

CURRITUCK COUNTY PLANNING BOARD

April 11, 2006

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 11, 2006. The following members were present: Forrest Midgette, Alvin Keel, Joe Kovacs, Arthur Winter, Bobby Bell, Manly West, and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present. Absent: William Etheridge, Pat Riley.

Planning Board Chairman Midgette called the meeting to order, announced a quorum had been met.

Everyone stood for the Pledge of Allegiance and a moment of silence.

APPROVAL OF APRIL 11, 2006 AGENDA

Mr. Keel motioned to approve the April 11, 2006 agenda with item 10 removed. Ms. Turner seconded the motion. Motion passed unanimously.

APPROVAL OF MARCH 14, 2006 MINUTES

Mr. West motioned to approve the March 14, 2006 minutes. Mr. Kovacs seconded the motion. Motion passed unanimously.

**Currituck County
Planning Board Agenda
Historic Currituck County Courthouse
April 11, 2006
7:30 p.m.**

7:00 p.m. Work Session

7:30 p.m. Call to Order
Pledge of Allegiance and Moment of Silence

Item 1 Approval of Agenda

Item 2 Approval of March 14, 2006 Minutes

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

Item 3 **PB 04-29 SNOWDEN CROSSING PHASE III:** Amended Preliminary/Final Plat for 5 single family lots on Snowden Road, at the rail road crossing, approximately .6 miles from the intersection with

Shawboro Road. Tax Map 33, Lot 5, Crawford Township.

- Item 4 **PB 05-14 WHISPERING PINES:** Final Plat for 10 lots on property located on the east side of Narrow Shores Rd., approximately 250' north of Soundview Rd. Tax Map 91, Lot 11E, Poplar Branch Township.
- Item 5 **PB 06-12 FENTRESS FARM ESTATES:** Sketch Plan/Special Use Permit for 19 residential lots located on Knotts Island approximately 900 ft. north of the intersection of Ferry Dock Rd. and South End Rd. Tax Map 77, Parcel 235, Fruitville Township.
- Item 6 **PB 06-13 OCEAN ATLANTIC RENTALS:** Special use Permit to allow outdoor storage and display of Kayaks and Bicycles at Corolla Light Town Center on property located at 1159 Austin Street. Tax Map 115B, Lot 2P2B, Poplar Branch – Outer Banks Township.
- Item 7 **PB 06-06 KIOUSIS:** Rezone 3.66 acres from Residential to General Business on property located on Holly Lane, Tax Map 132, Lot 106B, Poplar Branch Township.
- Item 8 **PB 06-09 CHARLES NEWBERN:** Rezone 8.5 acres from Agricultural (A) General (GB) on property located on the east side of Caratoke Highway, 830 feet south of the intersection with Peach Tree St. Tax Map 110, Lots 36B, 36C, and 36D, Poplar Branch Township.
- Item 9 **PB 06-14 FORTUNE BAY COMMERCIAL:** Rezone 1.69 acres from Agricultural (A) to General Business (GB) on property located at 130 West Side Lane at the intersection with Caratoke Highway and West Side Lane. Tax Map 124, Parcel 57F, Poplar Branch Township.
- Item 10 **PB 06-16 LEARY-MELTZER MULTI FAMILY OVERLAY:** Create Multi Family Overlay on 21 acres located on Poplar Branch Rd, .6 of a mile from the intersection with Caratoke highway. Tax Map 107, Lot 2, Poplar Branch Township.
- Item 11 **PB 06-07 HYMAN & ROBEY:** Amendment to UDO Sections 204(3)(b) and 1616 to allow a sidewalk and fill within 10 feet of a property line.
- Item 12 **PB 06-17 CURRITUCK COUNTY:** Amendment to Unified Development Ordinance Section 922 to address subdivision drainage easements and storm water plans approved by the County Engineer.
- Item 13 Old Business
- Item 14 Adjournment

PB 04-29 SNOWDEN CROSSING PHASE III: Amended Preliminary/Final Plat for 5 single family lots on Snowden Road, at the rail road crossing, approximately .6 miles from the intersection with Shawboro Road. Tax Map 33, Lot 5, Crawford Township.

Starkey Sharp, attorney for the applicant, appeared before the board.

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

ZONING DISTRICT: Agricultural

OWNER:

Three of a Kind, Inc.
257 Caratoke Highway, Ste. B
Moyock, NC 27958

APPLICANT/AGENT

Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Low Density Residential, Farmland & Woodland - zoned A
- SOUTH:** Farmland - zoned A
- EAST:** Farmland & Woodland - zoned A
- WEST:** Farmland - zoned A

SIZE OF SITE: 15.08 Acres (total tract area 23.31 acres)

NUMBER OF LOTS: 5

DENSITY: 1 DU per 3 Acres

MINIMUM LOT SIZE: 3 Acres

STREETS: The streets are built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance. There is also a dedicated right-of-way to the south for a future street connection.

WATER: County water is not available to this area at this time. The site will be served by individual wells. Future waterline improvements for the site have been bonded.

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

- WASTEWATER:** The 5 remaining lots of the 17 lot sketch plan are now approved for individual wastewater systems. The Division of Water Quality issued a permit January 30, 2006 for five (5) 480 gallon per day (GPD) surface irrigation treatment and disposal facilities to serve 20 bedrooms at Snowden Crossing lots 1, 2, 9, 16 and 17.
- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** Roadside and property line swales/ditches which tie into an existing ditch system are being used to address the drainage for the site.
- FLOOD ZONES:** The property is located outside of a 100 year floodplain.

