

CURRITUCK COUNTY PLANNING BOARD

January 10, 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 January 10, 2005. The following members were present: Alvin Keel, Pat Riley, Joe Kovacs, Arthur Winter, Bobby Bell, Forrest Midgette, and Liz Turner. David Webb, Chief Planner was also present. Absent: Manly West and William Etheridge.

Planning Board Vice 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 JANUARY 10, 2005 AGENDA

Mr. Keel motioned to approve the January 10, 2005 agenda. Mr. Riley seconded the motion. Motion passed unanimously.

APPROVAL OF DECEMBER 13, 2005 MINUTES

Mr. Riley motioned to approve the December 13, 2005 minutes with date corrected. Mr. Keel seconded the motion. Motion passed unanimously.

ELECTION OF CHAIRMAN, VICE CHAIRMAN

Mr. Keel nominated Mr. Forrest Midgette as Chairman of the Board. Mr. Kovacs seconded the motion. Motion passed unanimously.

Alvin Keel was nominated by Mr. Kovacs for Vice Chairman, the motion was seconded by Mr. Bell. Motion passed unanimously.

Mr. Midgette recognized Liz Turner as a new member of the board.

Thomas Pope appeared before the board.

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

PB 05-41 THOMAS CHRISTOPHER POPE AND DAVID JACKSON: Rezone approximately 3.5 acres from Agriculture (A) to General Business (GB) on property located on the north side of Shortcut Rd. (US 158) approximately 1,480; west of the intersection with Gregory Rd. Tax Map 27, Lots 19A and 20A, Crawford Township

LOCATION: This site is located in Shawboro along the north side of Shortcut Road, Crawford Township.

TAX ID: Tax Map 27; Parcels 19A & 20A

OWNERS: Thomas Pope
139 Coinjock Development Road
Coinjock, NC 27923
(252) 453-0263

David Jackson
1818 Shortcut Road
Shawboro, NC 27973
(252) 335-2231

ZONING:	<u>Current Zoning</u> Agricultural	<u>Proposed Zoning</u> General Business
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ZONING HISTORY: Both properties have been zoned Agricultural (A) since the adoption of the 1989 Zoning Map. However, since the 1950's (the effective year the building was constructed) the building on the Pope property has been used for a variety of commercial uses including Comito's nursery. To the best of staff's knowledge, this property, and the adjacent property to the west, were overlooked as being existing commercial sites when the zoning maps were being created.

In May of 2004, a rezoning request for only the Pope property from Agricultural to Commercial was denied.

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Woodlands – zoned A
- SOUTH:** Residential & Cropland - zoned A
- EAST:** Croplands – zoned A
- WEST:** Auto Repair & Woodlands - zoned C & A

EXISTING LAND USE: Existing wood frame retail structure formerly used as Comito's Nursery and a single family home.

PROPOSED LAND USE: Commercial nursery business offering the sale of plants, landscape materials and garden supplies.

LAND USE PLAN CLASSIFICATION:

According to the 1990 Land Use Plan this area appears to be located at the boundary of the Rural with Services and Conservation land classifications.

"Rural with Services" is to provide low density residential uses where development should be low intensity to maintain the primary rural character of the landscape. The purpose of the Conservation class is "to provide for the effective long-term management and protection of significant, limited or irreplaceable areas." This rezoning is not consistent with the Conservation classification and consistency with the Rural with Services class is questionable.

PUBLIC SERVICES AND UTILITIES:

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

TRANSPORTATION:

The properties have a combined frontage of approximately 364' on Shortcut Road (US 158), classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan.

FLOOD ZONE:

The properties are located in Flood Zone C (outside of the 100 year flood plain).

SOILS:

The soils found at the sites are not favorable for septic systems. Both properties have existing septic systems on them.

STAFF COMMENTS:

- The properties are surrounded on 3 sides by Agricultural (A). There is an adjacent parcel to the west zoned Commercial (C) of these properties and a parcel zoned General Business (GB) approximately 500' southwest of the sites.
- The adjacent 0.72 acre commercial site was rezoned in April 2000. The GB parcel where a warehouse is located was noticed as a commercial site in 1989 when the zoning maps were developed.
- The Pope site was previously utilized for a commercial nursery (Comito's). The proposed use as a nursery would blend in with the agricultural flavor of the area.
- A similar rezoning request for the Pope property was reviewed and recommended for approval by the Planning Board in April 1998. The application was withdrawn prior to consideration by the Board of Commissioners.

- In April 2004, the Planning Board heard a request to have the Pope property rezoned from A to Commercial (C). The Planning Board recommended approval of the request and the Board of Commissioners on May 3, 2004 denied the request.
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STAFF

RECOMMENDATION: These properties are contiguous with the Commercial zoning district and spot zoning may be of concern given the size of the properties. However, because the site has previously been utilized for commercial purposes (i.e. Comito's Nursery), and the properties are contiguous with commercial zoned property, staff sees merit in rezoning these properties consistent with the previous commercial uses of the properties.

DISCUSSION

Mr. Kovacs asked about the change in request from Commercial to General Business.

Mr. Pope said that he was directed by staff to ask for General Business.

Mr. David Jackson, adjoining property owner, will be joining Mr Pope in rezoning to plan for possible future uses for his property.

Mrs. Pauline Jewell, adjoining property owner, spoke against the rezoning.

Mr. Jim Lea, adjoining property, owner stated his concern with the rezoning.

Mr. David Messina, owner of Shawboro Auto Repair, stated his concern with the rezoning due to traffic issues.

There was discussion about the widening of the road and the concerns with the speed limits in that area.

Mr Kovacs motioned to approve the request as presented with a recommendation for a decel lane and reduction in speed limit in that area. Mr. Keel seconded the request. Motion passed unanimously.

Kim Old appeared before the board.
Mr. Webb presented the following case analysis to the board.

PB 05-39 CTX: Rezone approximately 45.73 acres from Agriculture (A) to General Business (GB) on property located on the east side of Caratoke Highway approximately 1,300' north of Tulls Creek Rd. Tax Map 9, Lot 29 K, Moyock Township.

This site is located on the east side of Caratoke Highway approximately 1500' northeast of Tulls Creek Road, Moyock Township.

TAX ID: Tax Map 9 Parcel 29K

OWNER:
CTX, Inc.
c/o Scot realty, Inc.
378 Caratoke Hwy.
Moyock, NC 27958
(252) 435-2531

AGENT:
J. Larry Gaither
c/o Scot realty, Inc.
378 Caratoke Hwy.
Moyock, NC 27958
(252) 435-2531

ZONING:	<u>Current Zoning</u> Agricultural	<u>Proposed Zoning</u> General Business (46 acres)
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ZONING HISTORY: This property has been zoned Agricultural (A) since the adoption of the 1989 Zoning Map.

