

CURRITUCK COUNTY PLANNING BOARD

July 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 May 9, 2006. The following members were present: Forrest Midgette, Chairman, Alvin Keel, Joe Kovacs, Arthur Winter, Bobby Bell, Manly West, Pat Riley and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present. Absent: William Etheridge

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 JULY 11, 2006 AGENDA

Mr. Kovacs motioned to approve the July 11, 2006 with item 3 removed. Mr. Bell seconded the motion. Motion passed unanimously.

APPROVAL OF JUNE 13, 2006 MINUTES

Mr. West motioned to approve the June 13, 2006 minutes. Mr. Keel seconded the motion. Motion passed unanimously. Mr. West commented that the public perception given by the article in the Daily Advance appears to be that the Planning Board approved the Height Amendment (PB 06-20) while all of the Fire Chiefs opposed it. It should be noted that the Fire Marshal did indicate to the Planning Board that all of the Fire Chiefs were presented with the amendment and only one objected to it.

**Currituck County
Planning Board Agenda
Historic Currituck County Courthouse
July 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 Minutes

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

- Item 3 **PB 94-49 THE CURRITUCK CLUB PUD PHASE 14 (HISTORIC SHOOTING CLUB):** Preliminary Plat for 27 residential lots on property located on the West side of Hunt Club Dr. adjacent to the Currituck Sound at the south end of the Currituck Club. Tax map 127, Parcel 1U, Poplar Branch 0 Outer Banks Township.
- Item 4 **PB 94-49 THE CURRITUCK CLUB PHASE 11, Shoppes at the Currituck Club,** Preliminary Plat/Site Plan for one commercial lot on property located at the intersection of

Currituck Club Dr. and NC 12. Tax Map 126, Parcel 3D, Poplar Branch – Outer Banks Township.

Item 5 **PB 03-46 OWENS BEACH ESTATES PHASE II:** Sketch Plan for 7 single family lots on property located in Harbinger, approximately 400 feet north of the intersection with Owens Beach Rd. and Owens Beach Rd. Extended. Tax Map 125, Parcel 35D, Poplar Branch Township.

Item 6 **PB 97-27 SWAN ACRES:** Sketch Plan for 8 single family lots on property located on the West side of NC 615 (Marsh Causeway) approximately .8 mile south of the NC/VA State Line. Tax Map 56, Parcel 6, Fruitville-Knotts Island Township.

Item 7 **PB 06-30 CURRITUCK COUNTY:** Amendment to UDO Article 6 to clarify the exemption for discharge from reverse osmosis water systems performed by any unit of government.

Item 8 Old Business

Item 9 Adjournment

Mr. Bernard Mancuso and Mr. Ken Sisk appeared before the board.

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

PB 94-49 THE CURRITUCK CLUB PHASE 11, Shoppes at the Currituck Club, Preliminary Plat/Site Plan for one commercial lot on property located at the intersection of Currituck Club Dr. and NC 12. Tax Map 126, Parcel 3D, Poplar Branch – Outer Banks Township.

ZONING DISTRICT: LBH/PUD

PRESENT USE: Vacant

OWNERS: Stephen D. Cuyler
185 Fox Chase Road
Chester, NJ 07930

APPLICANT: Bernard Mancuso, Jr.
Mancuso Development, Inc.
501 Old Stoney Road, Suite B
Corolla, NC 27927

ENGINEER: The Vision Group, Kenneth Sisk, P.E.
2337 Mt. Pleasant Road
Chesapeake, VA 23322

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

	Land Use	Zoning
NORTH:	Commercial	LBH/PUD
SOUTH	Currituck Club Golf Course	RO1/ PUD
EAST:	NC 12 and Ocean Sands	RO1/ PUD
WEST:	Currituck Club Clubhouse and Golf Course	RO1/ PUD

