

CURRITUCK COUNTY PLANNING BOARD

May 9, 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, Alvin Keel, Joe Kovacs, Arthur Winter, Bobby Bell, Manly West, William Etheridge, Pat Riley and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present.

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 MAY 9, 2006 AGENDA

Mr. Keel motioned to approve the April 11, 2006 agenda with item 4 removed. Mr. West seconded the motion noting the inconsistency in case numbers for item number 3. Motion passed unanimously.

APPROVAL OF APRIL 11, 2006 MINUTES

Mr. West motioned to approve the April 11, 2006 minutes. Mr. Keel seconded the motion. Motion passed unanimously.

**Currituck County
Planning Board Agenda
Historic Currituck County Courthouse
May 9, 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 April 11, 2005 Minutes

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

Item 3 **PB 06-08 OUTER BANKS FRAMING:** Rezone 9 acres from Agriculture (A) to General Business (GB) on property located at 6339 Caratoke Highway adjacent to the Lower Currituck Fire Department. Tax Map 94, Lot 135A, Poplar Branch Township.

Item 4 **PB 06-11 JOHN LEATHERWOOD:** Rezone .65 acres from Mixed Residential to General Business. The property is located at 108 Bells Island Rd., 225 ft. from the intersection with Caratoke Hwy. Tax Map 58, Parcel 22, Crawford Township.

Item 5 **PB 94-49 THE CURRITUCK CLUB, PHASE 11 COTTAGES:** Preliminary Plat for 23 single family cottage lots, located south of Currituck Club Dr. between NC 12 and the first fairway of The Currituck Club. Tax Map 126, Parcel 3C, Poplar Branch – Outer Banks Township.

Item 6 **PB 05-31 SOLO LANDING:** Preliminary Plat for 3 Single Family Lots on property located on Knotts Island on the north side of Solo Lane, approximately 700' east of Woodleigh Rd. Tax Map 76, lot 108A, Fruitville – Knotts Island Township.

- Item 7 **PB 06-19 EEPKO, LLC:**
Sketch Plan/Special Use Permit for 1-commercial lot on property located at 6708 Caratoke Highway, approximately 250 feet south of Hickory Hill Drive, Tax Map 108, Lot 62S, Poplar Branch Township.
- Item 8 **PB 06-24 LAUREL WOODS ESTATES:** Sketch Plan/Special Use Permit for 160 lot Conservation Subdivision on property located at on the west side of Caratoke Highway, ½ miles north of the intersection with Bells Island Rd. Tax Map 50, Lots 70A, 70B, Crawford Township.
- Item 9 **PB 06-22 TOUR BUS OPERATIONS:** Amendment to Articles 8 and 13 to allow Tour bus Operations in the General Business (GB) or Commercial (C) zoning districts.
- Item 10 **PB 06-20 CURRITUCK COUNTY:** Amendment to Sections 206 and Article 25 of the UDO to change the manner in which building height is calculated to reflect the definition in the NC Building Code.
- Item 11 Old Business
- Item 12 Adjournment

Melissa McAllister appeared before the board.

Ms. Keifer presented the following case to the board.

PB 06-08 OUTER BANKS FRAMING: Rezone 9 acres from Agriculture (A) to General Business (GB) on property located at 6339 Caratoke Highway adjacent to the Lower Currituck Fire Department. Tax Map 94, Lot 135A, Poplar Branch Township.

OWNER: Outer Banks Framing, LLC
4483 Caratoke Highway
Barco, NC 27917

ENGINEER: M M Design and Engineering, PC
PO Box 1470
Kitty Hawk, NC 27949

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

ZONING HISTORY: This property was split zoned GB and A on the April 2, 1989 zoning atlas. From US 158 to 518 feet from the highway is General Business (GB), 3 acres. The remaining 9 acres is zoned Agricultural.

SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|--------------------------------------|---------------|
| NORTH: | Fire Station, Office and Residential | GB and A |
| SOUTH | Residential and Vacant Woodlands | GB and A |
| EAST: | Farmland | A |
| WEST: | Retail and Auto Repair across US 158 | GB |

EXISTING LAND USE: Residential at the front of the property and vacant woodlands to the rear of the residence.

PROPOSED LAND USE: No specific use is indicated.

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

GENERAL BUSINESS USES:

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

LAND USE PLAN CLASSIFICATION:

The 1990 Land Use Plan classifies this property as **Limited Transition**. The purpose of the limited transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

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

PUBLIC SERVICES AND UTILITIES:

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

TRANSPORTATION:

The property is accessed by US 158.

FLOOD ZONE:

The property is located outside of the flood zone (Zone X).

SOILS:

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

STAFF RECOMMENDATION:

Staff recommends **approval** of the request, because the property is currently split zoned GB and A; and the property is adjacent to existing GB zoning.

