

CURRITUCK COUNTY PLANNING BOARD

March 8, 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 March 8, 2005. The following members were present: Bobby Bell, Horace Bell, William Etheridge, Eddie Hawley, Alvin Keel, Joe Kovacs, Forrest Midgette, Pat Riley, and Arthur Winter. Mike Kear, Chief 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 MARCH 8, 2005 AGENDA

Mr. Winter motioned to approve the February 8, 2005 agenda. Mr. Keel seconded the motion. Motion passed unanimously.

APPROVAL OF FEBRUARY 8, 2005 MINUTES

Mr. Riley motioned to approve the February 8, 2005 minutes as presented. Mr. Hawley seconded the motion and the motion passed unanimously.

PB 05-02 Clay Clark Rezone ¼ acre from Heavy Manufacturing (HM) to Agricultural (A) on property located along Grandy Rd. Tax Map 108, Lot 56, Poplar Branch Township.

This item was tabled to the next meeting due to lack of representation.

PB 05-04 Beverly J. Parker and Robert W. Halstead Rezone approximately 4 acres from Agricultural (A) to General Business (GB) on the east side of Caratoke Hwy. approximately 250 ft. south of Freedom Ave. Tax map 124 lot 36A and 36B, Poplar Branch Township.

Beverly Parker appeared before the board.

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

Zoning Staff Report: PB 05-04 Beverly J. Parker and Robert W. Halstead Rezoning

TYPE OF REQUEST: Request for rezoning from A (Agricultural) to GB (General Business) of a 3.4 acre parcel owned by Beverly J. Parker and a portion of the lot owned by Robert W. Halstead. The Halstead lot contains a total area of approximately 1.3 acres of which approximately .8 acres (33,000 square feet) is zoned A and abuts the GB zoning on the balance of the lot. Directly behind the Halstead lot is a 3.4 acre parcel owned by Beverly J. Parker which is also being requested for rezoning. The Parker lot has access to US 158 by a 20 foot deeded easement across the Halstead lot. Combined this rezoning request equals 4.2 acres.

LOCATION: This site is located in Poplar Branch along the east side of Caratoke Highway (US 158) approximately 250 feet south of Freedom Avenue and 850 feet north of South Spot Road.

TAX ID: 0124-000-036B-0000 and 0124-000-036A-0000

PROPERTY OWNERS : Beverly J. Parker Robert W. Halstead
P.O. Box 1134 P.O. Box 946
Manteo, NC 27954 Kitty Hawk, NC 27949

APPLICANT: Beverly J. Parker
P.O. Box 1134
Manteo, NC 27954

ZONING: Current Zoning Proposed Zoning
Agricultural General Business

ZONING HISTORY: Property has been zoned Agricultural since 1989.

SURROUNDING ZONING/LAND USE:	<u>Zoning</u>	<u>Land Use</u>
	NORTH: A/GB (General Business)	Residential/GB
	SOUTH: A (Agricultural)	Residential
	EAST: A (Agricultural)	GB (General Business)
	WEST: A/GB (General Business)	A (Agricultural)

EXISTING LAND USE: Mobile Home and out buildings on the Halstead Lot.
Vacant Woodland on the Parker Lot.

PROPOSED LAND USE: The applicant has stated that the reasons for the request is to conform to the surrounding GB (General Business) land uses.

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 is accessed from 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.

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-site septic system permits are being issued for the surrounding new commercial and home construction.

STAFF COMMENTS:

North of these lots is a vacant lot zoned GB (General Business) where a house was recently removed. Directly behind that GB lot is a residential lot with a dwelling owned by Mr. Ray Griggs. Behind the Griggs lot is GB (General Business) zoning in the Freedom Business Park. To the east of the Parker lot is the LM (Light Manufacturing) zoning of the Freedom Business Park. Agricultural zoning to the south and west across Caratoke Highway.