- SCHOOL DISTRICT:** Poplar Branch (Griggs)
- FIRE DISTRICT:** Corolla V.F.D.
- SIZE OF SITE:** Phase 11 = 6.89 Acres
Commercial Tract = 1.09 Acres
Currituck Club total size = 587.74 Acres
- NUMBER OF LOTS:** 1
- DENSITY:** .91 unit / acre
- MINIMUM LOT SIZE:** 47,615 square feet
- STREETS:** The tract is accessed by Currituck Clubhouse Drive, an existing street built to NCDOT Design and Construction standards. The street is private and maintained by the Property Owners Association.
- WATER:** The site will be served by Currituck Club Water Company. The projected water demand is 2,180 gpd.
- WASTEWATER:** Sewer will be collected, treated, and disposed of by Pine Island / Currituck, LLC. The projected sewage flow is 2,180 gpd.
- OPEN SPACE:** No open space is required for the commercial development. The Currituck Club golf course (266.18 acres) exceeds the required 35% (205 acres) open space for the entire PUD.
- DRAINAGE:** The preliminary drainage plan indicates the storm water runoff from the proposed project will be directed, through surface flow, to the proposed on-site infiltration basin.
- FLOOD ZONES:** The property is in flood zone AE (BFE 10 feet).
- LAND USE PLAN CLASSIFICATION:** The 1990 Land Use Plan classifies this property as Limited Transition. Planned Unit Developments are appropriate in the transitional land use class designation in the 1990 Land Use Plan.

NARRATIVE OF REQUEST:
The applicant is seeking Planning Board approval of the preliminary plat/site plan of the Shoppes at the Currituck Club, a one-lot commercial development.

The proposed two-story structure (13,112 sf) will consist of 11,500 sf of retail area and a 20 seat/3 employee restaurant.

HISTORY OF DEVELOPMENT:

1. Applicant received original Sketch Plan/Special Use Permit approval on February 20, 1995.
2. On July 17, 1995, applicant received Amended Sketch Plan approval for the creation of 430 lots for single-family dwellings, 70 patio homes, 104 golf villas, 4 Club Cottages, 20 Center Court home sites, a 100 room hotel with restaurant, an 18-hole golf course with clubhouse, 2 commercial areas containing a total of 22.7 acres, and a parcel to be donated to the county (located at the north end).
3. On June 1, 1998 applicant received Amended Sketch Plan approval which:
 - a. Revised the Governmental site area located at the north property line (increased acreage from 8.1 acres to 12.1 acres);
 - b. Revised "404" wetland delineation which allowed for more efficient layout of lots within Phases 5 and 6;
 - c. Increased the total density from 628 units to 636 units (increase of 8 units); and,
 - d. Reduced the total length of streets to be paved and the number of cul-de-sacs previously approved.
4. On October 4, 1999 applicant received Amended Sketch Plan approval to increase the number of ingress/egress points along NC 12 from two to three.
5. On August 21, 2001 applicant received Amended Sketch Plan approval from the BOC to allow:
 - a. Phase 5 to increase by 35 units. Total proposed density within the development increased from 636 units to 673 units (1.13 units/acre to 1.21 units/acre);
 - b. Increase commercial lots from the existing 5 lots to 6 lots with lot #1 being further subdivided into 4 condominium lots. Total commercial lots within the Ocean Club Centre after the approval was 10 lots.
6. On December 3, 2001, Amended Sketch Plan approval was granted for the following changes:
 - a. The deletion of 7 single family lots within Phase 6 (density decrease from 51 to 44 lots);
 - b. The deletion of single-family lot #411;
 - c. Transferred decreased density units (8 in total) to Centre Court Home site (increased total number of sites from 20 to 28);
 - d. Commercial area was established at 4% or 23 acres, (7% allowed) and the overall density was set at 1.20 units/acre (3.0 units/acre allowed).
7. On March 8, 2004, Amended Sketch Plan approval to depict a two lot subdivision and a site specific layout of the proposed Currituck Club Retail Center for Phases 9 & 10. Phase 10 was previously designated to have 28 center court homes and was amended to a commercial designation.
8. An Amended Sketch Plan was approved on May 16, 2005 for the following changes:
 - a. In Phase 8A, 30 patio homes on individual lots replaced 45 stacked condo units in Windswept Ridge.
 - b. In Phase 11, the 28 Inn Site patio homes and a one acre retail site replaced the previously approved four Club Cottages, hotel, restaurant, and retail site within Phase 12.
 - c. The 17.82 acre Historic Currituck Shooting Club site was added to the PUD. This site was approved for 27 single family lots and became Phase 14.
 - d. Existing wells located at the Historic Currituck Shooting Club were approved to be relocated to the Currituck Club Golf Course.