The reclassification of the property is **consistent** with the land use plan Limited Transition designation.

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. Winton Shaddeau, adjoining property owner, spoke against this project. He presented a letter to the board signed by other adjoining property owners, opposing the request. Mr. Shaddeou also spoke of the drainage problem in the area.

Mr. Keel asked how many homes are in the area.

Mr. Shaddeau indicated a right of way was owned by his family members.

Mr. Kovacs stated that if the property is developed that the drainage cannot be greater than it was prior to development.

Mr. West asked where the water drains currently.

Mr. Shaddeau said it drains along his property.

Ms. McAllister described new ditches and the drainage from the property.

Mr. Kovacs stated that a pond could go in to collect the water.

Mr. Tommy Grandy stated his opposition to the project. He described his experiences farming this land and how the water drains and does not drain in the area.

Ms. Peggy Outlaw spoke against the project. She described the flooding that occurs on the property after a rain, and is concerned about the impact development would make on her property and the property of family members.

Mr. West asked who maintains the ditches.

Mr. Grandy stated that the state is to maintain them.

Mr. Shaddeau said that for the last 15 years, no one currently cleans the ditches.

Mr. West stated that drainage is a concern throughout the entire county.

Mr. Shaddeau said that he is not against the property being developed, he is against the rezoning.

Ms. McAllister stated that development on the property would have to comply with the UDO. A plan has been submitted for the development. This property is not the lowest in the area, the property across the highway is far lower. Ms. McAllister presented the plan to the board and described the soils.

Mr. Keel asked what the buildings were to be.

Ms. McAllister stated that these would be professional office spaces.

Mr. Keel motioned to approve this request as presented. Mr. Winter seconded the motion. Motion passed 6-3 with Mr. West, Mr. Keel, and Ms. Turner voted no.

Mr. Bernard Mancuso appeared before the board.

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

PB 94-49 THE CURRITUCK CLUB, PHASE 11 COTTAGES: Preliminary Plat for 23 single family cottage lots, located south of Currituck Club Dr. between NC 12 and the first fairway of The Currituck Club. Tax Map 126, Parcel 3C, Poplar Branch – Outer Banks Township.

ZONING DISTRICT: RO1/PUD

PRESENT USE: Vacant

OWNERS: Mancuso Development, Inc.
501 Old Stoney Road, Suite B
Corolla, NC 27927

APPLICANT: Bernard Mancuso, Jr.
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: | Currituck Club Golf Course | RO1/ PUD |
| WEST: | NC 12 and Ocean Sands Sections D & E | RO1/ PUD |

SCHOOL DISTRICT: Poplar Branch (Griggs)

FIRE DISTRICT: Corolla V.F.D.

SIZE OF SITE: Phase 11 = 6.89 Acres
Currituck Club total size = 587.74 Acres

NUMBER OF LOTS: 23

DENSITY: 3.33 units / acre

MINIMUM LOT SIZE: 3,000 square feet

STREETS: The streets will be built to NCDOT Design and Construction standards. The street will be private and maintained by the Property Owners Association.

WATER: The site will be served by Currituck Club Water Company.

WASTEWATER: Sewer will be collected, treated and disposed of by Pine Island / Currituck, LLC.

OPEN SPACE: No open space is required because the Currituck Club golf course (266.18 acres) exceeds the required 35% (205 acres) open space. This phase provides an additional 0.77 acres of open space.

DRAINAGE: The preliminary drainage plan indicates that perimeter swales and road side ditches will be used to accommodate on-site drainage as part of the engineered stormwater system.

FLOOD ZONES: The property is in Floodzone AE and Shaded X.

**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 for 23 Patio Home sites located in the Currituck Club Planned Unit Development. These "cluster homes" will be 4-bedroom single family units on lots that have a minimum size of 3,000 square feet with a building separation requirement of 20 feet.

According to the Development Impact Statement, the two story homes will range in size from 1,800 sf to 2,400 sf and will be limited to four bedrooms. The projected values of the lot/home package range from \$390,000 to \$590,000.

The Phase 11 Amended Sketch Plan for 23 Patio Homes was submitted on February 24, 2006. The total number of lots has been reduced from **28** lots to **23** lots. As a result, the residential density for the 6.89 acre site will be reduced from 4.06 dwelling units/acre to 3.33 dwelling units/acre. The total residential units for the Currituck Club were reduced from 673 (May 2, 2005 Sketch Plan) to 668 (April 28, 2006, Phase 11 Sketch Plan). Since this plan represented a reduction in density from a previously approved Sketch Plan, the Amended Sketch Plan was administratively approved April 28, 2006.