STAFF CONCERNS:

- **If the Parker lot is rezoned GB and developed as such without the Halstead lot included the only access will be a 20 foot deeded easement which is not appropriate for commercial (tractor trailer) traffic.**
- **Staff would like to see the two lots combined into one for sufficient access to US 158.**
- **If this rezoning is approved the Ray Griggs residential lot will be completely surrounded by GB zoned land.**

STAFF RECOMMENDATION:

Staff recommends denial of this application for the following reasons:

- **Access to the Parker is not sufficient to provide for a GB (General Business) use.**

DISCUSSION

Mr. Hawley asked if owners in the Agricultural zone could put a home on the property with a 20' easement.

Mr. Kear said yes but it is not adequate for commercial use.

Mr. Hawley asked if there was adequate access, would the residential uses affect it.

Mr. Kear said no.

Mr. Hawley asked if it was because of the right of way.

Mr. Kear said yes.

Mrs. Parker said that a real estate agent had encouraged her to rezone her property and during discussions with Mr. Halstead both decided to sell the properties together as General Business.

Mr. Kovacs asked if there is a written agreement between the property owners.

Mrs. Parker said no, but that there will be one forthcoming.

Mr. Ray Griggs owns the residential property next to Mrs. Parker's property. He said that the actual use for the property is completely residential north to North Spot Rd. and south to South Spot Rd. with the exception of Freedom Business Park, which he feels is spot zoning.

Mr. Hawley stated that there are two commercial lots directly across the street from this location.

Mr. Griggs said that Mr. Halstead’s property is covered with metal buildings, making the property practically useless for business. He introduced photographs to the board of the property, his own property lines, and the buildings on the property. He feels that if this property is rezoned, it will be detrimental to his property values and that he already has issues with traffic on Caratoke Highway coming into and out of his driveway without another business being developed there.

Mrs. Parker said that she feels that Mr. Griggs doesn’t understand the issue. Mr. Halstead doesn’t want the property behind her at all, he wants off the highway and they, together, wish to sell their properties as one unit.

Mr. Kovacs motioned to deny the request as presented. Mr. Hawley seconded the request. The motion passed unanimously.

PB 03-48 Poplar Ridge Final Plat for 18 residential lots on the west side of Poplar Branch Rd approximately 1800 ft south of the intersection with Macedonia Church Rd Tax Map 93, Lot 175 Poplar Branch Township.

CA Howard appeared before the board

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

**STAFF ANALYSIS FOR THE PLANNING BOARD
MEETING DATE: MARCH 8, 2005**

ITEM: PB 03-48 POPLAR RIDGE, FINAL PLAT FOR 18 SINGLE FAMILY LOTS

LOCATION: On the west side of Poplar Branch Road (SR 1131) approximately 1,800 feet south of the intersection with Macedonia Church Road, Poplar Branch Township.

ZONING DISTRICT: Residential & Agricultural

OWNER:
C.A. Howard
P.O. Box 94
Currituck, NC 27929

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

LAND USE/ZONING OF SURROUNDING PROPERTY:
NORTH: Farmland & Vacant- zoned R & A

SOUTH: Farmland & Vacant - zoned R & A
EAST: Residential & Farmland - zoned R
WEST: Vacant - zoned A

NARRATIVE OF REQUEST:

C.A. Howard is seeking Final Plat approval for 18 single family lots through the major subdivision process. The total acreage of the entire development is approximately 24.84 acres.

The property has split zoning of Residential and Agricultural. All but one lot within the subdivision is approximately 40,000 sf. The remaining lot is approximately 6 acres. All of the lots conform to the UDO minimum lot size requirements.

The lots will be served by individual septic systems and are connected to the county's water system.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The street has been certified as being constructed to NCDOT standards.

WATER: This development is connected to the County water. All water lines, water services and fire hydrants have been installed and an As-Built drawing submitted.

FIRE: This development will be located within the Lower Currituck Volunteer Fire District.

WASTEWATER: Individual on-site septic systems have been approved for each lot.

OPEN SPACE: No open space is required, however a small area of open space (approximately 19,000 sq. ft.) is provided to accommodate an existing private _____ family private cemetery.

DRAINAGE: Drainage is conveyed by sheet flow towards roadside swales and an existing ditch near the rear property lines. The drainage has been certified and an As-Built has been submitted.

