

CURRITUCK COUNTY PLANNING BOARD

June 14, 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 April 12, 2005. The following members were present: Bobby Bell, Alvin Keel, Forrest Midgette, Pat Riley, William Etheridge, and Arthur Winter. Eddie Hawley, William Etheridge. Absent: Joe Kovacs, Horace Bell. Cheryl Eggar, Planner, and Gary Ferguson, Planning Director, were also present.

Vice Chairman Midgette 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.

APPROVAL OF JUNE 14, 2005 AGENDA

Mr. Keel motioned to approve the June 14, 2005 agenda. Mr. Riley seconded the motion. Motion passed unanimously.

APPROVAL OF MAY 10, 2005 MINUTES

Mr. Riley motioned to approve the May 10, 2005 minutes as presented. Mr. Winter seconded the motion and the motion passed unanimously.

Bob Stewart appeared before the board.

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

PB 05-14 Whispering Pines Sketch Plan to create 10 lots on the east side of Narrow Shores Rd. approximately 200' north of Soundview Dr. Tax Map 91, Lots 11E, Poplar Branch Township.

East side of Narrow Shores Road approximately 250' north of Soundview Road, Poplar Branch Township.

TAX ID: 0092-000-063F-0000

ZONING DISTRICT: Residential

OWNER:

James L. Lea
Engineering
174 Mariner's Way
Moyock, NC 27958
27966

APPLICANT/AGENT

Performance
8604 Caratoke Hwy.
Powell's Point, NC

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential - zoned R

*Minutes are not official until approved by the board.

SOUTH: Residential - zoned R
EAST: Residential - zoned R
WEST: Residential - zoned R

NARRATIVE OF REQUEST:

James Lea is seeking Sketch Plan/Special Use Permit approval for 10 single family lots through the major subdivision process. The acreage of the entire development is approximately 10 acres.

This property is zoned Residential. No open space is required or provided. Seven of the lots within this development are proposed to be 40,000 sq. ft. with the remaining two lots being in excess of 45,000 sf.

The subdivision will have one point of entry from Narrow Shores Road. Since the surrounding area is developed with single family homes, the site does not offer an opportunity future street connectivity. The lots will be served by individual septic systems and county water.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: This development will be served by county water.

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

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

SOILS: The majority of the soils found on the site are favorable for septic systems. There is a low spot towards the center of the site where the soils are only provisionally suitable for septic systems.

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243

elementary students, .084 jr. high students and .1568 High school students per dwelling unit. *(Note: These figures were verified by a field check of Currituck subdivisions in 1994).* Poplar Branch Township has an occupancy rate of 0.7764

Based on these pupil generation figures, Currituck can expect three elementary students, one junior high student, and one high school student from this development.

According to the January 2005, school population projections, Griggs Elementary School has (-126) 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: The property is located outside of the 100 year floodplain (flood zone C).

LAND USE PLAN: The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 10 lot subdivision is 1 unit per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On May 12, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. The primary concern was with the drainage and drainage outlet

- due to a depressed area towards the center of the site.
2. Increasing the size of the cul-de-sac so as to be able to handle a laddered fire truck.
 3. Lots 1 and 10 need a 5' non-access buffer along Narrow Shores Road.
 4. It was suggested that the installation of a fire hydrant be considered by the developer.
 5. It was suggested that means be taken to preserve the rows of leyland cypress along the side property lines of the site.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following changes:
 - The cul-de-sac was increased in size.
 - The non-access buffer was added.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, and access for emergency services have been adequately addressed within this proposal.

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan and with the Thoroughfare Plan;

- (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 three 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 (-126) additional student capacity after full development of the currently approved subdivisions. The proposed subdivision is **not** reflected in the student population count.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

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

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 about drainage.

Mr. Stewart said that they intend to retain as much drainage on site as possible. There is a culvert and drainage ditch on Narrow Shores Rd.

Mr. Hawley asked if there were buffers on the perimeter of the property.

Mr. Stewart said that there will be no driveways on Narrow Shores Rd.

Tony Smith, resident of the area said that his concern is lot 2. That area holds water and drainage is a problem and the adjoining lots are flooded after heavy rain.

Mr. Stewart said that they are aware of this problem and intend to address that issue. He has already met with Mr. Doxey on site to discuss drainage.

