

CURRITUCK COUNTY PLANNING BOARD
November 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 November 8, 2005. The following members were present: Alvin Keel, Pat Riley, Joe Kovacs, Alvin Winter, Horace Bell, Bobby Bell, and Eddie Hawley. Cheryl Eggar, Planner, and Gary Ferguson, Planning Director, were also present. Absent: Forrest Midgette, William Etheridge.

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 NOVEMBER 8, 2005 AGENDA

Mr. Keel motioned to approve the November 8, 2005 agenda with corrections noted. Mr. Winter seconded the motion. Motion passed unanimously.

APPROVAL OF SEPTEMBER 13, 2005 MINUTES

Mr. Hawley motioned to approve the September 13, 2005 minutes. Mr. Bell seconded the motion. Motion passed unanimously.

APPROVAL OF OCTOBER 11, 2005 MINUTES

Mr. Riley motioned to approve the October 11, 2005 minutes. Mr. Keel seconded the motion. Motion passed unanimously.

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

PB 05-36 CURRITUCK COUNTY: Airport-Special Use Permit to approve the airport master plan. The Currituck County Airport is located on Airport Road, Crawford Township.

LOCATION: 198 Airport Road
ZONING DISTRICT: Heavy Manufacturing
PIN: 0052-000-014A-0000

OWNER: County of Currituck
APPLICANT/AGENT County of Currituck

*Minutes are not official until approved by the board.

SURROUNDING PROPERTY:

	Zoning	Use
NORTH:	Agricultural	Farmland and Residential
SOUTH:	Agricultural and Mixed Residential	Farmland and Residential
EAST:	Agricultural	Woodlands and
WEST:	Agricultural	Wetlands, County Law Enforcement Center, Brady Landing Residential Airpark

PURPOSE OF REQUEST:

The Currituck County Airport is requesting a Special Use Permit to adopt the master plan for future aviation operations. This permit will be part of the first phase of the **Airport Improvement Plan** approved in December 2000. This use, number 15.210, County Owned Airport, is allowed in a Heavy Manufacturing Zone (HM) with a Special Use Permit.

The proposed plan will expand the hanger facilities and designate areas that can be leased to private corporations. The Special Use Permit is needed due to private aeronautical firms acquiring leases for property from Currituck County. Expansion of the operations will include light aeronautical manufacturing and leasing spaces for private aeronautical uses.

The proposed plan includes:

1. One 36,900 square foot hanger
2. One 10,000 square foot warehouse
3. Two 24,000 square foot commercial building/hanger sites for lease
4. Two 45,000 square foot commercial building/hanger sites for lease
5. Five 10,000 square foot commercial building/hanger sites for lease
6. Two 18,000 square foot T-Hangers
7. Four 14,880 square foot T-hangers
8. Four 3,600 square foot box hangers
9. One 9,000 square foot box hanger
10. One 8,000 square foot box hanger
11. One 7,200 square foot box hanger
12. A new control tower
13. Relocation of the school bus facilities
14. Increase of apron space and a 50 foot wide parallel taxiway.

The revised plan was completed June 20, 2005. Details of the planning methodology are found in a study report completed on December 2, 2004 by Talbert and Bright.

EXISTING CONDITIONS:

The Currituck County Airport is a publicly owned General Aviation airport located in the northeastern region of North Carolina, approximately 46 miles south of the South Hampton Roads area of Virginia and 25 miles northeast of Elizabeth City, North Carolina. An update of Airport Layout Plan, which is the official planning document for the airport, was approved in December 2000.

The airport contains a 5,500 foot long runway, a terminal building and two county owned hanger facilities. The waste transfer station, county fuel farm, school bus facilities and Maple Park are adjacent to the airport.

QUESTION(S) BEFORE THE BOARD:

- (1) *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit?*

Suggested Findings:

The Airport Special Use Permit

- a) Is within the jurisdiction of the Board of Commissioner.
- b) The application is complete
- c) The development will comply with all requirements of the Unified Development Ordinance.

- (a) *Will the proposed use materially endanger the public health or safety?*

Suggested Findings:

1. The proposed use will meet all Federal, State and County requirements for light aeronautical manufacturing and leasing spaces for private aeronautical uses.
2. Any operations at the airport will not endanger the public health or safety.
3. The **Airport Improvement Plan** published in December 2000 concluded the expansion of the airport will not endanger public health or safety. The approved Airport **Improvement Plan** and the findings of the environmental impact statement are a part of this application.

- (b) *Will the proposed use substantially injure the value of adjoining or abutting property?*

Suggested Findings:

1. The airport is adjacent to county owned facilities and a residential airpark that is aviation dependent.
2. The use of the property as an airport has been continuous since the 1940s.