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Woodlands and Cropland – zoned LM
- SOUTH:** Residential & Cropland - zoned A
- EAST:** Residential, Woods and Croplands – zoned R
- WEST:** Vacant Commercial - zoned GB

EXISTING LAND USE: Farmland and woodlands

PROPOSED LAND USE: Commercial development for retail businesses

PUBLIC SERVICES AND UTILITIES: Moyock Volunteer Fire Department provides fire protection for this area. Electric, telephone, county water, natural gas and cable are currently available.

TRANSPORTATION: The ingress/egress for this property is on Caratoke Highway which is classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan. Currently non-gated railroad tracks must be crossed when utilizing this access.

In conjunction with the development of Shingle Landing, a gated railroad crossing will be installed.

LAND USE PLAN:

The 1990 Land Use Plan has this property designated Urban Transition and Rural. However, the maps are not clear due to a diminished scale and it is difficult to precisely determine the exact locations of these classifications on this property.

The Urban Transition class is intended "to provide for future intensive urban development on lands that are suitable and that will be provided with the necessary urban services to support the intense urban development". The Urban Transition area described in the LUP are areas that are presently being developed for urban purposes, or will be developed in the next 5 to 10 years, to accommodate the anticipated population and urban growth. These areas are in an urban "transition" going from lower intensity uses to higher intensity uses. This class is intended for mixed land uses such as residential, commercial, institutional, industrial and other uses at, or approaching, high to moderate densities.

The "Rural" classification described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately one unit per acre are appropriate."

SOILS:

Approximately half of the site is marginally favorable for septic systems while the remaining portion unfavorable for septic systems.

Due to the soils, any intensive development at this site will most likely require the use of a centralized wastewater system.

FLOOD ZONE:

The eastern third of the site is located within a 100 year floodplain with the remaining portion being outside of the 100 year floodplain.

STAFF COMMENTS:

- When the General Business (GB) zoning district was created along Caratoke Highway numerous lots ended up with split zoning. The GB zoning district along this portion of Caratoke Highway spans from the railroad right-of-way to the highway.

- The site is adjacent to GB zoned land to the west and LM zoned land to the north.
- The Land Use Plan promotes commercial nodal development instead of having it stretched out along the highway. A goal of the 1994 Highway Corridor Plan is to promote economic development along Caratoke Highway in such a manner to minimize the negative impacts to the traveling public.
- The purpose of the commercial nodes is to minimize the effects of strip commercial development. This rezoning will foster commercial nodal development along Caratoke Highway.
- Consistency with the Land Use Plan is difficult to determine due to the fact that the maps do not clearly indicate the classifications. In addition, the current Land Use Plan is dated and may not be valid. A General Business development is consistent with the Urban Transition designation, yet it is not consistent with the Rural designation.
- The property's ingress/egress is currently via a dedicated 65' right-of-way off of Caratoke Highway and requires crossing non-gated railroad tracks for access. In conjunction with the Shingle Landing development, a gated railroad crossing will be installed. This gate will help mitigate safety concerns for the future development.
- A rezoning for this portion of the property was previously requested in May 2003. That request was for 40 acres of General Business and 150 acres of Residential. The item was tabled at the Board of Commissioners level and was never voted on.
- On April 19, 2004 the BOC approved rezoning 145 acres of the site from Agricultural (A) to Residential (R). This residential portion is currently being developed as Shingle Landing, an 82 lot Conservation Subdivision.
- This rezoning would promote commercial nodal development which is supported by the 1990 Land Use Plan and the 1994 Highway Corridor Plan

STAFF

RECOMMENDATION: This site is contiguous with an existing General Business zone and is located in an area that is experiencing concentrated growth. On this basis, staff recommends approval of this rezoning.

DISCUSSION

Mr. Kovacs asked about suitability of septic systems for this development.

Mr. Old said that he feels that there will be regular septic systems, but no central sewer.

There was discussion about the railroad crossing being gated.

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

David Klebitz appeared before the board.

Mr. Webb presented the following case analysis to the board

PB 03-28 WATERSIDE VILLAGES, PHASE 1A: Preliminary/Final Plat for 4 residential lots on property located off of NC 158 (Caratoke Highway) just south of Soundside Estates (in Grandy). Tax Map 108, lot 22F, Poplar Branch Township.

ZONING DISTRICT: Agricultural

OWNER:
VOC, LLC
P.O. Box 147
Harbinger, NC 27941

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

ADJACENT/SURROUNDING PROPERTY:

- NORTH:** Residential – zoned A
- SOUTH:** Vacant – zoned A
- EAST:** Currituck Sound
- WEST:** Residential/Commercial/Vacant – zoned GB

NARRATIVE OF REQUEST:

VOC, LLC is seeking Preliminary/ Final Plat approval for Phase 1A which is 4 lots within Waterside Villages of Currituck. The total acreage of the entire development is 72.3 acres. The development is setting aside 45% of the total site area as open space. The development includes sound access with a marina, pier, nature trails, indoor/outdoor swimming pools and a clubhouse as recreational amenities.

This property is zoned Agricultural (A) with an overlay zoning for a Planned Adult Retirement community. The single family home sites are a minimum of 5,200 sf. The lots are ready for connection to a centralized wastewater treatment system and to the county’s water system. The new centralized wastewater treatment plant is operational for this development.

All of the utility lines for this phase were installed and accepted for Phase 1. No new street construction is required for this phase.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** All streets are built to NCDOT Design and Construction Standards. The streets will be private and will be maintained by the Homeowners Association.
- A deceleration lane is installed from Caratoke Highway into the project.
- WATER:** The County will provide water to this development. It is estimated that water usage for this phase to be 1,200 gallons per day.
- FIRE:** This development is served by fire hydrants and is located within the Lower Currituck Volunteer Fire Department, which currently has a State ISO rating of 9.
- WASTEWATER:** The engineer has certified the central wastewater system is complete
- SCHOOL CAPACITIES:** Based on the proposed age restrictions for residents within this development (55 and over) this development should have no impact on school capacities.
- OPEN SPACE:** A minimum 35%, or 25.3 acres, of the total tract must be set aside as open space. A total of 32.71 acres, or 45% of the site, has been dedicated open space. The Homeowners Association will be responsible for maintaining the open space.
- DRAINAGE:** A Stormwater Permit has been issued by the Division of Water Quality. The drainage plan has been approved by County Engineer and the Soil & Water Conservation District.
- FLOOD ZONES:** Flood zone X (not within the 100 year flood area),
- LAND USE**

