisfaction. Mr. Cheek informed staff that at the last POA meeting, the Board of Directors voted not to close the access. The Board has directed Mr. Cheek to work something out with Mr. Ottenstein for controlling the access to the site. An item that is under discussion is putting up at bar at the Austin St. entrance to prohibit vehicles over a certain height from passing on the site.
- Mr. M. H. Hood Ellis sent a letter to Mr. Ottenstein dated May 12, 2005 for the Corolla Light Community Association. The letter acknowledges that he is working with Don Cheek in response to the Association’s concerns. Mr. Hood reinforced the permissive nature of the

access to Austin Street and that the access lacks an express easement to utilize the private road. The letter goes on to state that the Association reserves the right to revisit the issue in the event that the steps taken do not adequately address the Association's traffic concerns. The Association acknowledges that there is some benefit to allow its members and guests access to the Town Center via Austin Street.

- Staff has concerns regarding the possible loss of access to the site from Austin Street. Access to the site from Ocean Trail, NC 12, is difficult for large delivery trucks due to the configuration of the entrance. The Fire Chief has a problem with only one access point to the site. There are many buildings in the shopping complex. During a fire scenario, the Fire Department would want all traffic to exit to get out of their way and out of harms way. At the same time the large trucks need to enter to "start an attack and set up for exposure control. All of this activity can not take place with one entrance..."

STAFF RECOMMENDATION

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

8. The following corrections shall be made to the Amended Preliminary Plat/Site Plan:
 - (a) Lighten up the shading on the proposed buildings and existing pavement on all sheets;
 - (b) The parking and loading spaces at the Austin Street entrance shall be relocated;
 - (c) Note #4 – show the percentage of lot coverage;
 - (d) Occupancy Summary – show the total number of apartments;
 - (e) Parking space breakdown – show the total number of parking spaces;
 - (f) Existing fire access at Austin Street – note that the entrance is to be removed;
 - (g) Show the wheel stops in the parking area located in the parking easement;
 - (h) The drive aisle along the pond – show the areas where the drive aisle is 20' wide;
 - (i) Show the top of banks for the infiltration basins along Ocean Trail;
 - (j) Locate at least two dumpsters to the south end of the site;
 - (k) Add the symbol for the light posts and rope detail to the legend and show at pond 1A from the south end of the pond up to the parking spaces with wheel stops;
 - (l) Three parking spaces need to be adjusted for inadequate overhangs – south most space by Building 5; the eastern most space on lot adjacent to Building 9 and the western most space by the north entrance to the drive aisle going around the pond;
 - (m) Note that the existing propene tank is to be placed underground;
 - (n) At the pond, the shoreline is shown outside of the bulkhead;
 - (o) Sheet L1 – show the top of banks for the infiltration basins along Ocean Trail;

(p) Sheet DR2:

- (1) Add the light post and rope symbol to the legend – at Basin 1A continue the light posts and rope up to the parking spaces with wheel stops;
- (2) Rename the drainage basin of the skate park to Basin 1A
- (3) Use different symbols for proposed and existing improvements;
- (4) Shoreline of pond is outside of bulkhead;
- (5) Proposed man hole on 15" line tying into Basin 1A – invert out is higher than invert in

(q) Sheet LT1:

- (1) All exterior lighting, excluding security lighting, shall be reduced by a minimum of 50% after operating hours. Designate which lights shall remain on after operating hours to meet the 50% lighting reduction;
- (2) Diagram all light fixtures as full cut-off fixtures;
- (3) Show the height of the post lighting;
- (4) Lacking in information on existing lights including the lumens, LLF, description and quantity;
- (5) Plan is hard to read – suggest using a larger symbol for the lighted areas under the post lighting;
- (6) Buildings 2, 5, 7, 8, 9, 12 lack entrance and security lighting;
- (7) Lighting plan lacks showing the existing lighting on the interior buildings and the light
- (8) Showing existing light poles yet this is not noted, nor shown, in the luminaires schedule;

9. ***That the corrected Preliminary Plat be submitted and approved by the Planning Department prior to the Board of Commissioners meeting.*** To be scheduled for the first BOC meeting of the following month, the corrected plans must be submitted to the Planning Department by noon on the Monday following the Planning Board meeting.
10. If the Corolla Light POA prohibits access to Austin Street an Amended Preliminary Plat/Sketch Plan shall be required to come back before the Board of Commissioners for re-evaluation of the site access. The loss of this access may require an additional entrance to Ocean Trail.
11. The vehicular parking easement with Outer Banks Ventures shall be recorded within one week of Amended Preliminary Plat/Sketch Plan approval.
12. The structures shall be constructed in accordance with the state building and fire codes;
13. That applicant will not erect any temporary signage for the proposed uses;

14. That no building signage has been reviewed or approved as a part of this application;
15. That all required fire hydrants for the Corolla Light Town Center shall be installed according to the approved plans;
16. That all new drive aisles and parking area shall be paved;
17. That applicant meet all requirements of the county's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, not exceed maximum building height, lighting, etc.
18. 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 the expiration of the preliminary plat approval;
19. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions, a current copy of which will be filed in the office of the Planning and Inspections Department; and
20. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county's Unified Development Ordinance.

DISCUSSION

Mr. Bell restated that the sewer, lot coverage, and parking spaces were all in compliance.

Mr. Ottenstein said the hydrants are in and have been signed off by the Fire Marshall.

Pat Lewis, Corolla resident, said that he is excited about the new development.

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

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

There being no further business to discuss, Mr. Riley 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