3. The Airport Improvement Plan published in December 2000 concluded this use will not substantially injure the value of adjoining or abutting property. The approved **Airport Improvement Plan** and the findings of the environmental impact statement are a part of this application.

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

Suggested Findings:

1. The Airport Improvement Plan published in December 2000 concluded this use will be in harmony with the particular area in which it is to be located. The approved Airport **Improvement Plan** and the findings of the environmental impact statement are a part of this application.

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

Suggested Findings:

1. The 1990 Land Use Plan explicitly encourages “greater utilization of airport facilities” and states that the County “is fortunate to have such a facility available and wishes to promote its usage.”
2. In addition, Currituck County has adopted an Airport Height Control Ordinance for the airport to restrict the height of any new construction within certain defined zones around the airport.
3. Because the development policies and zoning ordinances of Currituck County support the airport, none of the alternatives are expected to be in conflict with land use policies.

(f) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.?*

Suggested Findings:

1. The expansion of the airport will not *exceed* the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION

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

1. The 2000 **Airport Improvement Plan** containing a detailed environmental impact statement shall become a part of this permit approval.
2. The site plan dated June 20, 2005 be included as part of this permit.
3. The Airport Terminal Expansion Plan study report dated December 2, 2004 by Talbert and Bright shall become a part of this permit.
4. The permitted land uses shall be aviation oriented

5. All proposed buildings and improvements shall be submitted to the Technical Review Committee for approval before building permits are issued.

DISCUSSION

Mr. Jon Snowden thanked the staff for notifying additional property owners. He also stated his concern about the noise, health, safety, and welfare of the surrounding residents.

Martha Snowden spoke about her concerns regarding the security of the airport and the lack of fencing around the airport. She asked about a book of regulations regarding the airport and suggested that the County look at other smaller airports regulations.

Mr. Yates Barber asked what the effect would be on the land that he owns near the airport regarding the zoning.

Mr. Leary said he didn't see an impact on that particular piece of property.

Ginger Sikes asked what the impact might be on the Animal Shelter and what kind of traffic issues there might be.

Mr. Leary said that long term plans would be to relocate the animal shelter as Airport Rd. would become a parallel taxi way and there would be a new entrance to the airport. He also stated an increase in the number of planes but no significant difference in the type.

Lonnie Thomas, resident of Maplewood asked about the type of aircraft flying into the airport

Mr. Leary said there is no plan for an airline service in Currituck at this point. Plans are for small commuter planes, small corporate aircraft, 8-15 seats. It will remain a General Aviation Airport.

Mr. Snowden asked if this plan would include relocation of power lines on the western end and purchase of Mr. Etheridge's property.

Mr. Ferguson said no.

Mr. Leary said that request would have to be brought back before the board for an additional SUP.

Mr. Snowden asked if these hangers would be rented to private pilots.

Mr. Leary said yes.

Mr. Snowden said that this plan goes directly against what the Commissioners have dictated for this property.

Mr. Lam said that he is concerned about the airport being moved in the direction of his property and stated his concern over the hang gliding operation.

Mr. Leary said there have not been discussions about moving the airport on that end, possibly on the southern end. The hang gliders are allowed at the airport until they become a safety issue, but are not going to be a permanent fixture.

Mr. Lam asked if the road would be expanded and about property value

Mr. Leary said that he was not comfortable answering that question and that property values should go up.

Mr. Bell asked Mr. Leary to speak to the security and management of the airport.

Mr. Leary said there is a plan for additional fencing and there are talks about possibly more than one airport manager.

Mr. Hawley asked about time limitations for aircraft.

Mr. Leary said that there is no formal process to address that at this time. Flight times are beyond the County's control.

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

Ed Lawlor appeared before the board.

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

PB 89-10 OCEAN SANDS Section O Phase 4A: Final plat for 26 lots on property located at the north end of Ocean Lake Trail. Tax Map 126A, Lot H, Section O, Poplar Branch-Outer Banks township. The property is located along NC 12 (Ocean Trail) within northern portion of the Ocean Sands PUD, Poplar Branch-Outer Banks Township.

TAX ID: Tax Map: 126A Parcel: H

ZONING DISTRICT: RO1 - Residential

OWNER:
Coastland Corporation
PO Box 1717
Virginia Beach, VA 23451

APPLICANT/AGENT
Hobbs, Upchurch & Assoc.
PO Drawer 1929.
Nags Head, NC 27959

NARRATIVE of REQUEST

The applicant is requesting Final plat approval (Phase 4A) for 26 single family lots a previously approved 175 lot subdivision. Average lot size is 6000sf. Lots are served by the Ocean Sands Water/Sewer District and all roads have been constructed to minimum state standards and are to be private and maintained by the property owners association. Minimum open space requirements will be met.