PLAN CLASS: Rural

STAFF COMMENTS:

1. Waterside Villages received initial Sketch Plan approval for 232 adult retirement residences from the Board of Commissioners on September 15, 2003. The approved residential mix is comprised of 148 single family lots and 84 multi-family units.
2. An Amended Sketch Plan for 18 additional single family lots for a total of 250 units was approved by the Board of Commissioners on October 4, 2004.
3. Preliminary Plat approval for Phases 1 through 6, which consists of 148 single family lots and 10 multi-family units, was granted by the Board of Commissioners on October 4, 2004. The lots of Phase 1A were not included in that approval.
4. Phase 1 Final Plat, for 34 single family lots was approved by the Board of Commissioners on October 11, 2005.
5. On December 13, 2005, the Planning Board reviewed and recommended approval of the Preliminary Plat for phases 7A and 7B of Waterside Villages which consists of two multi-family buildings containing a total of 18 condo units. The Board of Commissioners will consider 7 A and 7B on January 3, 2006.
6. As of January 3, 2006, only 34 single family lots have been recorded.
7. The open space beside between lots 164 and 130 needs to be labeled.
8. Technical Review Staff:
On December 8, 2005, Technical Review Staff reviewed this application:
 - (a) Planning Department- Reviewed and the corrected plans (dated 12-15-2005) were approved.
 - (b) County Engineer - reviewed & approved
 - (c) Soil & Water Conservation - reviewed & approved
 - (d) Fire Marshal – reviewed & approved
 - (e) County Water Department - reviewed & approved
 - (f) County Mapper – reviewed & approved
 - (g) Lower Currituck VFD Fire Chief – no comments received
 - (h) NCDEHNR, Water Quality – Previously issued a Wastewater Surface Irrigation Permit and a Wastewater Collection System Extension Permit.
 - (i) NCDEHNR, Land Quality – Previously issued a Erosion and Sedimentation Control Plan; letter of approval has been issued
 - (j) NCDEHNR, Water Quality – Previously issued a High Density Stormwater Permit

- (k) NCDOT – reviewed and approved with no comments
- (l) Phone Company – reviewed with no comment
- (m) Superintendent of Schools - no comments received
- (n) N C Power - reviewed with no comment
- (o) CAMA – reviewed and delineated
- (p) USACOE – reviewed and issued Notification of Jurisdictional Determination

STAFF RECOMMENDATION:

Staff recommends **conditional approval** for Preliminary/ Final Plat subject to the following conditions and for the following reasons. Corrections to the plans are due by January 17, 2006:

1. The applicant meets the standards and requirements within the County's UDO for conditional Final Plat approval.
2. The waterline, water services and fire hydrants have been installed and accepted for this phase when the 34 lots of Phase 1 were approved. Only the connection fees need to be paid.
3. The development has been completed strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions.
4. A Final Plat shall be submitted for approval and signature by the Board of Commissioners Chairman.
5. Pavement acceptance letter has been submitted by NCDOT for Pirates Quay Lane.
6. The HOA documents address the responsible party for the stormwater drainage facilities.
7. The sewer district was formed by the Board of Commissioners at the October 17, 2005 meeting.
8. A condition of the Amended Sketch Plan is that at the time of Phase 9 approval, the wastewater treatment plant shall service the existing customers of the Walnut Island Sanitary District as per the acquisition agreement with the Walnut Island Sanitary District dated September 14, 2004 and shall have the capacity to serve the remaining phases of Waterside Villages.
9. That a Wastewater Maintenance Bond for Phase 1, shall apply to Phase 1A in the amount of **\$ 80,163** (\$534,420 x 15%). The Bond shall be held by the county and be released only when the financial maintenance responsibilities are turned over to the appropriate entity.

Conditions

1. The developer shall pay **\$12,000** (\$3,000 x 4) for water connections fees.

2. A street maintenance bond, landscaping bond and sidewalk bond for the extension of Pirates Quay Lane shall be posted prior to approval of the Final Plat by the Board of Commissioners. A contractor shall provide estimates for this work prior to submission of the Preliminary Plat to the Board of Commissioners, by January 17, 2006
3. The open space beside between lots 164 and 130 needs to be labeled; with a bearing and distance on the property lines with area size. The current configuration creates a lot with no designation.
4. That a key or access code shall be provided to Fire and Rescue personnel for the entrance gate. In addition, the gates must be designed in a way that a fire truck or emergency vehicle could trigger the automatic opening when leaving the subdivision;
5. Stormwater drainage and waterline as-built plans shall be submitted for Phase 1A by January 17, 2006. The grading plan shall be submitted with the as-builts.
6. Lots 163 and 166 need the building pad elevation shown.
7. The owner certification needs to be labeled "owner" with the name of the person signing the plat.
8. The street trees are shown in the drainage and utility easement, they need to be moved out of the easement.
9. The pin and rod designations on Lot 163 are not correct. The pin at the corner of the existing common area should be an existing rod (EIP) and the new pin should be a set iron rod.
10. The open space beside between lots 164 and 130 needs to be labeled.
11. Corrected copies of the Final Plat shall be submitted to the Planning Department for review and approval.

DISCUSSION

Mr. Klebitz stated that the developer is in agreement with all the corrections.

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

Mr. Bobby Outten appeared before the board.

Mr. Webb presented the following case analysis to the board

PB 04-29 SNOWDEN CROSSING: Final Plat for 12 single family lots on Snowden Road, at the rail road crossing, approximately 0.6 miles from its intersection with Shawboro Road. Tax Map 33, Lot 5, Crawford Township.

ZONING DISTRICT: Agricultural

OWNER:

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

APPLICANT/AGENT

Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Low Density Residential, Farmland & Woodland - zoned A

SOUTH: Farmland - zoned A

EAST: Farmland & Woodland - zoned A

WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

Three of a Kind, Inc. is seeking Final Plat approval for 12 single family lots through the major subdivision process. This subdivision is located on the west side of Snowden Road and comprises the western portion of the parent parcel. The total acreage for this development is approximately 54 acres.

This property is zoned Agricultural. In the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots. The minimum lot sizes for are 3 acres since the maximum number of 40,000 sf have already been created from the parent parcel.

The subdivision has one point of entry from Snowden Road. There is a dedicated right-of-way to the south for a future street connection. The lots are being served by individual septic systems, as approved by ARHS. Since there is no county water available for this site, the lots will use individual wells. However, future waterline improvements are guaranteed by a performance bond.