The Phase 11 Preliminary Plat for 23 Patio Homes was submitted March 24, 2006. A Technical Review Meeting was held on April 19, 2006 to review the plan. A revised plan with technical review corrections was received April 26, 2006. No commercial buildings are included in this Preliminary Plat.

HISTORY OF DEVELOPMENT:

1. The Currituck Club Planned Unit Development received original Sketch Plan/Special Use Permit approval on February 20, 1995.
2. On July 17, 1995, the PUD 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 14 acre parcel to be donated to the county (located at the north end).
3. On May 20, 1996 the PUD received Amended Sketch Plan approval which:
 - a. Showed the main entrance into the development;

- b. Revised the layout of the commercial area adjacent to the clubhouse and increased the total commercial area from 22.7 ac. (3.9%) to 23.9 ac. (4.1%) which is well within the 7% allowed by the UDO;
 - c. The revised plan finalized all of the lot layouts which resulted in a slight increase in the overall density of the project. Under the 1996 Sketch Plan proposal, there was a slight density increase from 1.07 units/acre to 1.12 units/acre; and
 - d. Slight adjustments were made to the road system.
4. On June 1, 1998 the PUD received Amended Sketch Plan approval which:
 - a. Revised the Governmental site area located at the north property line (increased acreage from 8.1 ac. to 12.1 ac.);
 - b. Revised "404" wetland delineation which allowed for more efficient layout of lots within Phases 5 and 6;
 - c. To increase the total density from 628 units to 636 units (increase of 8 units); and,
 - d. Reduced the total LF of streets to be paved and reduced the number of cul-de-sacs previously approved.
5. On October 4, 1999 the PUD received Amended Sketch Plan approval to increase the number of ingress/egress points along NC 12 from two to three.
6. On August 21, 2000 Amended Sketch Plan approval was granted to allow:
 - a. Phase 5 to go from 52 single family lots to 15 single family lots and 72 patio homes increasing the total number of residential units from 636 to 673;
 - b. To increase the commercial lots in the Ocean Club Center to a total of 10 lots (six lots in addition to four condo lots); and
 - c. That applicant not exceed the creation of 33 "flag lots" within the development (to-date 26 "flag lots" have been created within the development.
7. 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); and,
 - d. Commercial area was established at 4% (7% allowed) and the overall density was set at 1.20 units/acre (3.0 units/acre allowed).
8. On March 8, 2004, Amended Sketch Plan approval was given 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.
9. On May 2, 2005, Amended Sketch Plan approval and a change in PUD Zoning Designations was given for:
 - a. Phase 8A, Windswept Village- 30 Patio Homes.
 - b. Phase 14, Currituck Shooting Club- 27 PUD Lots.
 - c. Phase 11, Inn Site Cottage- 28 Patio Homes and a 1 Acre Commercial Site.

The Inn Site Cottages History:

1. Phase 11 was originally designated for four Club Cottages (single family dwellings) while Phase 12 was a 100 room hotel with a restaurant and retail shops.

2. On May 2, 2005 an Amended Sketch Plan was approved that changed Phase 11 and 12 to 1.00 acre retail site and 28 individual patio home sites. The total land area was 7.89 acres. The Patio Homes design standards (Section 940) were approved for Planned Unit Developments by the Commissioners on September 20, 2004.
3. The initial hotel site was zoned LHB with the 2 acre club cottages being RO1. The 6.89 acres cottage site will retain the approved LBH zoning designation. Single family homes are an allowable use in the LBH zone.

TRC REVIEW

A Technical Review Meeting was held on April 19, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was reviewed with no comment. The applicant is expecting the road to remain private.
2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The plan was approved with the following comment: Coordinate abandonment of existing utilities with EnviroTech.
3. **CURRITUCK COUNTY WATER DEPARTMENT:** The plan was reviewed with no comment. This project will be served by Currituck Club Water Company.
4. **CURRITUCK COUNTY FIRE SERVICES:** Site plan is approved as reviewed of 4/4/06. Any changes to the site plan may require it to be reviewed again. Note that while the pavement diameter is accurate light poles, signs, utility boxes, gazebos and mail boxes may hamper the movement of fire apparatus if not given careful consideration.
5. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
6. **CURRITUCK COUNTY GIS/ TAX MAPPING:** The plan was reviewed with the comment to submit any changes in street names for review..
7. **CURRITUCK COUNTY SCHOOLS:** The plan was reviewed with no comment.
8. **CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was reviewed with no comment.
9. **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.
10. **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 plat for 23 units at up to 11,040 gallons per day of wastewater service. The project was permitted under Permit Number WQ0018170 (7/1/05). The allocation was for the Inn Site Cottages phase was 13,440. GPD, which exceeds the need for the 23 units proposed.