9. In August 2005, an Amended Sketch Plan was administratively approved which reduced the number of units in Phase 8A from 30 patio homes to 16 single family lots. The change made density for the PUD 2.61 units/acre, less than the allowed 3.0 units/acre.
10. On May 2, 2006, an Amended Sketch Plan was administratively approved which reduced the number of patio homes in Phase 11 (Cottages) from 28 to 23 units. The change made the density for the PUD 2.51 units/acre, less than the allowed 3.0 units/acre.

TRC REVIEW

A Technical Review Meeting was held on May 17, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was reviewed with no comment. The existing roads are private.
2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The site plan was approved with an additional 15% coverage allowance since Currituck Club development is served by an approved and functional storm water management plan as approved by the county engineer.
3. **CURRITUCK COUNTY WATER DEPARTMENT (SOBWS):** The plan was approved. This project will be served by Currituck Club Water Company.
4. **CURRITUCK COUNTY FIRE SERVICES:** The site plan is approved with the following corrections:
 - a. A fire connection shall be indicated on the plan.
 - b. The parking spaces and loading zone shall maintain a 15' setback from the fire hydrant and/or fire department connection.
5. **CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was reviewed with no comment.
6. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was reviewed with the comment that the area for this phase is not within a CAMA Area of Environmental Concern.
7. **N.C. DIVISION OF WATER QUALITY:**
 - A) Permitted the extension of wastewater collection system lines on July 1, 2005. Enviro Tech confirmed capacity is available at the Pine Island/ Currituck LLC wastewater treatment plant under permit number WQ0018170 Modification (7/1/05) for 13,400 GPD. The proposed development does not exceed the allocation for the Inn Site Cottages permit modification of 13,400 GPD. The proposed development allocations are as follows:
 - 23 units up to 11,040 gpd of wastewater service.
 - 11,500sf retail demand = 1380 gpd
 - 20 seat restaurant demand = 800 gpd

B) The site development plan as proposed does not exceed one acre of land disturbance.

- 8. NC DIVISION OF ENVIRONMENTAL HEALTH, PUBLIC WATER SUPPLY:** Authorized the construction of water lines on April 19, 2006. Carolina Water Service, Inc. of NC will provide water service to the Shoppes, and sufficient water capacity is available for an estimated seven shops and one 20-seat restaurant.

The revised plans submitted on June 23, 2006 satisfactorily addressed the TRC comments from the May 17, 2006 meeting.

PLANNING STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting Preliminary Plat/Site Plan approval within a PUD, staff recommends **conditional approval** of the application subject to the following conditions:

Code Requirements:

1. A type C bufferyard is required along all street rights-of-way, and must be reflected on a revised landscape plan. (Section 506)
2. The handicap parking aisles shall be unobstructed and compliant with the state accessibility code. (Section 413)
3. The concrete dumpster pad shall be screened from street rights-of-way and adjacent properties. (Section 615)
4. The property ownership shall be corrected. (Section 1203)
5. The flood zone data shall be corrected to indicate flood zone AE BFE 10 feet. (Section 1604)

Recommendations:

1. The privately owned sewer line extension to the proposed development will cross private property. Staff encourages the developer to:
 - a. install the waste water line along the street right-of-way and not below the parking lot pavement; **OR**,
 - b. the applicant and the owner of the adjacent property should record a utility easement with the Currituck County Register of Deeds prior to installation.