NARRATIVE OF REQUEST:

In October 2004, the Board of Commissioners granted Sketch Plan approval for Snowden Crossing Subdivision comprised of 17 lots. Subsequently only 12 of the proposed lots were found to be suitable for conventional septic systems. The Planning Board granted Preliminary Plat approval on August 1, 2005 for those 12 lots and Final Plat approval on January 10, 2006.

In an effort to proceed with the balance of the subdivision, which consists of lots 1, 2, 9, 16 and 17, the applicant proposed engineered individual on-site septic systems to serve the lots. On January 30, 2006 the NC Division of Water Quality issued a permit for 5 engineered septic systems which will involve land application of treated wastewater on each of the subject lots. Conditions of approval for these systems include substantial buffering from property lines, wells, drainage ways, surface water bodies, etc.; regular inspection by a certified operator; maintenance of a generator on-site; and fencing of the disposal site. The details of the permit as well as an explanation of the system provided by the applicant are included for the Board's review (Letter dated 3-10-06 from James B. Innes with enclosures and permit # WQ0029272 dated 1-30-06).

Given the increased level of monitoring and maintenance required for the proposed on-site systems as compared to conventional on-site systems, staff has also requested that the applicant include language regarding homeowners' maintenance responsibility in the Declaration of Restrictive Covenants for the subdivision. The language has been included in Item 2 of the restrictions.

Currently, Three of a Kind, Inc. is seeking Preliminary/ Final Plat approval for the above-referenced 5 single family lots through the major subdivision process. According to UDO section 904(3), an application for a Preliminary/ Final Plat can be made when no improvements, such as street construction or extension of utility lines to service a new lot of record, are required. This site is located on the west side of Snowden Road and comprises the western portion of the parent parcel.

The required improvements including streets, street trees, drainage infrastructure, and street signs have been installed by the applicant. In addition the following TRC members have performed final inspections with the following approvals:

1. County Engineer - reviewed & approved;
2. Fire Marshal – reviewed & approved;
3. Albemarle Regional Health Services – approval is not needed because of the Division of Water Quality permit issued January 30, 2006 for engineered septic systems;
4. County Water Department – Approved, an improvement bond in the amount of **\$87,540.00** for future connections was submitted December 29, 2005; and
5. NCDOT – Approved driveway permit and pavement as installed, based on test reports from McCallum Laboratories dated November 15, 2005. An Irrevocable Letter of Credit for Street/ Site Maintenance in the Amount of **\$69,300.00** was drawn on November 22, 2005. This bond was originally drawn for the previously approved Phase II lots and will include the Phase III lots since there is no additional street construction required.

STAFF RECOMMENDATION:

Because the required improvements have been installed and the applicable TRC agencies have approved the plan, Staff recommends **conditional approval** subject to the following conditions:

1. Corrected copies of the Final Plat and the As-Builts shall be submitted to the Planning Department for review and approval.
2. The Articles of Incorporation for Snowden Crossing Homeowners Association shall be filed with the NC Secretary of State and the Declaration of Covenants, Conditions and Restrictions have been recorded with the Currituck County Register of Deeds.
3. A note shall be placed on the plat that indicates the additional buffer requirements for the wastewater system according to condition 8 (a-h) on the Division of Water Quality Permit.

4. Place a note on the plat that states "Lots 1, 2, 9, 16, and 17 are limited to 20 bedrooms and the wastewater disposal system includes a requirement for land application.
5. The Street Maintenance Bond in the amount of **\$69,300.00** that was submitted shall be held by the County 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 NCDOT.
6. The recordation information for Snowden Crossing Phase II shall be added to the plat on Note 3 and the lots on Sheets 2 and 3.
7. As a continuing condition of Final Plat approval the development shall meet all the requirements of the Currituck Unified Development Ordinance.

DISCUSSION

Mr. Keel questioned the type of septic system

Mr. Sharp said described the individual engineered systems as proposed. The cost is somewhere around \$30,000 for each system. The staff has been presented with information from the state that describes the system and the use of each. Mr. Sharp also stated that there would be a mound of soil placed on top of the ground and the system is placed in there.

Mr. West asked if DWQ would provide an inspection.

Mr. Sharp said that this system is approved by the health dept and DWQ. The criteria for maintenance has been submitted to the department. He described his own system at his office at the beach and the inspections required of him.

Mr. West asked what the maintenance would cost yearly.

Mr. Sharp guessed \$4,000-5,000 per year.

Mr. West asked if maintenance would be the responsibility of the lot owners.

Mr. Sharp said yes and that the HOA would not be responsible. Each system is independently owned and operated.

Mr. Keel asked about drainage of waste water after a hard rain.

Mr. Sharp said that it would go into the ground.

Mr. Dave Ryan, Bissell Professional Group, said that waste water would go through the septic system and through two separate tanks. He described the way that the wastewater is treated through the system. There will be semi annual monitoring of the system, and the specs will be attached to the deed.

Mr. Bell asked who is responsible for the monthly/annual inspections.

Mr. Ryan said that the individual homeowners are responsible to schedule all maintenance and inspections.

Mr. Sharp concurred and once again described his own system in his office at the beach. The inspector is required to report to the health department if the property owner refuses maintenance.

Mr. Kovacs asked about the track record of these systems.

Mr. Ryan said they are similar to the systems installed for the larger homes on the northern beaches.

Mr. James Innes, the applicant, stated that David Swiney of the health department has permitted over 100 systems such as these. Any advanced technology system has to go through approval by DWQ and environmental engineers and this system has been given approval by the state and does not seem to have a problem with failure. DWQ and the engineer that designed it are required to sign off upon installation.

Mr. West asked if each individual lot is required to fence off, monitor, and inspect these systems.

Mr. Innes said yes and that a private company would have to be contracted to maintain the system.

Mr. West asked what the purpose is of the generator.