B) The Stormwater Section Issued Stormwater Management Permit No. SW7060302 March 20, 2006 for the project.

11. NC DIVISION OF ENVIRONMENTAL HEALTH, PUBLIC WATER SUPPLY:

Authorized the construction of water lines on April 19, 2006.

PLANNING STAFF RECOMMENDATION:

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

Code Requirements:

1. The flood zone lines shall be shown on the Preliminary Plat with the Base Flood Elevations. (Appendix 9-A)
2. A Landscaping Plan shall be submitted that indicates the street trees in the street cross section or a separate landscaping plan. (Section 513)
3. Locate and indicate the type of any signs that will be used. (Appendix 9-A)
4. Indicate the responsible party for roadway and stormwater maintenance if different from the holder of the Stormwater Permit # SW7060302. (Section 923)
5. Proper zoning must be noted, LBH, not LDH. (Appendix 9-A)
6. Building pad elevations must be shown. (Section 922)
7. Maintenance and ownership provisions of open space must be provided. (Section 923)
8. Indicate street names with the road numbers and ROW widths. (Appendix 9-A)
9. Indicate sight triangles at all street intersections. (Appendix 9-A)
10. Show the bearing and distance on all interior property lines with a curve table for any curves. (Appendix 9-A)
11. Create a legend to identify all of the different lines and symbols used on both the Preliminary Plat and Construction drawings. (Appendix 9-A)
12. Indicate the lot coverage proposed for each lot to demonstrate compliance with the UDO and the Stormwater Permit limit of 3,234 square feet. (Appendix 9-A)

DISCUSSION

Mr. West asked if there is a buffer proposed between the Currituck Club driveway and NC12.

Mr. Mancuso said that there will be landscaping, but he has nothing specific in mind. The landscaping plan has not been fully developed.

Mr. Ken Sisk with The Vision Group described the height of the road and the property.

Mr. Riley asked if these would be similar to the Hammocks.

Mr. Mancuso said yes.

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

Mr. John Sawyer, Hyman & Robey, appeared before the board.

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

PB 05-31 SOLO LANDING: Preliminary Plat for 3 Single Family Lots on property located on Knotts Island on the north side of Solo Lane, approximately 700’ east of Woodleigh Rd. Tax Map 76, lot 108A, Fruitville – Knotts Island Township.

ZONING DISTRICT: Agricultural (A)

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|------------------------------------|------------------|
| NORTH: | Farmland & Low Density Residential | Agricultural (A) |
| SOUTH: | Low Density Residential | Agricultural (A) |
| EAST: | Knotts Island Bay | Agricultural (A) |
| WEST: | Farmland | Agricultural (A) |

EXISTING LAND USE: Single family residence on bay front lot

SCHOOL DISTRICT: Knotts Island Elementary School (Fruitville)

FIRE DISTRICT: Knotts Island V.F.D.

SIZE OF SITE: 12.74 acres

NUMBER OF LOTS: 3

DENSITY: 0.25 dwelling units/ per acre

MINIMUM LOT SIZE: 3 Acres

STREETS: The subdivision has one point of entry from Solo Lane. Solo Lane is a paved private street that has not been taken over by NCDOT for maintenance. The proposed street will be built to NCDOT Design and Construction standards.

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

- WASTEWATER:** Each lot has been approved for a conventional septic system. Lot 1 has an existing dwelling and septic system.
- OPEN SPACE:** No open space is required, nor provided, since the development is less than 20 lots.
- DRAINAGE:** Roadside ditches will drain North Solo Lane and the sheet flow from the lots and surrounding area. The roadside ditch will drain into a lot line swale and outfall towards Knotts Island Bay. The existing ditches draining across Lot 2 into the existing pond will remain.
- FLOOD ZONES:** Approximately $\frac{3}{4}$ of the site to the east is within the 100 year floodplain, zone AE with base flood elevations of 5' and 6'. The remaining portion is located outside of the 100 year floodplain (zone Shaded X).
- LAND USE PLAN:** The 1990 Land Use Plan designates this site as "Rural" which supports low density residential uses at a gross density of one dwelling unit per acre. The development indicates a density of 0.23 dwelling units per gross acre and is therefore in compliance with the Land Use Plan classification.

APPLICATION BACKGROUND:

The sketch plan for this development was approved by the Board of Commissioners on December 5, 2005. At the time of the Technical Review Committee (TRC) meeting for the sketch plan, it was discussed with the engineer that there was a concern with the drainage for the adjacent property to the south.

The preliminary plat application included grading plans, erosion & sedimentation control plans and a landscape plan. Soil evaluations were submitted for the two additional lots and they were approved for conventional systems. Since the development is disturbing less than one acre of land, no state stormwater and erosion control permits are required.