ADJACENT LAND USE

Front (west): Ocean Sands, Section J - zoned RO1
 Rear (east): Atlantic Ocean
 Side (north): Ocean Sands, Section P - zoned RO1
 Side (south): Ocean Sands, Sections H and I - zoned RO1

STAFF COMMENTS

1. Original Ocean Sands agreement allowed for the development of 128 single family dwellings and 20 multi-family dwellings within this Section. Original Sketch approval by the Board of Commissioners on May 1, 1989 allowed for development of 179 single family dwellings;
2. Preliminary plat approval by the Board of Commissioners was granted September 18, 1989 for 175 lots;
3. Due to market conditions, developers allowed the Preliminary plat approval to subsequently expire;
4. Preliminary plat approval was again approved by the Board of Commissioners on October 5, 1992.;
6. All roads have been constructed to minimum state standards, will be designated "Private" and will be maintained by the property owners association;
7. "As-Builts" have been submitted to the Planning Department and approved;
8. The state has issued certifications of completion for the water and sanitary sewer improvements;
9. The applicant has submitted a request to begin annexation procedures in order to incorporate this phase within the Ocean Sands Water & Sewer District.
10. Final Plat approvals have been granted for Phase 1 (25 lots), Phase 2A (8 lots), Phase 2B (10 lots), Phase 3A (24 lots), Phase 3B (22 lots) and Phase 3C (21 lots) for a total of 120 lots approved, including this request the total will be 146.
11. The application is in substantial conformance to the approved Preliminary Plat layouts, utilities, drainage and streets conform with the approval given at the previous meeting.

Plan

- 12. The applicant meets the standards and requirements within the County's UC Final Plat approval. Based upon staff's review, the applicant has met the standards and requirements within the UDO.

DISCUSSION

Mr. Bell asked if everything had been taken care of with the Preliminary Plat.

Ms. Eggar said yes.

Mr. Lawlor spoke to the conditions that have been met.

Mr. Hawley asked about fire apparatus getting to lot 124.

Mr. Ferguson said that this area is 13'.

Mr. Hawley asked if the stormwater drainage had been addressed.

Ms. Eggar said yes.

Mr. Riley asked if this is the last phase.

Mr. Ferguson said yes.

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

Mr. Eddie Hyman appeared before the board.

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

PB 05-31 SOLO LANDING: Sketch Plan for 3 lots on the north side of Solo Ln approximately 700' east of Woodleigh Rd. Tax Map 76, Lot 108A, Fruitville, Knotts Island Township North side of Solo Lane, approximately 700' east of Woodleigh Road, Fruitville – Knotts Island Township.

TAX ID: Tax Map 76 Parcel 108A

ZONING DISTRICT: Residential

OWNER:
John & Linda Tubbs
PO Box 144
Knotts Island, NC 27950

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Residential - zoned A
SOUTH: Residential - zoned A
EAST: Currituck Sound – zoned A
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

Owner is seeking Sketch Plan/Special Use Permit approval for 3 single family lots through the major subdivision process. The acreage of the entire development is approximately 13 acres. Currently there is one single family home on the site and will be located in one of the proposed lots.

This parcel has already been subdivided into five lots smaller than three acres. Now the property owner is requesting three additional lots which will now have to meet the minimum lot size of three acres.

This property is zoned Agricultural. Since the subdivision consists of less than 20 lots, no open space is required or provided. All of the lots are in excess of 3 acres.

The subdivision will have one point of entry from Solo Lane. Solo Lane is a paved private street that has not been taken over by NCDOT. Due to the existing development surrounding the property, there is no opportunity for future street connectivity with this development. The lots will be served by individual septic systems and wells.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The private street will be built to NCDOT Design and Construction Standards and will connect to a private paved road.

WATER: Since there is no county water on Knotts Island, the lots will be served by individual wells.

FIRE: This development is located Knotts Island Fire District.

WASTEWATER: There is an existing septic system on Lot 1. Lots 2 and 3 have been approved for individual, on-site septic systems.

SOILS: Approximately half of the soils found on the site are marginally favorable for septic systems with the remaining portion being favorable.

SCHOOL CAPACITIES: Using national averages for school age student generation from

the 1987 *American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. High students and 0.1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Fruitville – Knotts Island Township has an occupancy rate of 0.867

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

According to the January 2005, school population projections, Knotts Island Elementary School has an additional capacity of 135 after full development of approved subdivisions within Knotts Island. 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 tying into an existing ditch system will be used to address drainage for this property.