Mr. Innes described a three tank system and noted that a pump is required by the state in the event of power outage.

Mr. Kovacs asked about the size of the system.

Mr. Innes said that most is below surface, a green box and the drain field with a mound is above the ground and the developer has decided to add a mound of sand.

Mr. Keel asked about the type of soils in this area.

Mr. Innes said that the majority are mostly soils. There is 10"-12" of topsoil, 3 ft clay, and below that is sand. The soils are typical for Moyock.

Mr. Keel asked what happens if the system fails.

Mr. Innes said that anything that is not conventional the health dept. has the right to come and inspect and force the owner to repair or they will repair and place a lien on the property for the cost. It is not typical for these systems to fail. They have been in use since the 1980's.

Mr. West asked about the cost of the lots.

Mr. Innes was curious as to what the cost has to do with the application. The developer has gone above and beyond to make this a nice development.

Mr. Sharp indicated the cost of the lots would be reduced to account for the cost of the septic systems.

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

PB 05-14 WHISPERING PINES: Final Plat for 10 lots on property located on the east side of Narrow Shores Rd., approximately 250' north of Soundview Rd. Tax Map 91, Lot 11E, Poplar Branch Township.

Jimmy Lea appeared before the board.

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

ZONING DISTRICT: Residential

OWNER:
James L. Lea
174 Mariner's Way
Moyock, NC 27958

APPLICANT/AGENT
Performance Engineering
8604 Caratoke Hwy.
Powell's Point, NC 27966

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

SIZE OF SITE: 10 acres

NUMBER OF LOTS: 10

DENSITY: 1 DU / Acre

LOT SIZE: Seven of the lots within this development are 40,000 sq. ft. with the remaining two lots being in excess of 45,000 sf.

STREETS: All streets have been built to NCDOT Design and Construction Standards. The street will be dedicated for maintenance to the NCDOT. The subdivision has one point of entry from Narrow Shores Road.

WATER: This development is served by county water.

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

WASTEWATER: Each lot has been approved for individual on-site septic systems.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Roadside and property line swales/ditches have been installed to address drainage for this property.

As part of the drainage improvements, an existing 18" culvert was replaced with a 24" culvert at the intersection of Soundview Drive and Narrow Shores Road.

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

NARRATIVE OF REQUEST:

The property owner is seeking Final Plat approval for 10 single family lots through the major subdivision process. The tract measures approximately 10 acres.

On July 18, 2005, the Board of Commissioners granted Sketch Plan approval for this development of 10 lots. The Planning Board granted Preliminary Plat approval on December 13, 2005. The Technical Review Committee met on Wednesday, March 15 and the reviewing agencies granted approval of the plat.

In the initial design, the storm run-off was designed to pass through the improved culvert crossing at Soundview Road and Narrow Shores Road then traverse into an existing outfall ditch. Under this design, approximately 320' of the outfall ditch was to be regarded and improved. During the course of construction, the impacted property owner decided not to permit the ditch improvements. The outfall system was redesigned to install basins to restrict the off-site discharge until such time as the outfall ditch is improved. A \$1,000 bond has been posted for future ditch work. This system has been installed and approved by the County Engineer.

REQUIRED IMPROVEMENTS:

The Technical Review Committee met on Wednesday, March 15 and the reviewing agencies granted approval of the plat.

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 approved;
4. Waterline as-built plans have been submitted and approved;
5. Water usage during the line flushing has been paid for;
6. Water connection fees for each lot has been paid;
7. The developer has entered into a relinquishment agreement with the County Water Department for the waterlines;
8. A Street Maintenance Bond in the amount of **\$5,250** (600 LF x \$50/LF + \$5,000) X 15% = \$20,193)) has been submitted and will be held by the County 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 NCDOT;
9. The Street Maintenance Agreement documents and the Final Plat address the responsible party for the stormwater drainage facilities;

10. The required street trees have been installed;
11. A bond of \$1,000 has been posted for the future regarding of the existing outfall ditch located at 450 Narrow Shores Road;
12. 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
13. 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.

STAFF RECOMMENDATION:

Because the conditions of sketch and preliminary approval have been satisfied, the required improvements have been installed and the Technical Review Committee has reviewed and approved the plan, staff recommends **conditional approval** with the following conditions:

1. The following correction shall be made to the Final Plat:
 - (a) The FIRM date in note #5 shall be corrected to 2005
2. Corrected copies of the Final Plat shall be submitted to the Planning Department for review and approval;
3. The applicant **conditionally** meets the standards and requirements within the County's UDO for Final Plat approval; and
4. 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

There was no discussion on this item.

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

PB 06-12 FENTRESS FARM ESTATES: Sketch Plan/Special Use Permit for 19 residential lots located on Knotts Island approximately 900 ft. north of the intersection of Ferry Dock Rd. and South End Rd. Tax Map 77, Parcel 235, Fruitville Township.

Tom Johnson appeared before the board.

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

ZONING DISTRICT: Agricultural

PRESENT USE: Vacant/Agriculture

OWNERS: Clarence and Dolores Fentress
5012 Lobaugh Drive
Virginia Beach, VA 23464

APPLICANT: Fentress Farm Estates, LLC
1000 Bank of America Center
Norfolk, VA 23510

ENGINEER: MSA, P.C.
5033 Rouse Drive
Virginia Beach, VA 234623

**LAND USE/ZONING OF SURROUNDING PROPERTY:
SURROUNDING PROPERTY:**

	Land Use	Zoning
NORTH:	agricultural	A
SOUTH	Swan Haven residential development	A
EAST:	low density residential uses and farm fields	A
WEST:	farm field and the Swan Haven residential development	A

SCHOOL DISTRICT: Knotts Island

FIRE DISTRICT: Knotts Island V.F.D.