Mr. Hawley motioned approval as presented. Mr. Winter seconded the motion. Motion passed unanimously.

David Palmer and Dodson Mathias appeared before the board.

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

PB 05-15 Dodson Mathias and David Palmer rezone 54.16 acres from Residential (R) to General Business (GB) on property located in Barco on the east side of Caratoke Highway across the street from the intersection with Barco Rd. Tax Map 60, Lots 53A, 53B, and 53D, Crawford Township.

Dodson Mathias and David Palmer have made a request to rezone 54.16 acres from R (Residential) to GB (General Business). The property is located in Barco on the east side of Caratoke Highway being the Palmer Inn Bed and Breakfast lot and the lot immediately to the north and the lot immediately to the south of this lot, Tax Map 60, Lots 53A, 53B, and 53D, Crawford Township. Mr. Mathias wishes to rezone this property for a future business use and Mr. Palmer agreed to rezoning his parcel to make a contiguous rezoning. The property contains Flood Zone C, A3(5), A5(5), and A5(6). The property contains State Fine Sandy Loam (StA) soils (well drained - closest to the highway), Tomotley Fine Sandy Loam (To) soils, (poorly drained), and Currituck Mucky Peat (Cu) soils (very poorly drained - at the water's edge). These soil types are according to the Currituck County Soil Survey.

PROPERTY DETAIL

PIN	Size	Current Land Use
0060-000-053B-0000	29.45 ac	Active Farm Land
0060-000-053D-0000	16.66 ac	Active Farm Land
0060-000-053A-0000	8.05 ac	Bed and Breakfast

SURROUNDING ZONING/LAND USE

Zoning

North: R (Residential)
Subdivision (PAS),

Family Dwelling

South: GB (General Business)
Dwelling

East: Coinjock Bay

West: GB (General Business)

Land Use

David Majors Private Access

Joseph Robertson PAS/Single

Moneymusk PAS/Single Family

Coinjock Bay

Billboard/Single Family Dwelling

LAND USE PLAN

The 1990 Land Use Plan shows this property as “Limited Transition”. This class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities. This class also contains nonresidential areas along major transportation routes. This rezoning is consistent with the Land Use Plan.

PUBLIC SERVICES AND UTILITIES

Crawford Currituck Volunteer Fire Department provides fire protection for this area. County water, electric, telephone, and cable are available at this location.

STAFF COMMENTS

These lots are directly across the highway from lots currently zoned General Business (GB) and approximately 150’ north of property currently zoned GB.

There are approximately 3,100 acres of vacant GB zoned land countywide and approximately 370 acres of that is in the Barco area.

Side note: In 2002 a zoning mapping error occurred on PIN 0060-000-053D-000 of this request. The correct rezoning (Highland Properties) was approved by the board in 2002; however, when the zoning map was updated to reflect the board’s action, this parcel as well as two adjoining parcels were mapped in error showing the properties mistakenly zoned as General Business (GB). These parcels were not part of the Highland Properties rezoning request and should have remained Residential (R). The maps have recently been corrected and the accurate Residential (R) zone is now shown for the lots.

STAFF RECOMMENDATION

Staff recommends approval of this application for the following reasons:

1. Proposed rezoning is compatible with surrounding land use.
2. The proposed rezoning is consistent with the Land Use Plan.

DISCUSSION

Mr. Hawley asked how many residences would be allowed on this property.

Ms. Eggar said the highest is 3 units per acre if it is developed as multi family.

Mr. Hawley asked if General Business is a problem next to Residential.

Ms. Eggar said that existing residence across the street is already zoned General Business and there are existing homes to the south.

Mr. Palmer said that he intends to put in vineyards and would need to rezone to either Agriculture or General Business to put in a winery.

Mr. Mathias said he doesn't have any plans to do anything with the property at this point except to continue to farm it.

Ed Matkins stated that there is a home on Fyvie Dr.

Brian Innes said that he was concerned about the rezoning until he found out that there was a vineyard going in. He has no objections to the rezoning for that purpose.

Mr. Riley motioned to approved the request as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

Robert Halstead appeared before the board.