FLOOD ZONES: The majority of property is located inside the 100 year floodplain (Zone a5 - BFE 6' and 7').

LAND USE PLAN: The property is classified as "Rural" 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 3 lot subdivision is 0.23 units per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On October 13, 2005, Technical Review staff reviewed this application. Staff's comments included the following:
 1. It was requested that the developer consider installing a culvert across the existing soil drive to convey drainage from the adjacent property to the south.
 2. NCDOT does not require a driveway permit since the proposed road does not connect to a state maintained road.

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, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

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

The proposed residential subdivision should not have a negative impact on adjoining properties;

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

The subdivision will consist of residential properties that will be in harmony with the surrounding residential area and land uses;

(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 one elementary student, less than one junior high and less than one high school student from this development.

According to the January 2005, school population projections, Knotts Island Elementary School has an additional capacity of 135 after full development of approved subdivisions within Knotts Island. The proposed subdivision is **not** reflected in the student population count.

DISCUSSION

Mr. Keel asked if Mike Doxey had been to look at the drainage of the property.

Mr. Hyman said Mike had been to the site and described what his requirements were regarding

the drainage.

Mr. Bell asked if that would be worked out prior to preliminary plat.

Mr. Hyman said yes.

Mr. Keel asked if there were any concerns.

Ms. Eggar said that she had a few calls and the those callers were satisfied to hear that there were only 3 homes proposed.

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

John Howland appeared before the board.

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

PB 05-32 SWAN BEACH PROPERTY OWNERS ASSOCIATION: Amendment to Article 13, section 1310, Table of Permissible Uses, and Article 14, Section 1403 14. to no longer allow offices and private outdoor recreational facilities within the RO2 zoning district.

SWAN BEACH PROPERTY OWNERS ASSOCIATION
PB 05-32
UDO AMENDMENT REQUEST

SWAN BEACH PROPERTY OWNERS ASSOCIATION requests the following amendment to the Currituck County Unified Development Ordinance:

PB 05-32 SWAN BEACH PROPERTY OWNERS ASSOCIATION: Amendment to Article 13, section 1310, Table of Permissible Uses, and Article 14, Section 1403 14. to no longer allow offices and private outdoor recreational facilities within the RO2 zoning district.

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:

Item 1. That the following section be amended:

Article 13, section 1310 Table of Permissible Uses

	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM
	HM									
3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, other professions, insurance and stock brokers, travel agents	C	C	C	C	€	Z	Z	Z	Z
	Z									
6.210	Privately owned outdoor recreational facilities such as golf and country clubs, etc. (but not including campgrounds), not constructed pursuant to a permit authorizing the construction of some residential development (Amended 10/7/02)	S	S	S	S	§	S	S	S	S
	S									
6.240	Horseback riding, schooling and boarding facilities provided that when in a R district, a minimum of 10 acres is required (not constructed pursuant to permit authorizing residential development).	C	C	C		§	C	C		C
	C									

Item 2. That the following section be amended:

Article 14, section 1403, Specific Standards

14. Limited Office Use in Residential Districts: the Table of Permissible Uses indicates that 3.100 classification uses are permissible within the RA, R, RO1 and ~~RO2~~ Districts & conditional use permit issued by the Board of Adjustment. However, the Board of Adjus may authorize such uses in these districts only when, in addition to other findings requi: this Ordinance, the applicant demonstrates that:

- (a) the proposed use fronts on a paved public street ~~except in the RO2 district;~~

DISCUSSION

Mr. Hawley asked how many operations are in place.

Mr. Ferguson said that Mr. Twiddy has an office in the old coast guard station.

Mr. Bell asked if there were any other that may be grandfathered in.

Mr. Howland said no.

Mr. Kovacs asked about horseback riding business.

Mr. Howland said that domesticated horses could bring diseases to the wild horses.

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

*Minutes are not official until approved by the board.

Eddie Valdivieso appeared before the board.

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

PB 03-38 CURRITUCK INDUSTRIAL PARK: Final Plat for 50 lots on property located on the east side of Chase Ct. directly east of Fox Knoll Commercial Park. Tax Map 132, Lot 32, Poplar Branch Township.

LOCATION: On the east side of Chase Court, directly east of Fox Knoll Commercial Park, Poplar Branch Township.