SIZE OF SITE: 54.80

NUMBER OF LOTS: 19

DENSITY: 0.34 unit / acre

MINIMUM LOT SIZE: 40,469 square feet (4 between 40,000 SF and 3 Acres; 15 at 3 Acres)

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

WATER: County water is not available to this area. The site will be served by individual wells.

WASTEWATER: On-site septic systems are proposed. Site Evaluations are required at time of Preliminary Plat. The Currituck County Soils Suitability map indicates this property is suitable for on-site septic systems.

OPEN SPACE: No open space is required or provided.

DRAINAGE: The preliminary drainage plan indicates that lot line swales and road side ditches will be used to accommodate on-site drainage.

FLOOD ZONES: The property is located outside of a 100 year floodplain.

LAND USE PLAN CLASSIFICATION: The 1990 Land Use Plan classifies this property as Rural. Low density dispersed single family residential uses at a gross density of approximately one unit per acre are appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services.

The proposed subdivision is in keeping with the Land Use designation.

NARRATIVE OF REQUEST:

A pre-application conference was held with MSA Engineering on February 7, 2006. The Sketch Plan application was submitted on February 24, 2006. A Technical Review Meeting was held on March 15, 2006 to review the plan. A revised plan with technical review corrections was received March 22, 2006.

The submitted plan also was accompanied by a Development Impact Statement which indicates the average cost of the homes to be \$600,000.00. The preliminary drainage plan indicates that lot line swales and road side ditches will be used to accommodate on-site drainage.

TRC REVIEW

A Technical Review Meeting was held on March 15, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was approved with the following comments:
 - a. A DOT Driveway permit will be required at the Preliminary Plat stage;
 - b. Need to show typical section with next phase;
 - c. Need to review a drainage plan prior to final plat approval;
 - d. Need to indicate public right of way width; and
 - e. Engineer needs to have a N.C. license.
2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The plan was approved with the following comments:
 - a. Please show any existing ditches throughout site if applicable; and
 - b. Property line swales may be required throughout.
3. **CURRITUCK COUNTY WATER DEPARTMENT:** The plan was approved with no comment. There is no county water on Knotts Island.

4. **CURRITUCK COUNTY FIRE SERVICES:** The plan was approved with no comment.
5. **CURRITUCK COUNTY RECREATION:** The plan was approved with no comment.
6. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comments:
 - a. Applicant must submit the proposed street name form if it has not been submitted;
 - b. Please note the R/W widths on the final plat.; and
 - c. Engineer seal needs to be a NC Seal.
7. **CURRITUCK COUNTY SCHOOLS:** The plan was reviewed with no comment.
8. **CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was approved with no comment.
9. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was approved with the following comment: The development does not appear to involve any CAMA Areas of Environmental Concern. Development within an AEC requires CAMA authorization.
10. **ALBEMARLE REGIONAL HEALTH SERVICES:** The plan was disapproved because the site evaluation applications have not been submitted yet. The site evaluations will be due at Preliminary Plat.

SCHOOL CAPACITIES:

Using national averages for school age student generation, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. Based on these pupil generation figures, from this development Currituck can expect:
 7 elementary students;
 2 middle students; and
 3 high school students.

Projected School Capacities

School Level	Projected Capacity for 2007/08	Total Projected Students- Previous Sketch Plans	Remaining Capacity with Fentress Farm
K- 5	219 (Fruitville)	148	64
Middle	1,142	1,074	67
High	1,456	1,398	55

SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning

regulation. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

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 plan generally complies with the provisions of the UDO. Minor corrections are required prior to final approval of the permit as outlined in Staff Recommendation below.
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 have no negative impact on adjoining property. Swan Haven is an adjacent residential subdivision that is a higher density than the proposed Fentress Farm Estates. Other adjoining uses are agricultural and dispersed single family dwellings.

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

This low density residential subdivision will be in harmony with the rural character of Knotts Island.

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

The 1990 Land Use Plan classifies this property as Rural. This development will be in conformity with the Land Use 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.*

The Commissioners will need to determine if adequate school facilities exist or will exist to meet the demands generated by this subdivision.

PLANNING STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application subject to the following conditions:

Code Requirements:

1. Add the subject property ownership information to the notes.
2. Indicate the deed book and page of adjacent properties. The first submission showed the correct format for the information.
3. Indicate the flow of drainage on the roads as well as the properties.
4. At the Preliminary Plat stage, the applicant will be required to submit septic evaluations, a North Carolina Stormwater Management Permit and a North Carolina Sedimentation and Erosion Control Permit along with the plans required by the UDO.

Recommendations:

1. Section 914, Item (b) of the UDO provides that all streets shall provide for the continuation or appropriate extension of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding tracts where the County deems appropriate. In keeping with that provision, staff recommends Daniel Court be extended to the western property line. The 45' ROW should also extend all the way to the property line. In addition, the street should be improved to the property line with a temporary paved turnaround area provided. It is further recommended that the street stub be identified by signage which reads "Street Connection to Future Development" to ensure that future homebuyers are aware of the future interconnection.
2. There are two existing lots adjacent to proposed lots 18 and 19 along South End Road that will be served by a 20 ft. easement located along lot 19. It is suggested that the applicant consider reconfiguring the proposed public road system to serve the two existing lots rather than providing only an easement. If the road system is not reconfigured, staff recommends that the plan show the net usable area of Lot 19 with the reduction of the 20' ingress/ egress easement. In addition, the document creating the easement on lot 19 should be recorded at the same time as the final plat and HOA documents to ensure that future homebuyers are aware of the easement and subsequent maintenance responsibilities.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

DISCUSSION

Brooks Smith discussed this proposal.