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

PB 05-16 Robert Halstead rezone .5 acres from Agricultural (A) to General Business (GB) on property located on the east side of Caratoke Highway approximately 250' south of Freedom Ave. Tax Map 124, Lot 36A, Poplar Branch Township.

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

LOCATION: This site is located in Poplar Branch along the east side of Caratoke Highway (US

158) approximately 250' south of the Freedom Avenue, the entrance to the Freedom Business Park, and approximately 850' north of South Spot Road.

TAX ID: 0124-000-036A-0000

PROPERTY OWNER & APPLICANT: Robert W. Halstead
P.O. Box 946
Kitty Hawk, NC 27949

ZONING: Current Zoning
Proposed Zoning
Agricultural & General Business
General Business

ZONING HISTORY: Property has been zoned Agricultural since 1989.

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Commercial – zoned GB & A
SOUTH: Residential & Commercial - zoned GB & A
EAST: Vacant – zoned A
WEST: Residential & Commercial - zoned GB & A

EXISTING LAND USE: Single wide mobile home, steel building, and out buildings.

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.

LAND USE PLAN: The 1990 Land Use Plan designates 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..." This class is intended for residential developments and also contains nonresidential areas along major transportation routes. This rezoning request is consistent with the 1990 Land Use Plan.

- PUBLIC SERVICES** Lower Currituck South Volunteer Fire
Department
AND UTILITIES: provides fire protection for this area.
County water, electric, telephone and
cable are currently available at this
location.
- TRANSPORTATION:** The property has approximately 95' 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.
- FLOOD ZONE:** The property is located outside of the 100
year floodplain (Flood Zone C).
- SOILS:** The northern half of the site is marginally
suitable for septic systems while the
southern portion of the site is favorable
for septic systems. Soils inadequate for
septic systems are located along at the
rear of the property. On-site septic
system permits are being issued for the
surrounding new commercial and home
construction.

STAFF COMMENTS:

- In March 2005, this case was presented to the Planning Board and the Planning board recommended denial of the request.
 - At that time the rezone request was for two properties, the Halstead property, and the Parker property. The Parker property is accessed via a 20' ingress/egress easement which is not an adequate access for commercial uses. At the April 4th meeting the BOC declined the request due to the access to the property (Parker) being non-conforming.
- When the General Business zoning district was created along Caratoke Highway numerous lots ended up with split zoning.
- The UDO has an allowance for split zoned lots. When a lot two acres in size or smaller is located in more than one zoning district, the zoning regulations applicable to the larger portion shall be applied to the whole lot.

- It appears that approximately 40% of the site is zoned General Business while the remaining portion is 60%. Under the above criteria, the property falls under the regulations for the Agricultural zoning district which would prohibit many commercial ventures.

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 rezoning is consistent with the 1990 Land Use Plan and is compatible with surrounding land uses.

DISCUSSION

Since this item was discussed in a previous rezoning request in March, 2005, there was no further discussion on this item.

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

David Ryan appeared before the board.

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

PB 88-66 Villages at Ocean Hill Phase 5 Final Plat of 26 lots located in Corolla off Lakeside Drive, Tax Map 114, Lot 3J, Poplar Branch Township.

LOCATION: In Corolla off Lakeside Drive, Poplar Branch Outer Banks Township.

TAX ID: 0114-000-003J-0000

ZONING DISTRICT: Residential

OWNER:
6/5 Defense

APPLICANT/AGENT
Bissell Professional Group

Nils Ladenburg
4629 N. Croatan Highway
Kitty Hawk, NC 27949

Dave Ryan
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Wetlands - zoned RO1
SOUTH: Wastewater Treatment Plant - zoned RO1/PUD
EAST: Residential Villages at Ocean Hill Phase 1 - zoned RO1/PUD
WEST: Wetlands - zoned RO1

NARRATIVE OF REQUEST:

6/5 Defense is seeking Final Plat approval for 26 single family lots located in a Planned Unit Development. The property is located to the west of Villages at Ocean Hill Phase 1. The total acreage of this Phase is approximately 15.6 acres.

Lot sizes range from approximately 7,800 sf to 29,900 sf with an average lot size of approximately 9,600 sf. All of the lots front on an improved subdivision street that will remain private. The maintenance of the streets shall be responsibility of the developer until such time as they are turned over to the Homeowner's Association. All lots are served by centralized water and wastewater systems.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All streets have been constructed to NCDOT Design and Construction Standards.