DISCUSSION

Mr. Kovacs asked if there would be a concrete pad for the dumpster.

Mr. Sisk said yes.

Mr. Kovacs asked about the sign.

Mr. Mancuso said that it is an existing sign, any additional signage would require a permit.

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

Mark Bissell and Donnie Wood appeared before the board.

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

PB 03-46 OWENS BEACH ESTATES PHASE II: Sketch Plan for 7 single family lots on property located in Harbinger, approximately 400 feet north of the intersection with Owens Beach Rd. and Owens Beach Rd. Extended. Tax Map 125, Parcel 35D, Poplar Branch Township.

LAND USE PLAN DESIGNATION:

The property being proposed for development is located in the "Rural" classification area in the county's 1990 Land Use Plan. The "Rural" area described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre are appropriate." The proposed development complies with the Rural classification.

PRESENT USE: Residential

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential	Zoned R
SOUTH:	Residential	Zoned R
EAST:	Residential, vacant	Zoned R
WEST:	Residential	Zoned R

SCHOOL DISTRICT: Poplar Branch (Griggs)

FIRE DISTRICT: Lower Currituck V.F.D.

SIZE OF SITE: 9.97 acres

NUMBER OF LOTS: 7

DENSITY: 0.7 unit/ acre

MINIMUM LOT SIZE: 40,000 square feet

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

WATER: This development will be served by county water.

FIRE: This development is located within the jurisdiction of the Lower Currituck Volunteer Fire Department. Fire hydrants or fire ponds are not required for developments less than 20 lots.

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

SOILS: The Currituck County Soils Map indicates the property contains suitable soils for on-site septic systems.

OPEN SPACE: No open space is required or provided.

DRAINAGE: The applicant is proposing roadside and property line swales to drain into the Owens Beach Road ditch system.

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, from this development Currituck can expect:

2 elementary school students; 1 middle school student; and 1 high school student.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if Owens Beach Estates PH II is approved
K- 5	865 (Poplar Branch)	701	162
Middle	1,142	1064	77
High	1,456	1409	46

NARRATIVE OF REQUEST:

North Beach Development is seeking Sketch Plan/Special Use Permit approval for 7 single family lots off of Owens Beach Road. Owens Beach Estates Phase I received Sketch Plan approval for 10 lots on December 1, 2003. The Planning Board approved the Final Plat for Owens Beach Estates Phase I on September 13, 2005. Owens Beach Estates Phase II is a 9.97 acre tract adjoining the existing 10-lot Owens Beach Estates subdivision. The owner will retain a 2.5 acre lot that contains an existing residence. The surrounding area includes the newer neighborhoods of Cypress Point to the north and Albemarle Estates to the south, along with the

mature homes on Owens Beach Road Extension located directly on the Albemarle Sound.

The existing Rose Owens drive from Phase I will be extended to connect to Owens Beach Road, providing access for 6 lots. Lot 7 will have an access to Owens Beach Road Extended. The existing residence on the "residual" parcel will continue to access Owens Beach Road.

The UDO does not require subdivisions of 20 lots or less to provide open space and no open space has been provided. Lots within this development are proposed to range from 40,000 square feet to 110,836 square feet (2.54 acres).

The Development Impact Statement dated May 26, 2006 states:

- The developer anticipates selling individual lots to buyers or builders.
- Six of the seven lot values are expected to approximate \$135,000 each, with the lot fronting Owens Beach Road Extension having a value of \$215,000.
- At build-out, the total estimated valuation will be \$3.5 million, with home and land packages estimated to cost \$500,000 to \$575,000 each.
- The total estimated annual tax revenue is \$11,893.