Mr. Keel asked if there was an easement for Blue Heron Lane that is used by the Capps property.

Mr. Johnson said that there is currently an oral agreement and they are going to give a legal, recorded agreement.

Mr. Keel said there was a prior law suit over a gated easement.

Mr. Smith said that during the title search, they found no easement.

Mr. Johnson said that the homeowner is satisfied with the recorded easement.

Katie Mahoney stated her concern with additional trucks and the causeway.

Melinda Capps stated that she agrees with the concept of the development, but has concerns with the easements and the street names. Her family wants to maintain their address as Blue Heron Lane.

JT White stated his concern with well water in the area.

Mr. Keel motioned to approve the request as presented with the condition that the developer work with the property owners in the area on the street name issue. Mr. Winter seconded the motion. Motion passed unanimously.

PB 06-13 OCEAN ATLANTIC RENTALS: Special use Permit to allow outdoor storage and display of Kayaks and Bicycles at Corolla Light Town Center on property located at 1159 Austin Street. Tax Map 115B, Lot 2P2B, Poplar Branch – Outer Banks Township.

Jeff Buchert appeared before the board.

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

ITEM: PB 06-13 OCEAN ATLANTIC RENTALS, SPECIAL USE PERMIT FOR OUTDOOR STORAGE

LOCATION: 1159 Austin Street, Corolla

ZONING DISTRICT: General Business (GB)

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

OWNER: **APPLICANT**

Corolla Light Town Center, LLC
PO Box 303
Corolla, NC 27927

Ocean Atlantic Rentals
PO Box 1030
Nag's Head, NC 27959

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Corolla Light PUD Open Space- Zoned RO1/PUD
SOUTH: Residential - Zoned RO1/PUD
EAST: Residential - Zoned RO1/PUD
WEST: Residential - Zoned RO1/PUD

NARRATIVE:

- Ocean Atlantic Rentals is requesting a Special Use Permit for the Corolla Light Town Center in Currituck County for outdoor storage of bicycles, kayaks, paddles, surfboards, lifejackets, chairs, umbrellas and gas grills.
- The parcel is located at 1159 Austin Street. The parcel consists of 309,163 sf (7.1 acres) in area.
- This property is zoned General Business and the Table of Permissible uses allows Storage and Display of Goods Outside a Fully Enclosed Building (use 2.200) in this zoning district with a Special Use Permit w/in a PUD.
- The applicant received TRC disapproval at the February 9, 2006 Technical Review Committee Meeting.
- A revised site plan dated 1/22/06 was resubmitted. On March 16, 2006 James Mims, Jon Hain and David Webb conducted an on-site technical review with the following findings:
 1. The display areas will all be on existing gravel or deck areas. There will be no increase in lot coverage.
 2. All of the exterior display areas are now approved because the areas will not impede any required parking spaces.
 3. Fire Marshal James Mims approved the location for storage of rental grills on the back deck as long as a 36 inch ingress and egress area is maintained. The back door to the Ocean Atlantic Rentals building is a fire exit.
 4. The location of the exterior propane cylinder cage was approved.
 5. Any kayak rack to be constructed shall be submitted for a commercial accessory building permit review.
 6. Staff noted to Mr. Ottenstein and Mark Bissell on-site that before Building 13 at Corolla Light Town Center receives a zoning C/O, the paving and striping of the ENTIRE site needs to be completed, with the exception of the areas around Building 4 which are still under construction.

QUESTION(S) BEFORE THE BOARD:**Conditional Use Permit Criteria and Staff Findings:**

(The Board must find that the applicant meets all criteria in order for a Special Use Permit to be approved.)

In granting a Special Use Permit, the Board may attach to the Permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

- (a) Will not endanger the public health or safety;
- (b) Will not injure the value of adjoining or abutting property;
- (c) Will be in harmony with the area in which it is located;
- (d) Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners; and,
- (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.

Following is the staff Suggested Findings for each criteria (as is required by the UDO).

1. **COMPLETENESS OF THE APPLICATION****Suggested Findings:**

- 1. The application is complete.

2. **COMPLIANCE WITH ORDINANCE REQUIREMENTS****Suggested Findings:**

- 1. The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

- (a) The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

- 1. According to County Tax Maps, nearest residential dwellings to the tract are to the south and east along Gray Court and Franklyn Street. The parcel is currently a well established commercial area which includes apartments and a skateboard park.

- (b) The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

- 1. Section 1310 of the Unified development Ordinance indicates that the operation of Storage and Display of Goods Outside a Fully Enclosed Building (use classification 2.200) is a permitted land use with a Special Use Permit in a GB/PUD (General Business) zoning district.
- 2. The existing land uses are buffered by existing vegetation.

- (c) The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

1. The parcel is currently a well established commercial area which includes apartments and a skateboard park.

- (d) The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.

Suggested Findings:

1. The 1990 Land Use Plan classifies the property as "Limited Transition". According to the 1990 Land Use Plan, "The purpose of the Limited Transition 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/or are geographically remote from existing towns and municipalities."
2. The site is located along a two-lane Major Collector Road according to the 1988 Thoroughfare Plan.

- (e) The proposed use **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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family 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.

Suggested Findings:

1. Approval of this request should have no impact upon public facilities.

STAFF RECOMMENDATION

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

1. The applicant meets all requirements of the County's Unified Development Ordinance.
2. Outdoor display areas be limited to those areas depicted on approved site plan dated 1/22/06.
3. All display materials be properly secured to prevent theft or unauthorized use.
4. Display materials shall not pose a hazard during periods of severe weatherconditions.
5. Outdoor display shall be allowed 48 hours prior to seasonal opening to 48 hours after seasonal closing.
6. No additional signage, except with an approved sign permit, shall be permitted with this use.