WATER: This development is served by the Southern Outer Banks Water System.

FIRE: This development is served by fire hydrants and is located within the Poplar Branch Beach Volunteer Fire Department.

WASTEWATER: Homes will be served by a centralized wastewater treatment system. Enviro-Tech has allotted the development 16,200 gallons per day of wastewater. This averages out to 533 gallons per day per home.

OPEN SPACE: 6.65 acres of open space, or 43% of the total tract area, is being dedicated. Approximately 15,000 sf of the open space is usable upland area.

DRAINAGE: Roadside swales have been installed and discharge into the wetland area to the north. As the lots are developed side lot line swales shall be installed.

STAFF COMMENTS:

- Preliminary Plat approval was granted in September 2004.
- On May 11, 2005, Technical Review staff reviewed this application and conducted a site inspection. All of the improvements have been installed, accepted and As-Built.
- The following corrections shall be made to the Final Plat and the Construction Record:
 1. Delineate the five conservation easements. Suggest adding a separate sheet with this information.
 2. Phase 5A, Lot 258, is **NOT** apart of this final plat approval. Remove the 5A reference in the title block; remove Lot 258 from the allowable lot coverage table. Delineate Lot 258 on sheet 2 as Phase 5A – Not included with this Final Plat.
 3. Note #5 – remove all references to Phase 5A
 4. Show the 10' access/utility easement located between Lots 240 & 241.
 5. Plans lack a legend
 6. Lot 233 – northern property line lacks distance information.
 7. Open Space Lots – give them a lot designation and show the upland areas.
 8. Open Space Lot between Lots 253 & 254 lacks area information.
 9. Following corrections are needed on the construction record (a.k.a As-Built)
 - Lot numbers do not agree with the Final Pat
 - Show street names
 - Delineate Phase 5A
- In response to concerns expressed by the TRC, the Final Plat and As-Built has been revised to reflect the foregoing corrections.

STAFF RECOMMENDATION:

Staff recommends **approval** for the following reasons and subject to the following conditions:

1. Phase 5A, Lot 258, is **not** a part of this final plat approval;
2. Pavement acceptance letter has been submitted by NCDOT;
3. Street trees have been bonded;
4. Waterline, services and fire hydrants have been installed;
5. That the Supplementary Declaration of Covenants and Restrictions address the responsible party for the maintenance of the drainage facilities;

6. A Street Maintenance Bond in the amount of **\$13,780** [(1,420 LF x \$45) + \$5,000 for cul-de-sacs X 20% = \$13,780) has been submitted. The bond will be held by the County for a minimum period of at least 18 months and then will only be released at such time as the streets are turned over to either a property owners association or NCDOT;
7. A check in the amount of **\$78,000** (\$3,000 X 26 = \$78,000) was submitted to the County's Water Department for the payment of water connection fees;
8. The waterline has been accepted into the state system;
9. Stormwater Management, Waterline and Sanitary Sewer As-Builts have been approved; and
10. The applicant meets the standards and requirements within the County's UDO for Final Plat approval.

DISCUSSION

Mr. Riley asked about the zoning of the property to the north.

Mr. Ferguson said that it is RO1.

Mr. Hawley asked when DOT would take over the streets.

Mr. Ferguson said that they would not.

Mr. Ferguson asked if the developer is responsible for short term maintenance.

Mr. Ryan said yes.

Mr. Ferguson asked about long term maintenance.

Mr. Ryan said that the Home Owner's Association would be.

Mr. Nells Loudenburg said that they are in the process of becoming part of the Villages at Ocean Hill's Association.

Mr. Hawley asked what would happen if the Villages at Ocean Hills Association didn't agree with the terms.

Mr. Loudenburg said that the developer would remain responsible until a sub association is created.

Mr. Ferguson asked about responsibility of wetlands.

Mr. Loudenburg said they are being turned over to Fish and Wildlife.

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

OLD BUSINESS

Mr. Hawley praised the staff on the presentation for Soundside recycling project to the Board of Commissioners.

ADJOURNMENT

There being no further business to discuss, Mr. Etheridge motioned for adjournment. Mr. Keel 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