In October 2004, the Board of Commissioners granted Sketch Plan approval for a 17 lot subdivision. Due to soil unsuitability for septic systems, the Preliminary Plat approval on August 1, 2005 was only for the 12 lots that were found to be suitable for conventional on-site septic systems.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** The streets are built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.
- WATER:** County water is not available to this area at this time. Site will be served by individual wells. Future waterline improvements for the site 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 not passed final inspection and will be a condition of approval.
- WASTEWATER:** 12 of the original 17 lots have been approved for on-site septic systems.
- OPEN SPACE:** No open space is required nor provided.
- DRAINAGE:** Roadside and property line swales/ditches which tie into an existing ditch system are being used to address the drainage for the site.
- FLOOD ZONES:** The property is located outside of a 100 year floodplain.

STAFF COMMENTS:

1. The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on October 4, 2004 for 17 lots.
2. The Preliminary Plat received conditional approval on August 1, 2005.
3. Planning staff submitted
4. The following TRC members performed final inspections with the following approvals:
 1. County Engineer - reviewed & approved with the following conditions before the Final Plat is signed a recorded:
 - a. Roadside swale fronting Lot #2 should be filled to proper grade.
 - b. Roadside ditch profile to be provided in order to assist in culvert certifications.

2. Fire Marshal – reviewed & approved conditional on the Fire Pond passing final inspection before the Final Plat is signed a recorded
3. Albemarle Regional Health Services – 12 of the 17 lots were approved for conventional on-site 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.
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.

STAFF RECOMMENDATION:

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

1. The streets, street trees and drainage improvements are installed.
2. The street signs are installed.
3. An improvement bond in the amount of **\$87,540.00** for future connections was submitted December 29, 2005.
4. An Irrevocable Letter of Credit for Street/ Site Maintenance in the Amount of **\$69,300.00** was drawn on November 22, 2005.

Conditions

1. Corrected copies of the Final Plat and the As-Builts shall be submitted to the Planning Department for review and approval.
2. Roadside swale fronting Lot #2 should be filled to proper grade.
3. The required Building Pad Elevations shall be shown on each lot or a table showing the elevation of each lot to be recorded with the final plat.
4. The fire pond shall pass final inspection for location of the fire hose drop and the fire truck pull off contains a surface capable of supporting a 75,000 pound fire apparatus.
5. The Articles of Incorporation for Snowden Crossing Homeowners Association have been 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.
6. 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.

7. Text for the Fire Pond is hard to read and appears to label one of the Phase III lots. Move the note out of the shaded area and have an arrow point to the pond.
8. Remove the sight triangles at Kermit Ct.
9. As a continuing condition of Final Plat approval the development shall meet all the requirements of the Currituck Unified Development Ordinance.

DISCUSSION

Mr. Bobby Outten stated that his client is prepared to meet all the conditions set forth by staff.

Mr. Kovacs asked about the requirements for the fire pond.

Mr. Webb described the graveling that is being required by the Fire Marshal in order to hold the weight of the fire engines.

Mr. George Berryman presented emails between his attorney and the Attorney General for the record. He also stated his concerns with the development. *See attachment 1.

There was discussion on the area needed to have a repair area for septic on a three acre lot.

Mr. Outten stated that his client has met every requirement of the UDO and that if Mr. Berryman has issues, he should address them however he sees fit, but that the development should not be held up when every requirement placed by the County has been fulfilled.

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

John Delucia appeared before the board.

Mr. Webb presented the following case analysis to the board

PB 06-01 SADDLEWOOD ESTATES: Sketch Plan/Special Use Permit for a 35 lot open space subdivision on property located on the North side of Guinea Road 0.7 miles from Caratoke Highway and opposite to the intersection with Guinea Mill Road. Tax Map 22, Lots 64B, 64C, and 71B, Moyock Township.

ZONING DISTRICT: Agricultural

OWNER:

Brooks and Tina Clements
145 Spruill Lane
Moyock, NC 27958

APPLICANT/AGENT

Albemarle & Associates
PO Box 3989
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Agricultural- Zoned A
SOUTH: Agricultural and Residential- Zoned A
EAST: Agricultural- Zoned A
WEST: Agricultural and Residential- Zoned A

NARRATIVE OF REQUEST:

Brooks and Tina Clements are seeking Sketch Plan approval for a 35 lot Open Space Subdivision on 86.8 acres. The applicants propose this will be a residential, equestrian community. The property is composed of 3 existing parcels that are located on the north side of Guinea Road, adjacent to the intersection with Guinea Mill Road. The proposed development is also adjacent to the Clover Bend subdivision. The proposed entrance to the subdivision is approximately 0.7 miles East of Caratoke Highway.

The proposed area for lots is 56 acres. The lot sizes range from 0.9 Acres to 1.8 acres, with two lots over 3 acres. The minimum lot sizes are 20,000 SF. This property is zoned Agricultural. The UDO requires that subdivisions that contain between 31 and 40 lots provide 30% of the total tract area as open space. For this development, 26.04 acres of open space is required. The developer has proposed to provide 25.8 acres of open space (29.9%) in order to fulfill this requirement. Open space will be used for equestrian uses such as pasture land and bridle trails.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

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

WATER: This development will be served by county water. The applicant will install or bond for 1,500 linear feet of off-site upgrades from a 4" to a 6" water line.

FIRE: This development will be located within the jurisdiction of the Moyock Volunteer Fire Department which currently has a State ISO rating of 9. A proposed 6" water line extension will be used to serve fire hydrants

WASTEWATER: On-site septic systems are proposed. The applicant indicates these soil types are suitable for on-site septic systems. No information from Albemarle

Regional Health Services has been provided for this development. The Currituck Soil Suitability map indicates approximately 18 of the 35 lots are suitable for on-site septic systems.

SCHOOL CAPACITIES: Using national averages for school age student generation, one can expect .4243 elementary students, .084 Middle School students and .1568 High school students per dwelling unit. Based on these pupil generation figures, Currituck can expect 13 elementary students, 3 middle students, and 5 high school students from this development.

After the new 500 seat school on Shawboro Road is built, the Moyock/ Crawford elementary schools will have a 1,410 student capacity. Previously approved subdivisions indicate the elementary students will be 211 over capacity when the new school opens.

Projected School Capacities

School Level	Projected Capacity by 2007/08	Total Projected Students- Previous Sketch Plans	Saddlewood Students Added
K- 5	1,410 (Moyock/ Crawford)	1621	1,634 (224 seats deficit)
Middle	1,118	1,050	1,053 (65 seats remain)
High School	1,456	1,406	1,411 (45 seats remain)

OPEN SPACE: 25.8 acres (29.9%) of open space is provided, which is below the required 30%. 26.04 acres of net usable open space is required.

DRAINAGE: Lot line swales will be installed and the building pads will be elevated above the 10-year storm design, as required by Article 16 of the UDO. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.