The preliminary plat was reviewed at the April 19th TRC meeting with the following comments:

TRC REVIEW COMMENTS:

1. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK SOIL AND WATER CONSERVATION DISTRICT:** Approved with no Comments
2. **CURRITUCK COUNTY WATER DEPARTMENT:** The plan was approved with no comments. There is no county water on Knotts Island.
3. **CURRITUCK COUNTY FIRE SERVICES:** Site plan is approved as reviewed of 4/4/06. Any changes to the site plan may require it to be reviewed again. Note that while the pavement diameter is accurate light poles, signs, utility boxes, gazebos and mail boxes may hamper the movement of fire apparatus if not given careful consideration.

4. **KNOTTS ISLAND VFD FIRE CHIEF:** Approved with no comments.
5. **ALBEMARLE REGIONAL HEALTH SERVICES:** Site evaluations for Lots 2 & 3 were performed and are approved for conventional systems on the high areas of the lots. The septic area for Lot 2 is to be placed south of the existing pond.
6. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with no comments. The street name was approved at the time of sketch plan.
7. **CURRITUCK COUNTY RECREATION:** Approved with no comments.
8. **CURRITUCK COUNTY SUPERINTENDENT OF SCHOOLS:** The plan was reviewed with no comments at time of Sketch Plan.
9. **NC DOT:** Approved with the comment that Solo Lane is a private right of way and the street will not be considered for addition to the state system.
10. **NC DEHNR, WATER QUALITY:** Land disturbance activities in excess of one acre are regulated under the State Division of Water Quality for stormwater management. This development does not exceed an acre in disturbance and does not require state review.
11. **NC DEHNR, LAND QUALITY:** Land disturbance activities in excess of one acre are regulated under the State Division of Land Quality for erosion and sedimentation control. This project is disturbing less than one acre of land and not required to have a state permit.
12. **DIVISION OF COASTAL MANAGEMENT:** The 75' Area of Environmental Concern is shown on the plat and no development is proposed at this time within the AEC.

STAFF RECOMMENDATION:

Staff recommends **approval**, subject to the following requirements and recommendations:

Ordinance Requirements:

1. Indicate the 30' CAMA setback along Knotts Island Bay in addition to the AEC line.
2. That drainage (Section 922) and road improvements (section 914) shall be installed and certified prior to submission for final plat approval.
3. The Flood Zone lines shall be corrected to reflect the new maps effective December 16, 2005. There are both base flood elevations on lots 2 and 3 of both 5 feet and 6 feet.
4. Building Pad elevations shall be indicated in accordance with UDO Section 922.
5. The existing drainage ditch on Sheet 6 shall be indicated and labeled.
6. All flood zone notes on pages 1, 2 and 3 shall reflect the new flood zone maps and the effective date.
7. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Recommendations:

1. Staff recommends adding a note that indicates lots 2 and 3 contain lands within the CAMA AEC and any development within that AEC shall require a permit or exemption from the North Carolina Division of Coastal Management.
2. The net usable area calculation for lot 3 indicates 55% of the lot is not usable land area. Staff requests the surveyor to verify this calculation as there is no evidence of wetlands on the property.

DISCUSSION

Mr. Kovacs asked if Solo Lane is a private road and who would be responsible to maintain it.

Mr. Sawyer said that it is private and the HOA would maintain the cul de sac, the other part belongs to a previous subdivision.

Mr. West asked how this project can use someone else's road to access this subdivision.

Mr. Sawyer said he believes that the other property owners use Solo Lane.

Mr. John Tubbs stated that this is his property and he maintains the road as it is. This road will be an extension of an existing road.

Mr. Keel asked about the rules for maintaining the road.

Mr. Webb said that a homeowner's association would need to be formed.

Mr. Tubbs said that since the lots were already created, he had to go through the major subdivision process in order to create another three lots.

Mr. Etheridge asked how a homeowner's association would be created with only a few lots.

Mr. Tubbs stated that the road is maintained to state standards.

Ms. Keifer said that DOT does not maintain the road and is under the impression that it does not meet the state's standards.

Mr. West asked how many adjoining lots have dwellings on them.

Mr. Tubbs described, using the map, the other houses on the property.

Mr. West asked if Mr. Tubbs intends to petition DOT to take the road over.

Mr. Tubbs indicated that having DOT take the road maintenance over is the only way to get his bond money back.

Mr. Keel motioned to approve the request as presented with the staff condition. Mr. Etheridge seconded the motion. Motion passed unanimously.

John Sawyer, Hyman & Robey appeared before the board.

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

PB 06-19 EEPCO, LLC: Sketch Plan/Special Use Permit for 1-commercial lot on property located at 6708 Caratoke Highway, approximately 250 feet south of Hickory Hill Drive, Tax Map 108, Lot 62S, Poplar Branch Township.