TAX ID: Tax Map 132 Parcel 32

ZONING DISTRICT: Light Manufacturing

OWNER(S):
Farr Developing, LLC
6032 Currituck Road
Kitty Hawk, NC 27949

APPLICANT/AGENT:
Quible & Associates, P.C.
PO Drawer 870
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Vacant/Farmland- zoned A
SOUTH: Vacant/Mining Site, Farmland and Woodland - zoned A
EAST: Vacant/Woodland - zoned A
WEST: Commercial and Residential (Fox Knoll)- zoned GB

NARRATIVE OF REQUEST:

Farr Developing, LLC is seeking Final Plat approval for 50 light manufacturing lots. The development is located on approximately 72 acres across Chase Drive from the Fox Knoll commercial development.

Lot sizes range from 40,000 to 2.6 acres. The lots will be serviced by County water and individual septic systems. There are two points of entry into the subdivision from Chase Drive.

This property is zoned Light Manufacturing with a minimum lot size of 40,000 sf. Since the development is commercial/light manufacturing in nature, no open space is required.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

*Minutes are not official until approved by the board.

- STREETS:** All streets have been built to NCDOT Design and Construction Standards. The streets will be dedicated for maintenance to the NCDOT.
- WATER:** The County is providing water to this development. The water line, water services, and fire hydrants have been installed.
- FIRE:** This development is located within the Lower Currituck Volunteer Fire Department which currently has a State ISO rating of 9. Hydrants have been installed throughout the subdivision at a maximum distance of 1,000 feet.
- WASTEWATER:** On-site wastewater treatment and disposal systems have been approved for each lot.
- OPEN SPACE:** No open space is required for non-residential subdivisions.
- DRAINAGE:** Stormwater will be retained in accordance with the NC Division Stormwater Permit. Roadside swales and drainage culverts have been installed as well as outlets from the detention ponds to a perimeter ditch which surrounds the subdivision boundary. Detention ponds are used to control the release of stormwater run-off from the site.

STAFF COMMENTS:

- Sketch Plan/Special Use Permit approval for this development was granted by the Board of Commissioners on December 1, 2003 for a 60 lot light manufacturing subdivision.
- At the time of the Planning Board meeting in November 2003 it was discovered that this development is adjacent to a site used for land application of commercial sludge. According to the state permit a 400' buffer from the sludge activities to residences or places of public assembly is required; however the buffer zone requirement may be reduced to a minimum of 100' upon written consent of the owner and approval from the Water Quality Section. Farr Developing, LLC has met with Marcus Felton, owner of Atlantic Nutrients, Inc. to discuss the setback reduction. In December 2004, Mr. Farr sent a letter to the Non-Point Discharge Unit consenting to a 100' setback from the property line for the sludge operations.
 - According to the state for the 400' setback to be reduced, Mr. Felton must submit for a modified permit with a petition for the setback reduction and signed permission from the adjacent property owner for

the reduction. If the buffer is not reduced, it is Mr. Felton's responsibility to move his sludge operations back an additional 300'. It should be noted that staff has not yet received a copy of the modified state permit allowing the buffer reduction.

- The site has two entrances off Chase Drive. One being an extension of Dr. Newbern Road and the other an extension of Fox Knoll Drive. Dr. Newbern Road is a state maintained road while Fox Knoll Drive has not yet been accepted into the state system. Fox Knoll will be a private street until NCDOT accepts the offer of dedication. To date permission for this subdivision to use Fox Knoll Drive has not yet been granted by John Harris, developer of Fox Knoll Commercial Park. The access out of the subdivision via Fox Knoll is barricaded until the portion in Fox Knoll Commercial Park becomes state maintained or until an agreement is reached with John Harris.
- In Basin #1 a pad area and access for a water tower has been constructed. An easement over this area will be dedicated to the county.
- The following corrections shall be made to the Final Plat:
 1. Turn off the fire hydrant layer
 2. Add the following note:
 - (a) No more than 65% of any lot shall be covered by impervious structures and materials, including asphalt, gravel, concrete, brick stone, slate, or similar material, not including wood decking or the water surface of swimming pools. This is intended to ensure compliance with the Stormwater Permit issued by the State of North Carolina. The covenant may not be changed or deleted without the consent of the State. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any person.
 3. Remove the bearing and distances on the match lines
 4. Correct the street names to the approved names:
 - (a) Farr Loop is Grayson Loop
 5. Correct the street addresses

STAFF RECOMMENDATION:

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

1. Developer has installed all of the necessary waterlines, water services, and required fire hydrants and is connected to the county water system;
2. Pavement acceptance letter has been submitted by NCDOT;
3. Stormwater drainage as-built plans have been submitted and reviewed;
4. Waterline as-built plans have been submitted and reviewed;
5. The developer entered into a relinquishment agreement with the County Water

Department for the waterlines;

6. Water usage during the line flushing has been paid for;
7. The HOA documents address the responsible party for the stormwater drainage facilities;
8. A performance bond was posted for the planting of required street trees;
9. An easement has been granted to the county for a water tower;
10. The application is in substantial conformance to the approved Preliminary Plat. Lot layouts, utilities, drainage and streets conform with the approval given at Amended Sketch Plan; and
11. The applicant meets the standards and requirements within the County's UDO for Final Plat approval. Based upon staff's review, the applicant has met the standards and requirements within the UDO, except for the posting of the street maintenance bond.