WAIVER REQUEST:

The owner is requesting the water impact fee be waved for lot 8 which contains an existing residence. The residence is currently served by a private well and the owner does not wish to connect to county water.

TECHNICAL REVIEW STAFF:

On June 21, 2006, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved with the following comment: Please identify existing ditches throughout site.
2. **Currituck Soil & Water Conservation** - Approved with the following comment: Please identify existing ditches throughout site.
3. **Currituck County Fire Services**– Approved with no comment.
4. **Currituck County Water Department**- I'm unable to commit to any new water services until peak demand data is collected and availability of supply is determined.
5. **Currituck County Planning and Inspections, Inspections Section**- Approved as is.
6. **Albemarle Regional Health Services** – No comments received.
7. **Currituck County GIS** - Approved with no comment (Rose Owens Drive is an existing street)
8. **County Parks & Recreation Department** - No comments received.
9. **Currituck County Emergency Management** – No comments received.
10. **NC Department of Transportation**: Approved with the following comment: At Preliminary Plat provide drainage plans and apply for a driveway permit.
11. **US Army Corps of Engineers**: No comments received.

12. NC Department of Natural Resources, Division of Coastal Management
– Approved with the following comment: Wetlands are not indicated on the sketch plan, however if wetlands are located on the site, DCM jurisdiction may apply.

13. NC Department of Natural Resources, Division of Water Quality–No comments received.

14. NC Department of Natural Resources, Division of Land Resources – No comments received.

15. Currituck County Superintendent of Schools- Reviewed with no comments.

16. N C Dominion Power - No comments received.

17. Sprint Telephone – Approved as is.

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.

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. The adjoining uses are low density, dispersed single family dwellings.

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

The proposed subdivision will consist of residential properties that would be in harmony with the surrounding area.

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

The proposal will be consistent with the CAMA Land Use Plan 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.*

The Commissioners will need to determine if adequate public facilities, including schools and county water, exist or will exist to meet the demands generated by this subdivision.

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 a finding that adequate public facilities exist and the following conditions:

Code Requirements:

1. 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.
2. The Preliminary Plat shall indicate the exact locations of existing structures and improvements.
3. A 5' non-access easement shall be indicated on the Final Plat for lots 2 and 6 along Owens Beach Road.
4. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.

This staff 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. Bissell said that the purpose for the request for the waiver was to preserve a lot for Mr. Owens' home place.

Mr. Kovacs asked about access to lot 8 from Owens Beach Road rather than the proposed subdivision street.

Mr. Bissell said that lot is Mr. Owens' residence and he doesn't want to change it.

Mr. West said that according to his maps it looked as if a lot within lot 8 that said Staples property.

Mr. Bissell said that isn't included in the subdivision.

Mr. Lyn, S. Spot Rd., said that he opposes the interconnecting road, not the subdivision. He said that the road is unsafe and will go through the woods and described how the intersection would be constructed.

Judy Houska, 163 Owens Beach Rd., stated her opposition to the proposed road connecting to the existing Rose Owens Drive.

Joe Houska, 163 Owens Beach Rd., spoke in opposition to the proposed road connecting to the existing Rose Owens Drive.

Terry Lyn, 205 Owens Beach Rd., spoke in opposition to the proposed road connecting to the existing Rose Owens Drive and described a recent drive on this road and said that it is quicker for the residents of Cypress Point to use this road.

Ruth McMahan, area resident, spoke about the drag racing that occurs in this area.

Wilson Staples, area resident, spoke in opposition to the road interconnectivity.

Mr. West asked if a cul de sac could be installed between lots 1, 8, 4, 3. He also explained the reason for interconnectivity.

Mr. Bissell said that this plan met the objectives of the UDO. The plans could be redrawn to include a cul de sac.

Ms. Keifer said that with respect to safety, connectivity gives access to emergency vehicles and gives drivers a secondary road network to keep cars off the highway. She also said that

the Board could make a recommendation to waive the connectivity requirement to the Commissioners if they'd like to, but staff does not support such a recommendation.