FLOOD ZONES: This development is located within flood zone C (outside of the 100 year flood area).

STAFF COMMENTS:

- The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners in January 2004.
- The Preliminary Plat was approved on May 3, 2004 by the Board of Commissioners.

STAFF RECOMMENDATION:

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

1. That a Street Maintenance Bond in the amount of **\$21,600** (\$108,000 construction cost X 20% = \$21,600) has been submitted to the county and will be held for a minimum period of at least 18 months and then the bond will only be released at such time as the streets are turned over to either a property owners association or to NCDOT;
2. That a Performance Bond in the amount of **\$2,300** (43 large trees @ \$46.50/tree X 115% = \$2,300) has been submitted to the county and will be held by the county for a period of not more than 6 months to guarantee installation of the street trees;
3. That the drainage improvements have been certified and As-Built plans submitted;
4. That all water connection fees have been paid;
5. That should any conditions within this permit conflict with any other permit(s) issued for this activity, then the more restrictive condition shall prevail;
6. That the applicant meets the standards and requirements within the County's UDO for Final Plat approval; and
7. 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. Kovacs asked if the long piece of the property was wetlands.

Mr. Howard said yes and that it is part of lot 17.

Mr. Kovacs asked who would be responsible for this piece.

Mr. Howard said no one would be responsible, that part of the property is wetlands.

Mr. Howard said that he intends to deed the cemetery back to the original owners once DOT is satisfied and the development is finished.

Mr. Hawley asked if there would be a property owners association.

Mr. Kear said no, there is no required open space.

Mr. Hawley asked if the State had accepted the road.

Mr. Ferguson said that would take several years, the county holds a bond for the maintenance of the street until such time that the state takes the street over.

Mr. Keel motioned to approve the request as presented. Mr. Winter seconded the request. The motion passed unanimously.

PB 04-28 Grandy Woods Final Plat for 5 lots off Grandy Rd. approximately 1/3 mile from intersection with Garrenton Rd. Tax map 95, lots 64H Poplar Branch Township.

C.A. Howard appeared before the board.

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

**STAFF ANALYSIS FOR THE PLANNING BOARD
MEETING DATE: MARCH 8, 2005**

ITEM: PB 04-28 GRANDY WOODS PHASE 2, FINAL PLAT FOR 5 SINGLE FAMILY LOTS

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

TAX ID: 0095-000-064H-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

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 Final Plat 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 3 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 are connected to the county's water system. The lots front on Grandy Road, an existing improved state road.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: The lots are connected to the existing 4" waterline in Grandy Road. 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 is located within the jurisdiction of the Lower Currituck Volunteer Fire Department.

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

OPEN SPACE: No open space is required or provided.

DRAINAGE: Property line swales have been installed and As-Builts submitted.

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'.

STAFF COMMENTS:

- In July 2004, the Sketch Plan/Special Use Permit for this five lot development was approved by the Board of Commissioners.
- On November 1, 2004 the Board of Commissioners granted Preliminary Plat approval.
- The applicant has met all requirements for a final plat according to the county's Unified Development Ordinance.

STAFF RECOMMENDATION:

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

- 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. Hawley asked if potential property owners have to be notified about the power lines.

Mr. Sean Robey said that the power line easement would be disclosed on the survey.

Mr. Hawley asked what the restrictions were regarding the lines.

Mr. Robey said that the power company is pretty lenient and would allow ponds, etc. near the lines as long as the poles are accessible to the power company.

Mr. Kovacs asked if septic lines could be run there.

Mr. Howard said that wasn't allowed by the health department because the power trucks would have to have access to the lines and the lines could be compromised by the weight of the trucks.

Mr. Etheridge motioned to approve the request as presented. Mr. Bell seconded the request. The motion passed unanimously.

OLD BUSINESS

Mr. Allen Russell, NCDOT made a presentation to the board regarding drainage and driveways.

Mr. Bell asked if there would be a presentation to the board regarding the land use plan.

Mr. Ferguson explained what could be found on the website regarding the new plan.

ADJOURNMENT

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Etheridge seconded the motion and the motion passed unanimously. The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board