- 7. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which will be filed in the office of the Planning and Inspections Department.
- 8. Any change in the submitted plans must be approved by the owner of the property.

DISCUSSION

Mr. Buchert described the storage of this equipment.

Mr. West asked why the request is being asked for now when they have been storing these items this way for so long.

Mr. Webb stated that the applicant wishes to come into compliance with the ordinance.

Mr. West motioned to approve the request as presented. Ms. Turner seconded the motion. Motion passed unanimously.

PB 06-06 KIOUSIS: Rezone 3.66 acres from Residential to General Business on property located on Holly Lane, Tax Map 132, Lot 106B, Poplar Branch Township.

Nick Kiousis appeared before the board and stated that this parcel is split zoned and that only 2.21 acres is being rezoned, not the total 3.66 acres.

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

OWNER: Nick Kiousis
PO Box 35
Point Harbor, NC 27964

ZONING:	<u>Current Zoning</u> Residential/ General Business	<u>Proposed Zoning</u> General Business
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ZONING HISTORY: This property was split zoned GB and R on the April 2, 1989 zoning atlas. From US 158 to 450 feet from the highway is General Business (GB), approximately 1.91 acres. The remaining 1.75 acres is zoned Residential (R) The total property is 3.66 Acres.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Woodland/ Vacant	R
SOUTH	Residential and Retail Across Highway	GB
EAST:	Residential and a Restaurant	R and GB
WEST:	Woodland/ Vacant	GB

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Uses available to the General Business Zoning District. There are over 100 uses allowed in the General Business zoning district. The General Business zoning district contains the following sample of uses:

Single Family residence	Automotive Repair
Multi-Family residences	Banks
Convenience Stores	Motor Vehicle and Boat Sales
High Volume Retail sales	Restaurants
Outdoor or Indoor Mini Storage	Hotels

**LAND USE PLAN
CLASSIFICATION:**

The 1990 Land Use Plan Classifies this property as **Limited Transition**. The purpose of the limited transition 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. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The General Business (GB) zoning district is consistent with the Limited Transition Land Classification.

**PUBLIC SERVICES
AND UTILITIES:**

Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, telephone, County water and cable are currently available.

TRANSPORTATION:

The property has 60 feet of road frontage on US 168 and approximately 1000 feet of frontage on Holly Lane. Holly Lane is a NC DOT maintained road, Route 1187.

FLOOD ZONE:

This property is located outside of the 100-year flood plain (Zone X)

SOILS:

The Currituck County Soil Suitability map indicates this property contains soil that are Suitable.

STAFF COMMENTS:

- This rezoning request would be an extension of an existing General Business zoning district on Caratoke Highway and Holly Lane.
- With the available access to Holly Lane and soils suitable for on-site wastewater treatment, a large number of uses would be possible at this location.

**STAFF
RECOMMENDATION:**

Staff recommends approval of the request, because the property is currently split zoned GB and R, is surrounded

by existing GB zoning and the reclassification of the property is consistent with the land use plan.

DISCUSSION

Mr. Kiouisis showed a conceptual plan for the area.

Mr. West asked if it would be office space.

Mr. Kiouisis described a professional office space to enhance the look of the corridor in this area.

Mr. Kovacs asked how many buildings there would be.

Mr. Kiouisis further described his idea for the development and stated there would be three to four buildings.

Mr. Bell asked about the entrance.

Mr. Kiouisis said that he would like the entrance to come into the development off of Holly Lane and the driveway going on the property instead of adding traffic to the highway or Holly Lane.

Mr. Getz, adjoining property owner, stated his opposition to the rezoning and said that the staff report is in error, in his opinion.

Nancy Jeanette, adjoining property owner, stated her opposition to the rezoning.

Herman Mueller, adjoining property owner, stated his opposition to the rezoning.

Dawn Powers, adjoining property owner and the applicant's fiancé, said that it is their desire to make this a nice development and keep the integrity of the area.

Mr. Kiouisis said that he is not planning to develop immediately, but wants to rezone now in case the opportunity comes in the future. He is not interested in making the property values drop in the neighborhood. He wants to be able to control what is developed on the property.

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

PB 06-09 CHARLES NEWBERN: Rezone 8.5 acres from Agricultural (A) General (GB) on property located on the east side of Caratoke Highway, 830 feet south of the intersection with Peach Tree St. Tax Map 110, Lots 36B, 36C, and 36D, Poplar Branch Township.

Charles Hawkins appeared before the board.

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

TAX ID: Map 110, portion of Parcels 36B, 36C, and 36D

OWNER: Charles Lee Newbern

PO Box 172
Powells Point, NC 27966

ZONING: **Current Zoning** **Proposed Zoning**
Agricultural/ General Business General Business

ZONING HISTORY: This property was split zoned GB and A as indicated on the April 2, 1989 zoning atlas. The current General Business (GB) zoning extends 170 feet from the highway, approximately .7 acre. The remaining property area, 7.7 acres, is zoned Agricultural (A). The combined property area is 8.46 acres.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Recycling Center/Demolition Landfill/Office	GB/A
SOUTH	Outdoor Recreation/Special Events	GB
EAST:	Single Family Dwelling/Vacant Farmland	GB
WEST:	Recycling Center/Demolition Landfill	A

EXISTING LAND USE: Single Family Dwelling/Vacant Woodland

PROPOSED LAND USE: Not Provided.
There are well over 100 uses allowed in the General Business zoning district. The General Business zoning district contains the following sample of uses:

- | | |
|--------------------------------|--------------------|
| Single Family Residence | Automotive Repair |
| Banks | Convenience Stores |
| Sales | Restaurants |
| Outdoor or Indoor Mini Storage | Hotels |
| Motor Vehicle and Boat Sales | Office |

LAND USE PLAN CLASSIFICATION:

The 1990 Land Use Plan classifies this property as **Limited Transition**. The purpose of the limited transition 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. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The General Business (GB) zoning district is consistent with the Limited Transition Land Classification.