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

1. Corrected copies of the Final Plat shall be submitted to the Planning Department for review and approval; (see Staff Comments);
2. Corrected copies of the drainage as-built shall be submitted to the Planning Department for review and approval;
3. The current state sludge permit requires a 400' buffer between buildings and the sludge operations. Mr. Farr and Mr. Felton agreed to a reduction in the buffer to 100' at time of Sketch Plan approval, yet no modified permit for the reduction has been submitted to the county. Until the permit is modified to a 100' buffer the sludge operations would be required to be moved back an additional 300'.
4. This development shall not be permitted to use Fox Knoll Drive for access to the site until such time as the street is accepted into the NCDOT system or an agreement has been reached with the John Harris or the Fox Knoll Property Owners Association;
5. A \$500 bond shall be posted to ensure pavement repair from the relocation of a water valve;
6. A street maintenance bond in the amount of **\$37,462** ($\$249,750 \times 15\%$) shall be posted and will be held by the County for a minimum period of 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 with the financial responsibility for maintenance or to NCDOT;
7. The stockpile areas, drainage swales and structures shall be stabilized, and silt removed from all drainage swales;
8. The applicant **conditionally** meets the standards and requirements within the County's UDO for Final Plat approval; and

- 9. 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. Bell asked about the modified state permit for the buffers.

Mr. Valdivieso said that the owner has asked for a reduction in the buffer. He spoke about when the State would remove the reduction.

Ms. Eggar said that these would be recorded on the Final Plat and as deed restrictions.

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

PB 94-49 CURRITUCK CLUB Phase 14: Historic Shooting Club Preliminary Plat for 27 lots on property located on the west side of Hunt Club Dr., approximately 200' north of the intersection with Old Sandy Rd. Tax 127, Lot 1U, Poplar Branch Outer Banks Township.

This item was deleted from the agenda.

Mark Bissell appeared before the board.

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

PB 05-35 CURRITUCK FIELDS: Sketch Plan for 26 lots on property located on the east side of N. Currituck Rd., approximately .4 miles south of Caratoke Hwy. Tax Map 50, Lots 48D & 113G, Crawford Township.

LOCATION: East side of North Currituck Road, approximately one half mile south of Caratoke Highway, Crawford Township.

TAX ID: Tax Map 50 Parcels 48D and 113G

ZONING DISTRICT: Mixed Residential (RA)

OWNER:
William Brumsey III
PO Box 100

APPLICANT/AGENT
Bissell Professional Group
PO Box 1068

Currituck, NC 27929
(252) 232-2252

Kitty Hawk, NC 27949
(252) 261-3266

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Farmland - zoned RA and GB
SOUTH: Farm and Woodlands - zoned RA
EAST: Vacant GB, Government Center, Residential – zoned GB & R
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

Applicant is seeking Sketch Plan/Special Use Permit approval for 26 single family lots through the major subdivision process. The site will be developed as an Open Space Subdivision. The acreage of the entire development is approximately 34 acres.

This property is zoned Mixed Residential. Since the subdivision consists of more than 20 lots, 20% of the total tract (6.73 acres) is required to be dedicated open space. Additional open space is required due to the lot size reduction from 40,000 sf to an average of approximately 31,000 sf for a total of 5.32 acres. Required open space is 12.05 acres. Total amount of open space to be dedicated is 18.67 acres, or 55% of the total tract area.

The subdivision will have one point of entry from North Currituck Road. The lots will be served by individual septic systems and county water. Staff is requesting that future street connectivity be provided to the south. Staff is aware of the potential of future development occurring south of this subdivision and would like to have the opportunity to create connectivity between this development and future developments.

The site fronts on an unpaved section of North Currituck Road. This is a NCDOT maintained dirt road. Section 914(8) of the UDO requires that when a subdivision fronts on a street which does not meet the minimum requirements of the ordinance, the subdivider shall be responsible for upgrading the existing street. The subdivider will be required to improve the dirt road portion of North Currituck Road with minimum 18' wide paved road.