FLOOD ZONES: All or parts of 22 lots are within the 100 year flood plain.

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is “to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed, single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services.

This development is consistent with the land use plan because the proposed density is one unit every 2.45 acres.

STAFF COMMENTS:

1. This plan was reviewed at the December 8, 2005 TRC meeting with the following comments received:
 - (a) County Engineer: Sketch Plan is not approved until the following revisions are made. Existing topographical information needs to be provided. The plan needs to show existing contours, grade elevations and existing ditches.
 - (b) Water Department: Approved with the following conditions: upgrade the existing line to the subdivision the required distance from a 4” line to a 6” line.
 - (c) Chief Building Inspector- Approved as is.
 - (d) Planning Comments:

Yield Plan

1. Lots 9, 11, 19, 20 do not meet the minimum lot width requirements.
2. Any existing wetlands need to be shown on the sketch plan.
3. When wetlands are identified, show what percentage of each lot would be in uplands.
4. Lots 24 and 25 exceed the 4:1 length to width ratio
5. Lots 29 and 30 do not show the 404 wetlands and the upland portion of the site (looking at the sketch plan these lots most likely do not have 50% upland)

Sketch Plan

1. Show the open space calculations, 30% plus the lot size reduction. Delete any access easements from the net usable area.
2. Show street names on the plans.
3. Show the soil types on plan.
4. Show the tentative drainage system.
5. Any on-site existing or proposed utilities need to be shown.
6. Show the approximate location of water and utility line within 50 feet of the property lines.
7. Since there are over 20 lots, the development is required to have fire protection – please show the fire pond or proposed hydrants.
8. Please provide the open space calculations.
9. Show the area for each section of the open space (gross & net)
10. Show the existing structures, septic and well.
11. Show the existing pond, ditches and woods
12. Show the zoning of the site and adjacent properties.
13. What will be the status of the easements shown that border the west of the property?

14. Add the legal references for adjacent properties, including Hunter's Run (Deed Book/Page numbers OR Subdivision Name, Lot and Plat Cabinet/Slides)
15. Show route number for Guinea Road.
16. Show the sight triangles for entrances to existing state roads.
17. Lots 1-6 and 15 – will be required to have a 5' non-access buffer along Guinea Road.
18. Lot 1 will be required to have a 5' non-access buffer along entry road.
19. Lots 34 , 35 & adjacent open space lots– add a 5' non-access buffer along the existing easements.
20. Lots 19, 20 & 31 do not meet the minimum lot width and exceed the 4:1 length to width ratio
21. Lots 11 and 9 do not meet the minimum lot width.
22. Lot 34 is required to have direct street access, the street will need to be extended.
23. Show the usable lot areas for lots 34 & 35.
24. Lots of 1 acre – please show the acreage.
25. Provide street connectivity to Jennings or Sawyer property to the north.
26. Will there be any future development to the west, if so street connectivity will need to be considered.
27. Are there any cemeteries on the property?
28. Please show the approximate Flood Zone lines.
29. The widths and length of the streets and the Right-of-way width need to be shown.
30. Submit proposed street names for approval to the GIS Coordinator.
31. Add the following information to the Notes:
 - a. Owner's Name
 - b. The acreage is not 103 – please correct
 - c. Use the new FIRM panels
 - d. Show the Minimum. Lots size
 - e. Show the area for the lots
 - f. Show the total number of lots

Development Impact Statement

1. The total acreage in the impact statement does not match the plan, which one is correct?
2. What was the basis and source of the information used for the market analysis?

2. Connectivity is not provided as required. The streets should extend to the property lines to the west (Clements property) if the Commissioners determine that a street connection is needed.
3. There is an existing access easement from Guinea Road to the existing residence.
4. The wetland delineation shown in the open space has not yet been accepted by the Army Corps of Engineers.
5. Lots 11, 20 and 21 on the Sketch plan do not meet the minimum lot width.
6. Lots 20 and 21 on the Sketch plan exceed the required 4:1 width to length ratio.
7. The applicant is allowed to have 5 lots at 40,000 SF on each parcel as it existed on April 2, 1989.
8. The Yield Plan indicates 15 lots at 40,000 SF, 5 for each existing parcel.

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?* Corrections are needed on the plan before consideration by the Board of Commissioners. The proposal does not currently comply with the provisions for Sketch Plan Approval for the following reasons:

1. The lot width and length to width ratios do not comply with the UDO. This must be corrected prior to submission to the Board of Commissioners.
2. If the Commissioners determine that the continuation of the proposed streets to another property is appropriate for this subdivision, there is no street connectivity provided to the north and west. This must be corrected prior to submission to the Board of Commissioners.
3. The open space does not meet the requirements for 30% of the total tract acreage, 26.04 is required. The net usable open space must be identified. This must be corrected prior to submission to the Board of Commissioners.
4. All of the street names are not identified. This must be corrected prior to submission to the Board of Commissioners.

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

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

Public health and safety issues including fire protection, stormwater management, 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;

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

Guinea Road is becoming a mixed use area of low density residential uses adjacent to continued agricultural use. This development will be in harmony with the area.

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

The proposal will be consistent with the CAMA Land Use Plan Rural classification 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 13 elementary students, 3 middle students, and 5 high school students from this development.

This proposal will exceed the elementary school capacity by an additional 13 students. The elementary schools in Moyock and Crawford Townships are projected to be 224 students over capacity if this subdivision is approved. Therefore, the Commissioners will need to determine if adequate school facilities exist or will exist to meet the demands generated by this subdivision.

STAFF RECOMMENDATION:

Staff recommends **conditional approval** subject to the conditions below, with corrections being submitted by January 17, 2006; and the Board of Commissioners determination that adequate school facilities exist or will exist to meet the demands generated by this subdivision.

1. The applicant shall be required to meet all requirements of the UDO including but not limited to, providing the required open space, planting trees along any newly paved streets, install fire protection, install adequate drainage facilities and roads as shown on the plan, etc.
2. The applicant will be required to upgrade or bond for improvements to the existing water line to the subdivision; the required 1,500 linear feet off-site, from a 4" line to a 6" line. The applicant will be responsible for waterline improvements within the subdivision.
3. The lot width for lots 11, 20 and 21 shall meet the minimum standard of 100 feet wide and shall be corrected prior to submission to the Board of Commissioners.
4. Lots 19 and 20 on the Sketch plan exceed the required 4:1 width to length ratio. These lots shall be corrected prior to submission to the Board of Commissioners.