Bill McCarty, area resident, said that connectivity is already there.

Ms. Keifer restated that this is required by the ordinance and supported by the Land Use Plan. The board has the right to make a different recommendation.

Mr. McCarty said that there is still connectivity without this proposed road.

Ms. Keifer said that this is the Planning Board's decision.

Mr. Lyn said that the Commissioners stated that there would be no connection between Albemarle Estates to Owens Beach Rd. Since that time there have been more lots approved for the area.

Mr. Terry Lyn restated concern with trees in the line of sight for a driver.

Owens Turner, 151 Owens Beach Rd. Ext., stated that he is in opposition to the proposed road connection.

Ms. Turner, stated that she is a resident of this area and supports the connection. She thinks that another road may give people another option for access and may actually lessen the traffic problem.

Ms. Turner motioned to approve the request as presented with the requested waiver from a water impact fee for lot 8. Mr. Kovacs seconded the motion. Motion passed 6-2 with Mr. West and Mr. Bell voting no.

Mr. Mitchell Halloran, Coastal Engineering, appeared before the board.

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

PB 97-27 SWAN ACRES: Sketch Plan for 8 single family lots on property located on the West side of NC 615 (Marsh Causeway) approximately .8 mile south of the NC/VA State Line. Tax Map 56, Parcel 6, Fruitville-Knotts Island Township.

ZONING DISTRICT: Agricultural (A)

OWNER:

Allan W. Brock
1762 Princess Anne Road
Virginia Beach, VA 23456

APPLICANT/AGENT

Coastal Engineering & Surveying, Inc.
 PO Box 1129
 Kitty Hawk, NC 27949

**LAND USE PLAN
 DESIGNATION:**

The property being proposed for development is located in the "Rural" classification area in the county's 1990 Land Use Plan. The "Rural" area described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre are appropriate." The proposed development complies with the Rural classification.

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential, Vacant wetlands	Zoned A
SOUTH:	Agricultural, Vacant wetlands	Zoned A
EAST:	Agricultural, Residential	Zoned A
WEST:	Currituck Sound	NA

SCHOOL DISTRICT: Knotts Island
FIRE DISTRICT: Knotts Island, V.F.D.

SIZE OF SITE: 37.09 Acres

NUMBER OF LOTS: 8

DENSITY: 0.2 units / acre

MINIMUM LOT SIZE: The first 5 lots at 40,000 SF, remaining lots at 3 AC. Lots 6, 7 and 8 contain wetlands, of which 65,340 SF must be uplands. These lots meet this requirement.

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

WATER: This development will be served by private wells.

FIRE: This development is located within the jurisdiction of the Knotts Island Volunteer Fire Department. Fire hydrants or fire ponds are not required for developments less than 20 lots.

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

SOILS: The Currituck County Soils Map indicates the portion of the property to be developed contains suitable soils. The wetlands on the property are not-suitable and are not proposed to be developed.

OPEN SPACE: No open space is required or provided for common ownership of the properties. The 22 acre wetland area to the west will remain in the ownership of the developer because it is unsuitable for development.

DRAINAGE: The applicant is proposing roadside and property line swales to drain into the NC 615 ditch system.

SCHOOL CAPACITIES: Using national averages for school age student generation, one can expect .4243 elementary school students, .084 middle school students and .1568 high school students per dwelling unit. Based on these pupil generation figures this development will generate:

3 elementary school students; 1 middle school student; and 1 high school student.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if Swan Acres is approved
K- 5	219 (Knotts Is.)	157	59
Middle	1,142	1064	77
High	1,456	1409	46

NARRATIVE OF REQUEST:

The applicant is requesting Sketch Plan approval for 8 residential lots. This property received a Sketch Plan approval on December 1, 1997 for a 12 lot subdivision. The Special Use Permit/ Sketch Plan expired after 2 years because no Preliminary Plat was submitted for review.