According to the development Impact Statement, the average home size is expected to be 2,500 sf with three to four bedrooms and two bathrooms. The homes are anticipated to be a mixture of custom built, modern styled upscale homes. The developer will be selling the lots to individual buyers or builders and does not anticipate constructing any model homes at the tract. The estimated price of a lot is approximately \$80,000. At build-out, the developer estimates the value of the individual homes and lots to be worth between \$200,000 and \$300,000. The development is not proposing to be phased.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: The nearest existing County water line is located on Caratoke Highway. Going down North Currituck Road the line is approximately 2,300' from the subdivision. The waterline is approximately 400' away on Caratoke Highway. This connection is contingent on an easement being granted by Bay Foods Inc., the adjacent property to the east.

The 2,300' distance along North Currituck Road exceeds the required UDO waterline connection by approximately 1,000'. Individual wells will be required if county water is not provided for this development. However, a bond will be required for the future installation of a 6" water line and hydrants throughout the subdivision and the required 1,320' extension to the county waterline.

FIRE: This development serviced by the Crawford Fire District. A fire protection pond will be constructed for fire protection.

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

SOILS: According to the soils map, approximately 70% of the soils found on the site are unfavorable for septic systems. The remaining portion of the site is marginally suitable for septic systems.

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. High students and 0.1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect 10 elementary students, two junior high students, and four high school students from this development.

According to the January 2005, school population projections, the schools servicing the Moyock and Crawford townships will be -166 over capacity after full development of approved subdivisions within Crawford Township. The proposed subdivision is **not** reflected in the student population count nor is

the proposed elementary school for Sligo. Once the new 500 to 600 student school is in operation the student count will be an additional capacity of 334 to 434 students.

OPEN SPACE: 20% of the site, or 6.73 acres is required to be provided per the Open Space Subdivision standards. An additional 5.32 acres is required due to lot size reductions. A total of 18.67 acres of open space will be dedicated or 55% of the total tract area.

DRAINAGE: Infiltration swales are proposed along the roadsides and side lot lines. The swales and ditches will drain into a detention pond which will also serve for fire protection.

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

LAND USE PLAN: The property is classified as "Rural" 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 26 lot subdivision is 0.76 unit per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On October 13, 2005, Technical Review staff reviewed this application. Staff's comments included the following:
 1. There was a discussion in regards of getting county water to the site.
 2. Fire Marshall was concerned with having cul-de-sacs of adequate size to handle the fire apparatus.
 3. There was a discussion about future street connectivity to the south. Staff is aware of potential future developments to the south and want to lay the groundwork for the future street connections.
 4. A few corrections were need on the plan.
- In response to concerns expressed by the TRC, corrected plans were submitted for review. The future street connectivity still has not been addressed.

QUESTION(S) BEFORE THE BOARD:

4. *Is the application complete?*

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

5. *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.

6. *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, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

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

The proposed residential subdivision should not have a negative impact on adjoining properties;

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

The subdivision will consist of residential properties that will be in harmony with the surrounding residential area and land uses;

(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;

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

Currituck can expect 10 elementary students, two junior high student, and four high school student from this development.

According to the January 2005, school population projections, the schools servicing the Moyock and Crawford townships will be -166 over capacity after full development of approved subdivisions within Crawford Township. The proposed subdivision is **not** reflected in the student population count nor is the proposed elementary school for Sligo. Once the new 500 to 600 student school is in operation the student count will be an additional capacity of 334 to 434 students.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate water and 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 future street connectivity be provided to the adjacent parcel to the south;
2. The dirt road portion of North Currituck Road will be required to be upgraded to a minimum 18' wide paved road up to the existing paved portion of the street;
3. That prior to the Board of Commissioners meeting there be an understanding with the developer and the county in regards to the water connection issue (ie: bonding, construction along North Currituck Road or connection through the Bay Foods Inc property).
4. That the 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.
5. 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. Bell asked where the connectivity would be.

Ms. Eggar pointed out some options.

Mr. Keel said that the lot in question didn't look big enough for a street.

Mr. Bell asked Mr. Bissell if that lot would be an option for connectivity.

Mr. Bissell said that the developer would prefer not to do that, but is willing if it is necessary.

Mr. Bell asked about the bonds for water.

Mr. Bissell said that the developer is willing to put in water lines.

Mr. Hawley stated that the county hasn't asked prior developments to interconnect. He wonders why this request has become an issue now.

Ms. Eggar said there isn't always an opportunity.

Mr. Ferguson said that the County is trying to encourage interconnections of subdivision streets and has even requested that Commissioners with subdivisions interconnect as well.

Mr. Keel asked if they would be state maintained roads.