PUBLIC SERVICES Lower Currituck Volunteer Fire Department provides fire

AND UTILITIES: protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

TRANSPORTATION: A portion of the property requested for rezoning is accessed by a 20' private right of way (Jomar Lane). The private right of way is not improved to state standards. Should the property develop commercially, the access shall be improved to meet fire code and county requirements; but, will not require paving. The remaining area, zoned GB, has 142' of road frontage along US 158.

FLOOD ZONE: This property is located outside of the 100-year flood plain (Zone: Shaded X and X)

SOILS: The Currituck County Soil Suitability map indicates this property contains soils that are Suitable (Conetoe loamy sand) as well as Not Suitable (Nimmo loamy sand), containing approximately 3.7 acres

STAFF COMMENTS:

- This rezoning request would be an extension of an existing General Business zoning district on Caratoke Highway.
- A substantial area of the combined property contains unsuitable soils. A large number of uses would be possible on the property; however, alternative septic system design may be needed depending on the results of an on-site soil evaluation.
- Staff has concerns if the three properties are sold as individual lots, the parcel accessed by 20 foot private right of way (Jomar Lane), may have a difficult time providing commercial access and stormwater improvements within the prescribed 20' private right of way. While the three parcels are under single ownership, the applicant should consider widening the 20' private right of way, if possible, or, recombine properties to accommodate the necessary commercial access to lot 2B and the residual parcel. The setbacks to all existing structures should be addressed before determining whether recombination or expanding the right of way would be the better choice.

STAFF

RECOMMENDATION: Staff recommends approval of the request, because the property is currently split zoned GB and A, the property is adjacent to existing GB zoning and the reclassification of the property is consistent with the land use plan.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

DISCUSSION

Mr. Hawkins stated that the area to be rezoned is closer to 7.5 acres.

Mr. West motioned to approve the request as presented. Ms. Turner seconded the request. Motion passed unanimously.

PB 06-14 FORTUNE BAY COMMERCIAL: Rezone 1.69 acres from Agricultural (A) to General Business (GB) on property located at 130 West Side Land at the intersection with Caratoke Highway and West Side Lane. Tax Map 124, Parcel 57F, Poplar Branch Township.

David Ryan appeared before the board.

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

TAX ID: Map 124, Parcel 57F (0124-000-057F-0000)

OWNER: Fortune Bay Commercial, LLC
PO Box 279
Harbinger, NC 27941

ENGINEER: Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Agricultural/ General Business	General Business

ZONING HISTORY: This property was split zoned GB and A on the April 2, 1989 zoning atlas. From US 158 to 550 feet from the highway is General Business (GB), approximately 1.69 acres is A.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Vacant	GB
SOUTH	Residential	HM
EAST:	Residential	A
WEST:	Vacant	GB

EXISTING LAND USE: Wooded and vacant. To the south and across the highway to the east are residential uses. To the west is vacant. To the north is vacant and

PROPOSED LAND USE: The applicant is proposing an upscale multi-family condominium development on the tract.

There are well over 100 uses allowed in the General Business zoning district. The General Business zoning district contains the following sample of uses:

Single Family Residence	Automotive Repair
Banks	Convenience Stores
Sales	Restaurants
Outdoor or Indoor Mini Storage	Hotels
Motor Vehicle and Boat Sales	Office

LAND USE PLAN CLASSIFICATION:

The 1990 Land Use Plan classifies this property as **Limited Transition**. The purpose of the limited transition 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. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The uses allowed within the General Business district are consistent with the Limited Transition class.

PUBLIC SERVICES AND UTILITIES:

Lower Currituck Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

TRANSPORTATION:

The property is accessed by US 158 and West Side Lane.

FLOOD ZONE:

The east 130 feet of the property is located in the 100 year floodplain, zone AE (7). The remainder of the property is located outside of the flood zone (Zone X).

SOILS:

The Currituck County Soil Suitability map indicates this property contains soils that are Suitable.

STAFF RECOMMENDATION:

Staff recommends approval of the request, because the property is currently split zoned GB and A, the property is adjacent to existing GB zoning. The reclassification of the property is consistent with the land use plan.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

DISCUSSION

Mr. Kovacs asked about the zoning of the surrounding properties.

Mr. Keel motioned for approval. Mr. West seconded Motion passed unanimously.

PB 06-07 HYMAN & ROBEY: Amendment to UDO Sections 204(3)(b) and 1616 to allow a sidewalk and fill within 10 feet of a property line.

Sean Robey appeared before the board.

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

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: March 23, 2006

SUBJECT: PB 06-07 Hyman & Robey Ordinance Amendment

Sean Robey, Hyman & Robey is requesting an amendment to the UDO to allow five foot wide sidewalks and associated improvements (fill, culverts) to encroach into the required 10' no fill setback.

In November, 2004, the Board of Commissioners approved an ordinance that prohibited encroachments and fill within 10 feet of any property line. The ordinance was adopted in an effort to address excessive fill placed on lots as well as improvements within the 10 foot setback that could have the potential to encourage stormwater run-off onto adjacent properties. The ten foot area located between the development and the property line was reserved to allow the infiltration of stormwater that was associated with the impervious improvements. Therefore, sidewalks are not allowed to encroach more than five feet into the setback. Connecting a private sidewalk to any roadway, whether it were public or private, is not permitted.