5. Correct the open space calculations to show the open space will exceed 30% of the total tract area, with any access easements subtracted from the calculation.
6. Show street name of all the streets on the plans.
7. Show the soil types on plan.
8. Any on-site existing or proposed utilities need to be shown.
9. Provide a legend for any symbols used.
10. Show the zoning of the site and adjacent properties.
11. Add the legal references for all adjacent properties. (Deed Book/Page numbers OR Subdivision Name, Lot and Plat Cabinet/Slides)
12. Submit proposed street names for approval to the GIS Coordinator.
13. Existing topographical information needs to be provided. The plan needs to show approximate contours, grade elevations and existing ditches
14. A Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners.
15. That as a continuing condition of this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.
16. If the Commissioners determine that the continuation of the proposed streets to another property is appropriate for this subdivision; street connectivity shall be provided at the west by extending the right of way to those points on the exterior property lines.

DISCUSSION

There was discussion regarding lot size and the number available. The issue was the number of 40,000 square foot lots allowed on 1 property in the A zone.

Mr. Kovacs stated that there needs to be clarification from the legal department on this issue since the UDO isn't clear.

John Delucia responded to the questions raised on these issues. He also stated that staff directed him that each individual parcel would have its own five one-acre lots.

Mr. Keel asked why there was a Special Use Permit being issued.

Mr. Webb explained how the SUP gives permission to develop with a Sketch Plan.

Mr. Kovacs motioned to table the request until there is legal clarification on the combination of the lots. Mr. Keel seconded the request. Motion passed unanimously.

Mr. Webb agreed to have the County Attorney provide an interpretation of UDO section 202 as it relates to the Saddlewood Estates Yield Plan.

Brian Innes appeared before the board.

Mr. Webb presented the following case analysis to the board

PB 06-02 FREEDOM FOREST PHASE II: Sketch Plan/Special Use Permit for 5 residential lots on property located on the West side of Shortcut Road (US 158), 1.4 miles east of Airport Road and adjacent to Central Elementary School. Tax Map 60, Lot 99E, Crawford Township.

ZONING DISTRICT: Agricultural

OWNER:

Frank Mashuda
C/O Larry Gaither
378 Caratoke Hwy.
Moyock, NC 27958

APPLICANT/AGENT

Melvin E. Hopkins, Jr.
6330 N Center Dr.
Ste 141
Norfolk, VA 23502

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Elementary School and Agricultural- Zone A
SOUTH: Residential and Vacant- Zoned A
EAST: Elementary School- Zoned A
WEST: Agricultural - Zoned A

NARRATIVE OF REQUEST:

Frank Mashuda and Larry Gaither are requesting Sketch Plan/ Special Use Permit approval for a 5 lot residential subdivision. This property is located adjacent to Currituck Central School and behind the existing Freedom Forest 4 lot subdivision. On April 16, 2003 the Private Access Subdivision was created from this parcel. The 5 additional lots will create a total of 9 lots for the development.

The property is zoned Agricultural with a required lot size of 3 acres. No open space is required or provided with this plan.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS:

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

WATER:

This development will be served by county water.

FIRE: This development will be located within the Crawford Volunteer Fire Department district. A fire hydrant will be installed for the new phase.

WASTEWATER: On-site septic systems are proposed. The property contains the following soils: Altavista Sandy Loam, State Sandy Loam, Dragston Loamy fine sand and Portsmouth Sandy Loam. The Currituck Soil Suitability Map indicates lots 5-8 to have areas of suitable soil and lot 9 to have marginally suitable soils. No information was received from Albemarle Regional Health Services on this subdivision.

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, Currituck can expect 2 elementary students, 1 middle student, and 1 high school student from this development.

After the new 500 seat school on Shawboro Road is built, the Moyock/ Crawford elementary schools will have 1,410 student in capacity. Previously approved subdivisions indicate the elementary students will be 211 over capacity when the new school opens.

Projected School Capacities

School Level	Projected Capacity by 2007/08	Total Projected Students- Previous Sketch Plans	Freedom Forest Students Added
K- 5	1,410 (Moyock/ Crawford)	1, 621	1,623 (213 seats deficit)
Middle	1,118	1,050	1,051 (68 seats remain)
High School	1,456	1,406	1,407 (49 seats remain)

OPEN SPACE: None is required or provided.

DRAINAGE: Lot line swales will be installed and the building pads will be elevated above the 10-year storm design, as required by Article 16 of the UDO. Since the soils are sandy and the development will be low density, it is

not anticipated that infiltration ponds will be needed. Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office.

FLOOD ZONES: This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural with Services. The intent behind the Rural with Services class is “to provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem.” In addition “Areas meeting the intent of this class are appropriate for very low density residential uses with a gross density of approximately one unit per acre, where lot sizes are large and where the provision of services will not disrupt the primary rural character of the landscape.” This development is consistent with the Land Use Plan.

STAFF COMMENTS:

9. This plan was reviewed at the December 8, 2005 TRC meeting and received conditional approval.
10. The plan revision dated 12-15-05 appears to address all of the UDO requirements except street connectivity.
11. Connectivity is not addressed in this subdivision. Staff requested the applicant show connectivity to the Hunt Property to the east, but this was not addressed.
12. The applicant would lose a lot if a 45 foot right-of-way was provided to the Hunt Property.
13. The wetland delineation shown has not yet been accepted by the Army Corps of Engineers.

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

- (a) *Will not endanger the public health or safety.*
Public health and safety issues including fire protection, stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;
- (c) *Will not injure the value of adjoining or abutting property.*
The proposed residential subdivision should have no negative impact on adjoining property;
- (d) *Will be in harmony with the area in which it is located.*
This development will be in harmony with the surrounding area.
- (e) *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 Rural with services classification 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 2 elementary students, 1 middle student, and 1 high school student from this development.

This proposal will exceed the elementary school capacity by an additional 2 students. The elementary schools in Moyock and Crawford Townships are projected to be 213 students over capacity if this subdivision is approved. Therefore, the Commissioners will need to determine if adequate school facilities exist or will exist to meet the demands generated by this subdivision.

STAFF RECOMMENDATION:

Staff recommends **conditional approval** subject to the conditions below and the Board of Commissioners determination that adequate school facilities exist or will exist to meet the demands

generated by this subdivision. Corrections shall be submitted by January 17, 2006.

1. That applicant shall be required to meet all requirements of the UDO including but not limited to installing fire hydrants and roads as shown on the plan.
2. The proposed pavement improvements need to be shown through phase 1.
3. Flood information lacks the map date.
4. Adjacent property owner Simons needs to be corrected to "Jones Trustee."
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.
6. If the Commissioners determine that the continuation of Patriot's Way to another property is appropriate for this subdivision, connectivity shall be provided by extending a right of way to the northeast property line.