ZONING DISTRICT: General Business

PRESENT USE: Vacant/Agriculture

**OWNER/
APPLICANT:** EEPCO, LLC
PO Box 519
Manteo, NC 27951

ENGINEER: Hyman & Robey, PC
150A US Hwy 158 East
Camden, NC 27921

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

| | Land Use | Zoning |
|---------------|--|---------------|
| NORTH: | Restaurant/Business | GB |
| SOUTH | Farm field/Business | GB/A |
| EAST: | Low density residential uses and farm fields/woods | GB/A |
| WEST: | Low density residential uses and farm fields/woods | A |

SCHOOL DISTRICT: Poplar Branch - Griggs Elementary

FIRE DISTRICT: Lower Currituck V.F.D.

SIZE OF SITE: 9.85 acres

NUMBER OF LOTS: 1 lot and a residual lot

DENSITY: .20 unit / acre

MINIMUM LOT SIZE: 106,565 square feet

MAXIMUM LOT SIZE: 333,234 approximate square feet - residual

STREETS: The proposed development will directly access Caratoke Highway (US HWY 158).

WATER: County water is available along Caratoke Highway.

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

- OPEN SPACE:** No open space is required or provided.
- DRAINAGE:** The preliminary drainage plan indicates existing ditches will be used to accommodate on-site drainage. However, lot line swales will be required along the southern property line.
- FLOOD ZONES:** The property is located outside of a 100-year floodplain.
- LAND USE PLAN CLASSIFICATION:** The 1990 Land Use Plan classifies this property as Limited Transition. The classification provides for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities.
- The proposed subdivision is in keeping with the Land Use designation.

NARRATIVE OF REQUEST:

Due to the previous divisions of the parent parcel, the proposed one-lot division will exceed the total number of lots allowed under the minor subdivision review process. The proposed subdivision was submitted as a conventional subdivision (greater than five lots) which requires a special use permit and Board review.

A pre-application conference was held with Hyman and Robey on March 13, 2006. The Sketch Plan application was submitted on March 13, 2006. A Technical Review Meeting was held on April 19, 2006 to review the plan. A revised plan with technical review corrections was received April 26, 2006.

A. TRC REVIEW

A Technical Review Meeting was held on April 19, 2006 and the reviewing agencies had the following comments:

12. NCDOT: The plan was approved with the following comments:

- a. The type of development may require improvements within the right-of-way, proper permits, and encroachment agreements.

13. CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER: The plan was approved with the following comments:

- a. Please provide a 25-foot wide easement along the front and northerly property lines.

14. CURRITUCK COUNTY WATER DEPARTMENT: The plan was approved with no comment.

15. CURRITUCK COUNTY FIRE SERVICES: The subdivision shall install fire hydrant(s) within 500 feet of the lots being created. The development on the lot created will also require a fire hydrant within 400 feet of all portions of any proposed structure.

16. N.C. DIVISION OF COASTAL MANAGEMENT: The proposed development is not located within an area of environmental concern as regulated by the Division of Coastal Management.

17. ALBEMARLE REGIONAL HEALTH SERVICES: Site evaluations shall be submitted at Preliminary Plat.

B. 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.

The proposed one-lot commercial development will not generate a change in the projected school capacities.

C. SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning regulation. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *Is the application complete?* Based on staff review all required information has been submitted for review.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?* The plan generally complies with the provisions of the UDO. Minor corrections are required prior to final approval of the permit as outlined in Planning Staff Recommendation below.
3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

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

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

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

The proposed commercial subdivision should have no negative impact on adjoining property.

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

This proposed subdivision will be in harmony with the commercial development in the area.

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

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

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

The proposed development will not generate a change in the projected school capacity.

D. PLANNING STAFF RECOMMENDATION:

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

Code Requirements:

1. Section 304 3.(b) and (c) Access to Streets of the UDO regulates the total number of driveways allowed for properties located along major arterial streets. The maximum number of driveways for the existing property (both the lot being created and the residual parcel) is two with a minimum separation of 300 feet.
2. Appendix 9-A of the UDO requires the adjacent property owner information shown on the plat. The property owner to the north should be verified and corrected.
3. Section 922 Environmental and Appendix 9-A of the UDO require the preliminary or tentative drainage plan to be submitted at sketch plan. The preliminary drainage plan should indicate the proposed storm water drainage flow arrows on the proposed lot and a drainage swale along the southern property line.
4. Appendix 9-A of the UDO requires the approximate location of lot lines and numbers to be shown for the entire tract.