STAFF RECOMMENDATION:

Staff recommends denial. The most common and preferred connection for a private sidewalk is to the driveway that leads to the street which would meet the setback requirements of the ordinance. The proposed request will accommodate one homeowner but, will have an impact on the entire county.

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:

Section 204 Setback Requirements.

- (3)(b) the outermost five (5) feet of any concrete or wooden deck, patio and sidewalk if no portion of the same extends more than twelve (12) inches above the ground; No encroachments are allowed within ten feet of any property line **excepting a five foot (5') wide concrete sidewalk, flush with the existing ground, with fill and/or culverts placed no more than ten feet (10') wide to accommodate the sidewalk.** (7/2/01, 11/01/04)

Item 2: That the following section be amended:

Section 1617 Mandatory Standards for Land Disturbance Activities, Excluding Residential Lots within Planned Unit Developments.

- 3. Fill is not allowed within ten feet of any side or rear property line. Fill is not allowed within ten feet of the front (street) property line except for **a) driveway improvements and as approved by the County Engineer, b) a five foot (5') wide concrete sidewalk, flush with the existing ground, with fill placed no more than ten feet (10') wide to accommodate the sidewalk.**

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

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

.....

DISCUSSION

Mr. Robey described his intention for the amendment. He felt that his wording of the request may have been in error.

Mr. West stated that the biggest concern is the affect on the entire county. He stated that he is interested in tabling this item to allow for time for the applicant and staff to work on the wording of the item.

Mr. Kovacs asked if there was a possibility of a solution.

Ms. Keifer said that staff doesn't want to compromise the ordinance and staff would be happy to work with Mr. Robey on this request.

Mr. West motioned to table the request as presented. Mr. Keel seconded the motion. Motion passed unanimously.

PB 06-17 CURRITUCK COUNTY: Amendment to Unified Development Ordinance Section 922 to address subdivision drainage easements and storm water plans approved by the County Engineer.

Mr. Falasco, County Engineer, and Mike Doxey, Soil and Water Dept., appeared before the board.

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

MEMORANDUM

TO: Planning Board
FROM: Planning Staff
DATE: March 27, 2006
SUBJECT: PB 06-17 Currituck County

The proposed amendment to Article 9, Section 922 is presented to the Board in an effort to clarify subdivision drainage regulations and to protect storm water conveyance systems within the county.

The staff has been working with Soil and Water and Public Works to address the concerns with the Subdivision Environmental section (Section 922) of the UDO, which are:

1. Section 922 3.(f) clarifies and corrects the redundancy for single family and multi-family finished floor elevations for properties within newly created subdivisions.
2. Section 922 3.(g) will eliminate the need for property line swales when a storm water plan approved by the County Engineer adequately addresses drainage.
3. Section 922 3.(h) will provide wider drainage easements on larger drainage ways. The current 25 foot requirement along ditches and canals does not provide adequate area for routine maintenance.

4. Section 922 4. will clarify the setback for cut and fill within a subdivision and, will allow the County Engineer to approve any deviation from the required setback.

STAFF RECOMMENDATION:

Because the proposed amendments are designed to clarify the requirements of the UDO as well as address long term maintenance of stormwater management infrastructure, the Planning Staff recommends approval.

CURRITUCK COUNTY PB 06-17 UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests an amendment to Section 922 of the UDO to address subdivision drainage easements and storm water plans approved by the County Engineer.

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:

Section 922 Environmental.

3.
 - (f) Minimum finished floor elevations for all **single family and multi-family dwellings** houses shall be shown on the plat and shall be at a minimum 18 inches above the predicted 10 year storm water elevations or, **at or** above the 100 year base flood elevation, ~~or~~ whichever is greater. ~~For properties located within floodplains, the lowest floor shall be elevated above the base flood elevation.~~ Refer to Article 16 for further restrictions; (amended 5/16/05)
 - (g) Property line swales shall be required along all side property lines **unless the stormwater plan adequately addresses drainage as approved by the County Engineer.** Roadside and side lot line swales that do not convey major stormwater through the subdivision shall have a minimum 3:1 slope. Swales that convey major stormwater drainage shall be a minimum of 6:1 side slopes. Adequate drainage easements shall be shown and centered over the swales. (amended 5/16/05)
 - (h) ~~All ditches and canals require drainage easement which extends to the top of bank. A minimum 25 foot wide open space area is required from the top of the bank on one side of the ditch or canal for use as a maintenance area.~~ **Maintenance access drainage easements shall be required for all waterway conveyance systems (i.e. ditches, canals, streams, creeks, and major waterways). Said easements shall include the width of the waterway and extend from top of embankment to top of embankment. In addition, for all ditches, a minimum 25 foot wide maintenance area is required, extending from top of embankment. Canals, streams, creeks and similar major waterways will require a minimum 50 foot wide easement from top of embankment. When a property is traversed by a major waterway, a 50 foot**

easement shall be required on both sides of the waterway, extending from top of embankment. (amended 5/16/05)

- 4. Erosion/Cut & Fill: No cut or fill shall encroach closer than 10 feet to any exterior property line, ~~or two feet if part of an engineered Storm Water Management Plan~~ **except as approved by the County Engineer.** Fill shall not encroach on natural water courses, their floodplains or constructed channels in a manner to adversely affect water bodies or adjacent property owners. Sediment traps, basins and other control measures for limiting erosion shall be installed per a state approved Erosion and Sedimentation Control Plan and shall be reviewed and inspected by County Technical Staff members.

Item 2: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

DISCUSSION

Mr. Doxey clarified some of the items of the amendment.

Mr. West said that item H needed more clarification.

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

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

With there being no further business to discuss, Mr. Kovacs motioned for adjournment. Ms. Turner seconded the motion and the motion passed unanimously. The meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board