DISCUSSION

There was no discussion on this item.

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

Richard Lee appeared before the board.
Mr. Webb presented the following case analysis to the board

PB 04-47 BLACKWATER USA: Special Use Permit for Security Training Operations and Services Facility on property located at the South end of Puddin Ridge Road, adjacent to Camden County border, Tax Map 11, Lot 4A, Tax Map 12, Lot 1, Tax Map 17, Lot 1A, Moyock Township.

ZONING DISTRICT: Agricultural (A)

TAX ID: 0011-000-004A-0000 0012-000-0001-0000
0017-000-001A-0000

OWNER:

E&J Holdings, LLC
PO Box 1029
Moyock, NC 27958

APPLICANT

Arcadis G&M of NC, Inc.
801 Corporate Center Dr.
Suite 300
Raleigh, NC 27607

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential and Agricultural- Zoned A

SOUTH: Vacant- Zoned A

EAST: Agricultural- Zoned A

WEST: Vacant and Agricultural- Zoned A

NARRATIVE:

- E& J Holdings is requesting a Special Use Permit for the Blackwater Training Facility in Currituck County that will include firing ranges, classrooms and a bunkhouse.
- The three parcels for the site are located on the south end of Puddin Ridge Road in the Moyock Township, on the border with Camden County. The three parcels total 3,212 acres in area.
- This property is zoned Agricultural and the Table of Permissible uses allows Security Training Operations and Services Facility (use 39.000) in this zoning district with a Special Use Permit.
- The Board of Commissioners amended the UDO on May 3, 2004 to allow this use under specific conditions.
- Blackwater has an existing training facility in Camden County.
- The firing range will be used for small arms training. The armory and explosives storage are in an existing facility in Camden County.
- Twenty-nine stalls for firing are proposed that will be backed by an earthen berm. The downrange safety area does not face any exterior property line and is contained on a 2,423 acre parcel.
- The proposed plans also include 14 modular classrooms at 2,400 SF each and a 4, 000 SF bunk house.
- There currently is no access to a state maintained road or a recorded easement to these properties. Legal access is required before building permits can be issued.
- Article 14, Conditional and Special Uses requires 29 specific standards for this use and are found below under **Additional Ordinance Requirements.**
- The firing ranges are required to be 900 feet from any property line and on land that is predominately undeveloped.
- The firing ranges will be over 1,900 feet from the nearest property not owned by E&J Holdings.
- This plan was reviewed at the December 8, 2005 Technical Review Committee Meeting.

- The plan received conditional TRC approval with the recommended conditions included in the staff comments.

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:

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

- The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

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

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

Suggested Findings:

- The firing ranges will be over 1,900 feet from the nearest property not owned by E&J Holdings.
- The use will meet all of the safety requirements found in Article 14.

- 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 an Security Training Operations and Services Facility (use classification 39.000) is a permitted land use with a Special use permit in an A (Agricultural) zoning district.
2. The existing land uses will be buffered by existing vegetation and drainage canals.

(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 facility cannot conduct firing range activities between the hours of 10 p.m. to 7 a.m. EST daily.
2. There are no residential uses within 2000 feet of the facility.

(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 "Conservation". According to the 1990 Land Use Plan, "The purpose of the conservation class is to provide for the effective long-term management and protection of significant, limited or irreplaceable areas."
2. This low density development will not significantly impact any wetlands on the site.
3. The proposed use conforms to the approved County Plans.

(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. The proposed commercial use will not exceed the county's ability to provide adequate public facilities.

Additional Ordinance Requirements:

(These are the specific conditions listed in Article 14 of the UDO and will be incorporated into the final order.)

23. A Security Training Operations and Services Facility is permitted in the "A" District only. A minimum lot size for this use shall be three thousand five hundred (3500) contiguous acres. All areas within the proposed Security Training Operations and Services Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking & accessory areas, parachute landing zone, driver training area, etc. shall be under uniform control or ownership. The Security Training Operations and Services Facility shall also be subject to the following requirements: **(Amended 5/3/04)**

Firearms and Explosive Training

- (a) The design criteria for all firearms ranges cited in the Military Handbook – Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B), as amended or superseded or the National Rifle Association range Manual, as amended or superseded shall be met;
- (b) The proposed firearms ranges shall be reviewed by and comments received from the Currituck County Sheriff's Department;
- (c) No firing or explosive training activities shall occur between the hours of 10 p.m. to 7 a.m. EST daily;
- (d) The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least nine hundred (900) feet from any property line regardless of the direction of fire unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable;
- (e) The maximum downrange safety area for each range and shooting area shall be essentially fan-shaped, with its vertex being 100 yards each side of the end firing point and extending 4800 meters in length 100 degrees from the firing line, plus an additional 100 meters running parallel to the 100 degree line. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner;
- (f) Weapon types will be restricted to pistol, rifle and shotgun, or similar. No automatic assault type weapon shall be used by the general public but will be allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the National Rifle Association Range Manual subject to the physical constraints of the property;
- (g) Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these type of explosives;
- (h) Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. permitted for use by law enforcement, military or federal agency groups only;
- (i) All actual firing activities will be directed toward either moving or stationary targets only;
- (j) Any overnight or temporary storage of weapons, ammunition and explosives shall meet the Department of Defense storage and stand-off safety standards;

- (k) In no case shall any explosive material be stored, either inside or outside a "magazine," closer than one thousand twelve hundred fifty (1250) feet to a property line or dwelling unit and three hundred (300) feet to any roadway;
- (l) The maximum amount of explosives on-site at any one time shall not exceed one hundred (100) pounds stored and ten (10) pounds utilized during any one evolution;
- (m) A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the County annually at the special use renewal hearing;
- (n) The County Fire Marshall shall be authorized by the applicant to inspect the site and shall not be required to give advance notice of his inspection date for the purpose of determining compliance with all required permits and regulations including but not limited to: Alcohol, Tobacco and Firearms (AT&F) permits, National Fire Protection Association standards, Volume 5 of the NC State Building code (Fire Prevention Code), and local ordinances. The facility shall be inspected annually for the first three (3) years and thereafter a minimum of once every five (5) years;
- (o) The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT&F) to conduct such operations in compliance with its permits;

Driver Training and Vehicle Maintenance

- (p) The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least one hundred fifty (150) feet from any property line unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable;
- (q) Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited
- (r) Stockpiling of tires and vehicles is prohibited;
- (s) No driver training is permitted on any public road and all driver training may only be conducted in clearly marked designated driving areas;