Staff Recommendations:

1. Appendix 9-A II. 1. of the UDO requires the name of the subdivision to be indicated on the plat. The subdivision name provided is the owner of the property and, it is suggested that the subdivision be given a name other than the property owner's name for subdivision index purposes.

2. Section 304 4. Access to Streets. provides setback and landscaping incentives for shared access of properties. The adjoining yard landscaping requirements of Article 5 and the adjoining yard setback requirements of Article 2 may be waived when adjoining lots utilize a shared driveway.
 - a. Staff recommends the existing driveway that is located on the proposed property line remain and should be used jointly with the residual parcel by recording a cross access easement for use of both lots (the residual parcel – parcel 1 and parcel 2, the lot being created). A non egress/ingress easement should be placed along Caratoke Highway for lot 2, the lot being created to prohibit any additional accesses. The cross access easement should be delineated on the preliminary and final plats.
 - b. In addition, the existing driveways located on the residual parcel should be reduced for traffic safety; and, the driveway should be spaced 300 feet from the cross access easement. The remaining existing soil driveways located on the residual parcel should be removed prior to final plat approval.

3. The lot evaluation for an on-site septic system shall be submitted with the preliminary plat application.

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

There was no discussion on this item.

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

Mark Bissell, Bissell Professional Group appeared before the board.

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

PB 06-24 LAUREL WOODS ESTATES: Sketch Plan/Special Use Permit for 160 lot Conservation Subdivision on property located at on the west side of Caratoke Highway, 1/2 miles north of the intersection with Bells Island Rd. Tax Map 50, Lots 70A, 70B, Crawford Township.

ZONING DISTRICT: Mixed Residential (RA)

PRESENT USE: Agriculture

OWNERS: Edward A. Brumsey, Jr.
3121 Caratoke Highway
Currituck, NC 27949

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

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

| | Land Use | Zoning |
|---------------|--|---------------|
| NORTH: | Low density residential uses and farm fields | RA |
| SOUTH | Low density residential uses and farm fields | RA |
| EAST: | Low density residential uses and farm fields | R |
| WEST: | Farm fields | RA |

SCHOOL DISTRICT: Crawford

FIRE DISTRICT: Crawford V.F.D.

SIZE OF SITE: 156.67

NUMBER OF LOTS: 160

DENSITY: 1.02 units / acre

MINIMUM LOT SIZE: 20,000 Square Feet (Conservation Subdivision)

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

WATER: The site will be served by County water. The proposed water use is 76,800 GPD.

WASTEWATER: On-site septic systems are proposed. On November 17, 2005 On-Site Septic Site Evaluations were performed for 15 lots as a requirement of the Conservation Subdivision requirements. Of these 15 lots, 7 were deemed to be unsuitable (over 50%). On May 2, 2006 Albemarle Regional Health Services stated: "Based upon licensed soil scientist work and monitoring by David Meyer, all lots in Laurel Woods Subdivision are provisionally suitable."

OPEN SPACE: Forty-five (45%) percent of the net area of the lots are required to be open space, which is 63.45 Acres. The applicant is proposing 67.02 acres.

DRAINAGE: The preliminary drainage plan indicates infiltration and collector swales. On-site stormwater ponds will also be installed.

FLOOD ZONES: Approximately 3 acres of the property near Caratoke Highway is in Flood Zone AE (4). The remainder of the property is not in the 100 year flood zone.

**LAND USE PLAN
CLASSIFICATION:**

The 1990 Land Use Plan classifies this property as Rural and Rural with Services. For the Rural Class, low density dispersed single family residential uses at a gross density of approximately one unit per acre are appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. The Rural with Services Class indicates low density residential uses that are served by county water are appropriate. Both of these classes support densities that are 1 unit per acre as proposed.

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

NARRATIVE OF REQUEST:

The applicant is seeking Sketch Plan approval of a 160 lot Conservation Subdivision. This is the first subdivision proposed using the Conservation Subdivision standards since they were created on April 21, 2003. The Conservation design is a residential subdivision where lot sizes may be reduced to a minimum of 20,000 square feet and at least 45% open space is provided.

UDO Section 923 States:

The purpose of Conservation Subdivision Design is to preserve agricultural and forestry lands, natural and cultural features, and rural character that would be likely lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in design of such developments is encouraged. This type of subdivision allows the developer to decrease lot sizes and leave the land "saved" as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were to be developed into lots using the conventional subdivision standards.

The Conservation Subdivision standards allow 5% Density Bonus in the Mixed Residential (RA) Zoning District, according to Section 930. The 5% bonus allowed the number of Yield Plan Lots ,152, to become 160 lots with a minimum size of 20,000 SF.