The Development Impact Statement dated May 15, 2006 states “Swan Acres will be a development of well-coordinated affordable single-family primary homes. This project is anticipated to sell and build out over the next three years. This community will be marketed as an affordable three to four bedroom Currituck Development.” The developer expects the lots to sell for between \$300,000 and \$400,000.

TECHNICAL REVIEW STAFF:

On June 21, 2006, Technical Review staff reviewed this application with the following comments:

- 18. Currituck County Public Works** – Approved with the following comments:
Please identify existing ditches throughout site.
- 19. Currituck Soil & Water Conservation** - Approved with the following comments: Please identify existing ditches throughout site.
- 20. Currituck County Fire Services**– Approved with the following comment: Cul de sacs should be 96' in diameter all weather driving surface capable of withstanding 75,000lbs.
- 21. Currituck County Water Department**- There is no county water system on Knotts Island.
- 22. Currituck County Planning and Inspections, Inspections Section**-
Approved as is.
- 23. Albemarle Regional Health Services** – No comments received
- 24. Currituck County GIS** - Approved with the following comment: Applicant must submit the proposed street name form if it has not been submitted.
- 25. County Parks & Recreation Department** - No comments received
- 26. Currituck County Emergency Management** – No comments received.
- 27. NC Department of Transportation:** Approved with the following comment:
The street should be aligned with Martin Lane if possible. (Note: The actual location of Martin Lane was incorrect on the review copy and NCDOT has revised their comment to be “since the roads are over 450 feet apart the alignment is not necessary”)
- 28. US Army Corps of Engineers:** No comments received.
- 29. NC Department of Natural Resources, Division of Coastal Management**
– Approved with the following comments:
- a. Wetlands shown on the sketch plan may be Coastal Marsh. A note indicating that there be "no expectation that wetlands can be filled" is recommended as a condition on the plat.
 - b. It is recommended that a consultant prepare a wetland jurisdictional determination; or contact DCM Field Representative Frank Jennings at the time a fill permit is requested for a wetland determination.
- 30. NC Department of Natural Resources, Division of Water Quality**–No comments received.
- 31. NC Department of Natural Resources, Division of Land Resources** – No comments received.
- 32. Currituck County Superintendent of Schools**- Reviewed with no comments.
- 33. N C Dominion Power** - Reviewed with no comments.
- 34. Sprint Telephone** – Approved as is.

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:

4. *Is the application complete?* Based on staff review all required information has been submitted for review.
5. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The plan generally complies with the provisions of the UDO.

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

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

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;

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

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are agricultural and dispersed single family dwellings.

- (d) *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.

- (e) *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.

- (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.

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

STAFF RECOMMENDATION:

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

Code Requirements:

5. At the Preliminary Plat stage, the applicant will be required to submit septic evaluations for each proposed lot, a North Carolina Stormwater Management Permit and, a North Carolina Sedimentation and Erosion Control Permit along with the plans required by the UDO.
6. A 5' non-access easement shall be placed on lots 1-5 along Marsh Causeway, NC 615.
 - a. This requirement is intended to improve the traffic flow by directing vehicles to a subdivision street for access and only allowing one access along NC 615, a major arterial street. Major arterials are intended to carry large volumes of traffic at higher speeds through the county.
 - b. Traffic service and land access are necessary but conflicting functions of a highway system. Although major arterial highways and minor collector streets must provide both traffic service and land access, access is a secondary function and should be controlled to avoid jeopardizing the primary traffic service function. (UDO Section 921, Lots and Article 3, Streets and Sidewalks).
7. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.

Recommendations:

1. A note should be placed on the Final Plat and including in Restrictive Covenants that indicates any development or filling of 404 wetlands will require a site specific plan approved by the US Army Corps of Engineers (COE). No grading or filling of wetlands may occur without a permit from the COE.