Mr. Bissell said yes.

Mr. Hawley asked Mr. Bissell what the developer's preference is as to the water lines.

Mr. Bissell said that the developer would have to bond or install water lines and he prefers to install but the county would have to extend from 168.

Mr. Hawley asked if the county had plans to extend the water lines.

Mr. Ferguson said the issue is the direction in which to get the water lines to the development. The developer is negotiating with another property owner to allow an easement for the water line.

Mr. Hawley asked what would happen if the easement is denied.

Mr. Ferguson said that the developer would be responsible for bonding the water line or working with the county to participate in getting the water lines to the development.

Mr. Bell asked if this would be worked out at the preliminary plat stage.

Mr. Ferguson said yes.

David Foss stated his concern about the widening of the road and the effect on his property. There is a significant amount of traffic and dust from trucks now.

Mr. Bissell said that there would have to be pavement prior to final plat.

Mr. Foss also spoke of traffic concerns at the intersection.

Mr. Bell said that would have to be taken to the Board of Commissioners.

Mr. Foss asked if the water would include sewer treatment.

Mr. Ferguson said no.

Denise Foss stated her concern regarding flooding of the road after a heavy rain.

Mr. Bell said that drainage issues would be addressed at Preliminary Plat.

Mr. Ferguson advised Mrs. Foss to call Gretchen Byrum at NCDOT.

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

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

PB 05-33 CURRITUCK COUNTY: Amendment to Article 17, Section 1710 to allow the relocation of nonconforming off-premise signs on the same property.

TO: Board of Commissioners
FROM: Planning Staff
DATE: October 18, 2005
SUBJECT: PB 05-33 Currituck County Board of Commissioners
Amendment to Nonconforming Off-Premise Sign Regulations

Staff was asked to prepare the attached amendment to Section 1710 of the UDO to allow an existing nonconforming off-premise sign to be relocated on the same parcel on which it is currently located. However, once relocated, the sign must conform to the standards as written in the attached amendment proposal.

Currituck County Board of Commissioners
PB 05-33
UDO AMENDMENT REQUEST

PB 05-33 Currituck County Board of Commissioners: Amendment to Section 1710 of the UDO to allow the relocation of nonconforming off-premise signs on the same piece of property.

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 Sections be amended as follows:

Section 1710 Nonconforming Signs.

5. A nonconforming off-premise sign may be relocated on the same lot so long as once relocated the off-premise sign:

(a) shall not exceed 300 square feet in surface area.

(b) shall not be less than 300' from a pre-existing off-premise sign on the same side of the road.

© shall not exceed a height, measured from ground level, of twenty (20) feet, unless the

sign is placed lower than the road bed, under which circumstances the sign may have a height equal to twenty (20) feet above the road bed, not to exceed twenty-five (25) feet from ground level.

(d) shall not be located closer than fifteen (15) feet to a street right-of-way.

(e) shall not be located within the minimum structure side and rear yard setbacks required by Article 2.

(f) shall not be located in any right-of-way or site triangle.

*The following sections will be re-numbered accordingly.

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: November 8, 2005
PLANNING BOARD RECOMMENDATION: _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

DISCUSSION

Mr. Kovacs stated his concern with moving a sign and there being a possibility of a second use for the property.

Ms. Eggar said that NCDOT would not issue a permit for a sign if the property wasn't big enough for both a sign and a business.

Mr. Ferguson said that moving sign in order to get a second use would require the sign coming in to conformance rather than having a non conforming sign.

Mr. Kovacs said that in 13 years, there have only been 2 signs removed.

Mr. Keel asked if this would help with the sign ordinance.

Mr. Ferguson said there would be more conformance with the 'old' sign ordinance. This would be another step in making the corridor look more pleasant.

Karen Peters said that she has non conforming signs and doesn't feel that there isn't anything wrong with her signs.

Mr. Ferguson said that moving the sign in order to get a second use would require the sign to be conforming.

Mr. Snowden asked what was driving the change.

Mr. Ferguson said that business owners having a dual use in his property.

Mr. Keel asked if there was a case where this has happened.

Mr. Ferguson said that Eric Avery sought a variance in the sign rules to move a sign on the same piece of property. He was denied by the BOA and the BOC instructed the staff to relook at the ordinance.

Mr. Hawley said that the property still had to be big enough to accommodate the other business after the sign is moved.

Mr. Keel motioned to approve the request as presented. Mr. Winter seconded the motion. Motion passed 6-1 with Mr. Kovacs voting no.

OLD BUSINESS

There was no old business to discuss

ADJOURNMENT

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Bell seconded the motion and the motion passed unanimously. The meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board