Rotary and Fixed-Wing Aircraft Operations and Parachute Operations

- (t) Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and any and all other applicable FAA regulations or any other applicable State or local ordinance that governs the use and operation of rotary and fixed wing aircraft.
- (u) Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations or any other applicable State or local ordinance that governs parachute operations, including any and all federal, state or local rules and regulations related to a parachute landing zone, if any;

Dining Facility and Lodging

- (v) Construction of dormitory type structures to house not more than one hundred twenty (120) persons at any one time shall be permitted to provide overnight accommodations to those people training at the Security Training Operations and Services Facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure;
- (w) All state, county and relevant agency permits, approvals and licenses must be obtained in connection with the operation of a dining facility;
- (x) Sleeping and dining accommodations to persons not utilizing or otherwise associated with the Security Training Operations and Services Facility shall not be permitted;

Miscellaneous

- (y) The site or area used as a Security Training Operations and Services Facility shall be enclosed by a six (6) foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, ditches, etc.) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along access points;
- (z) The special use permit is non-transferable and will be reviewed annually for the first three years after approval and then every five years thereafter.
- (aa) The special use permit does not waive any requirement for compliance with any applicable federal, state and local rules, regulations, permits and other required licenses and permits to conduct any of the aforementioned operations or to construct any building or improvement;
- (bb) The operators of a Security Training Operations and Services Facility must provide proof of coverage by adequate accident and liability insurance companies. A minimum coverage of \$2,000,000 shall be established; and
- (cc) That any activity not specifically mentioned within the foregoing shall be prohibited.

STAFF RECOMMENDATION

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

1. All conditions of UDO Section 1402(23) shall become a part of this permit.
2. A zoning permit shall be issued by the Department of Planning before the use begins.
3. All required state, county and federal permits shall be secured before the use begins.
4. All comments and conditions of the Technical Review Committee shall become a part of this permit, including, but not limited to:
 1. Fire Services:

- a. There must be street names and structural addresses in order to expedite the delivery of emergency services. Any hard wired communications from these structures should indicate this addressing when calling the Currituck County 911 Center.
 - b. There must be either fire hydrants within 400' of all parts of all structures or an engineered fire suppression pond capable of delivering 1000gpm over 2 hours throughout a 50 year drought period located with 2500' of all structures. These measurements are as hose would fall from the back of fire apparatus not "as the crow flies".
 - c. If the option of the fire suppression pond is chosen it must be easily accessible to emergency apparatus in all weather driving conditions. The water within it must be accessible using the least amount of manpower and equipment during both emergency use and maintenance.
2. County Engineer
 - a. Please provide an Engineering Storm Water Management Plan Report to include: substantiating calculations demonstrating difference between pre-development of 10 yr.-hr design storm event vs. post-development of 10 yr.-2 hr. design storm event; explanation of aforementioned in narrative form.
 - b. Please provide overflow discharge device for proposed storm water management system. Show corresponding detail.
 3. There needs to be a determination if the wetlands shown are jurisdictional. Delineate all jurisdictional 404 wetlands (if any)
 4. Show the tax id's for the subject property.
 - a. Use the current tax ID's for the adjacent properties
 5. Need culverts where the roads cross over the existing field ditches
 - b. Show where ditches are to be filled
 6. Sheet C-1.06 –
 - c. Where the 48" RCP culverts cross the road, please show the top of bank of the existing ditch and the centerline of the ditch in these areas.
 - d. Is there an existing easement running along the major ditch? Where the culvert crosses the road, is there a ditch or power line?
 7. Sheet C-1.05 – Show the centerline of the major ditch at bottom of page.
 8. Please show cross sections of the swales and ponds proposed.
 9. Dumpster area to be screened so that no one off site can see it. Existing vegetation might work.
 10. Show a typical cross section of the earthen berms.
 11. Show the lighting for the site and buildings.
 12. Indicate the occupancy of the bunkhouse, it cannot exceed 120 persons.

13. As currently shown- for the shading calculation, there would be half credit for the trees (354 sf) since only half of the crown area is used for shading.
 - a. Using the 354SF calculation equates to approximately 161 trees needed for the parking and drive aisles.
 - b. If the trees are moved into the interior of the parking lot, there would be fewer trees required.
14. An access easement will be needed from Puddin Ridge Road since there are different properties. Another option is to recombine the properties into one parcel that accesses a state maintained road.
15. Staff will accept the 18 spaces per classroom building as proposed but the occupancy of the bunkhouse will determine any additional parking needed for that building.
16. A 24' drive aisle is needed behind areas where there is parking. A 20' wide aisle will be acceptable where there is no parking.
17. Show the number of parking spaces on the plan (ie: number the first space 1, last space 18, next section number first space 19 last space 36 and so on OR just call out the number of spaces in each group)
18. With the current number of spaces, the site will be required to have 7 handicap spaces, one of which has to be van accessible.
19. Staff recommends at least one handicap space per building.
20. Handicap spaces need to be on concrete with a hard surface access to the buildings
21. Staff suggests adding sidewalks up to the classrooms. The buildings will need to meet building codes for handicap accessibility.
22. Need to delineate the gravel parking areas with landscape timbers or other material
23. Show dimensions of the emergency vehicle turnarounds.
24. Show a table on the site plan identifying the Currituck County Parcel ID with the parcel size. The total parcel sizes are 3,212 acres according to the tax map.
25. Add the stormwater certification statement found in Article 12 of the UDO to the site plan.
26. Identify limits of land disturbance and provide a calculation of disturbed area.
27. Please indicate actual size of the pond, slopes and depth.
28. Please furnish applications or permits for North Carolina Stormwater and Sedimentation and Erosion Control.

DISCUSSION

Mr. Richard Lee of Arcadis, presented a map showing easement with Puddin Ridge Rd.

Mr. Keel asked about automatic weapons.

Mr. Webb read the ordinance stating who can use an automatic weapon in Currituck County.

Mr. Midgette asked if the conditions set forth by staff were agreeable.

Mr. Lee stated that there would be discussions with staff on a few items they'd like to negotiate.

Ms. Turner asked about the security plan around the firing range.

Mr. Lee said that there are 576 acres that include another tract and there are actual canals that surround the area.

Mr. Jon Snowden, Currituck Independent, stated that noise from Blackwater can be heard in Maple and stated his disappointment that the board didn't ask questions about noise.

Mr. Kovacs stated that he lives in Quail Run, can hear the noise and is not offended by it because he is supportive of what Blackwater does.

Ms. Turner said that this activity is within the acceptable levels of the noise ordinance.

Mr. Wayne Leary, EC Director, stated the EC board's support for Blackwater.

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

OLD BUSINESS

There was a discussion on presentations for the members whose terms expired. It was decided upon that the Board of Commissioners would present the plaques to those individuals.

ADJOURNMENT

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

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board