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

DISCUSSION

Mr. Keel asked if there can be culverts installed in the ditch.

Mr. Halloran said that the ditch will be relocated between parcels 7 and 6, closer to the property line.

Mr. Keel asked if a retention pond is feasible to use as a fire pond.

Mr. Halloran said there is no plan for that. It is not required but they will look into it.

Mr. Keel stated that the speed limit could be lowered.

Mr. Kovacs commented that the plan said that these would be affordable lots, but noticed the price of the lots at \$300,000.

Mr. Halloran said that is affordable to some people for a three acre lot.

Mr. Keel motioned to approve the request as presented with the understanding that the applicant will consider installing a retention pond to aid in fire protection. Mr. West seconded the motion. Motion passed unanimously.

Ms. Keifer presented the following amendment to the board.

PB 06-30 CURRITUCK COUNTY: Amendment to UDO Article 6 to clarify the exemption for discharge from reverse osmosis water systems performed by any unit of government.

MEMORANDUM

TO: Planning Board

FROM: Sarah E. Keifer, AICP

DATE: June 29, 2006

SUBJECT: PB-06-30, Discharge into Water Bodies

Attached please find a proposed ordinance amending the County's restrictions related to backwash or discharge into water bodies. The existing regulations currently prohibit discharge of any nature into the waters of Currituck Sound, Albemarle Sound, or their

adjoining tributaries, rivers, streams, creeks, canals or other connecting water ways. The regulations also provide an exemption for reverse osmosis system discharges into Albemarle Sound performed by any unit of government with all applicable permits.

As you may know, the County is currently in the permitting process for a reverse osmosis water plant. While it was originally thought that the discharge would be to the Albemarle Sound, the discharge point will actually be at the North River. Therefore, staff is requesting the language be revised to support the Environmental Assessment for the plant.

Should you have any questions regarding the existing or proposed regulations, please do not hesitate to contact me directly.

Thank you.

CURRITUCK COUNTY
PB 06-30
UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests an amendment to Article 6, **Utilities**, Section 616, **Backwash or Discharge Into Water Bodies** of the UDO to clarify the exemption for discharge from reverse osmosis water systems performed by any unit of government

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: Article 6, **Utilities**, Section 616, **Backwash or Discharge Into Water Bodies**, Item 1 be amended by deleting the following language indicated with strikethrough marks and adding the following underlined language:

Section 616 Backwash or Discharge Into Water Bodies.

1. No discharge of any nature (except discharges approved under a State Stormwater permit or as provided in #2 below) what so ever of water, chemicals, treated water, backwash from reverse osmosis systems, or other discharge shall be deposited directly or indirectly into the waters of Currituck Sound, Albemarle Sound, or their adjoining tributaries, rivers, streams, creeks, canals or other connecting water ways. This prohibition shall not apply to reverse osmosis system discharges into ~~Albemarle Sound~~ the North River performed by any unit of government (Federal, State, County) which has all the necessary Federal, State, and local permits for such discharges and having undertaken the necessary studies including but not limited to an “Environmental Assessment (E.A.); a “Draft Environmental Impact Statement” (DEIS) and/or “A Finding of No Significant Impact: (FONSI)” A developer intending to use reverse osmosis or other water purification system shall comply in all respects to state requirements for the operation and maintenance of such systems but in no event shall such water system discharge any substance or water what so ever in to the waters of Currituck or Albemarle Sounds or adjacent waters. **(Amended 10-15-01, 06/6/05)**

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

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_____

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. Midgette asked if there was any comment from any other agency on this item.

Ms. Keifer said no.

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

OLD BUSINESS

Ms. Keifer spoke about the presentation to the Board of Commissioners regarding the Land Use Plan and provided an update on the Plan's progress toward adoption.

ADJOURNMENT

With there being no further business to discuss, Mr. West motioned for adjournment. Mr. Keel seconded the motion and the motion passed unanimously. The meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board