This development will include:

- An open space system that will abut most of the 160 lots.
- A 22 acre area to preserve existing trees.
- A reforestation program for over 10 acres of the farmland.
- A 6 foot wide walking trail that will connect all of the areas of the open space.
- A 4.5 acre pond and park area that will include a picnic pavilion, gazebo/ dock, and playground.
- A ½ acre Dog Park area.

Impact Statement Summary:

- The applicant's development impact statement indicates the lots will be built out over a 9 year period with land/home packages in the \$370,000 to \$500,000 range. The homes are expected to range in size from 2,000 to 3,000 sq. ft.
- The Traffic Analysis in the impact statement indicates at full build out, the Trip Generation in 2015 will be 1,600 trips/ day.
- The proposed water use is 76,800 GPD.

When a Sketch Plan/ Special Use Permit is granted, the current Adequate Public facilities ordinance requires facilities to be in place or programmed within 2 years of approval of a Sketch Plan. Although the applicant is proposing a 9 year phasing of the lots, there are no ordinance requirements that can require the phasing.

APPLICATION HISTORY:

A Pre-Application conference was held on February 20, 2006. At that time Bissell Professional Group presented the staff with a 152 lot yield plan and a 160 lot conceptual plan to consider.

The Sketch Plan application was submitted on March 24, 2006.

The Technical Review Committee reviewed the plan on April 19, 2006.

TRC REVIEW

A Technical Review Meeting was held on April 19, 2006 and the reviewing agencies had the following comments:

18. NCDOT: The plan was approved with the following comments:

- a. A DOT Driveway permit will be required at the Preliminary Plat stage;
- b. Need to show a typical section with next phase;
- c. Need to review a drainage plan prior to final plat approval;
- d. The deceleration lane may need to be re-designed to meet DOT requirements.

19. CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER: The plan was approved with the following comment:
Please label existing ditches throughout site.

20. CURRITUCK COUNTY WATER DEPARTMENT: Approved with the following:
engineer to submit water line extension plans for review. The main along HWY 168 is on the east side, requiring a bore under the HWY. We will need the average ditch depths in front of each lot so we may decide water service locations.

21. CURRITUCK COUNTY FIRE SERVICES: The plan was approved with the following comments:

- a. Move fire hydrant from lot 72 to adjoining line of lots 70/71.
- b. Remove hydrant from lot 69.
- c. Symbol at lot 121 should be fire hydrant.
- d. During construction of all phases codes for cul-de-sacs and fire hydrant spacing apply.
- e. Note that while the pavement diameter is accurate light poles, signs, utility boxes, gazebos and mail boxes may hamper the movement of fire apparatus if not given careful consideration.

- 22. CURRITUCK COUNTY RECREATION:** The plan was approved with no comment.
- 23. CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comments:
 - a. Persimmon Pass as a street name is denied. Only one of the proposed names that begin with “Red” can be used. All other street names proposed are approved.
- 24. CURRITUCK COUNTY SCHOOLS:** The plan was reviewed with no comment.
- 25. CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was approved with no comment.
- 26. N.C. DIVISION OF COASTAL MANAGEMENT:** The site is not in a CAMA jurisdiction.
- 27. ALBEMARLE REGIONAL HEALTH SERVICES:** The Health Department did not submit comments nor attend the Technical Review Committee Meeting. On May 2, 2006 Albemarle Regional Health Services forwarded a letter that stated: “Based upon licensed soil scientist work and monitoring by David Meyer, all lots in Laurel Woods Subdivision are provisionally suitable.”

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:

62 elementary students; 12 middle students; and 23 high school students.

Projected School Capacities

| School Level | Projected Capacity for 2008/09 | Total Projected Students- Previous Sketch Plans | Remaining Capacity if <u>Laurel Woods Estates</u> is approved |
|--------------|--------------------------------|---|---|
| K- 5 | 2,004 (Moyock/ Crawford) | 1,606 | 336 |
| Middle | 1,142 | 1062 | 66 |
| High | 1,456 | 1406 | 27 |

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 because of the vegetative buffers that will be created. The NCDOT did not comment on any traffic impacts the site will have.

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

This low density residential subdivision will be in harmony with the mixed agricultural and residential character of the area.

- (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 both Rural with Services and 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.

PLANNING 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. The applicant addressed all of the TRC comments from the planning staff in a revised Sketch Plan and Development Impact Statement submitted 4-25-2006.
6. 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.
7. At the Preliminary Plat stage, the applicant will have to provide a landscape plan and recreational improvements detailing the amenities to be provided.
8. At the Preliminary Plat stage the applicant will have to indicate minimum lot setbacks to demonstrate that all lots will support the proposed residences.

Recommendations:

1. At the TRC meeting, staff recommended street connectivity to properties to the North (Taylor), West (Snowden) and the Caratoke Forest 10 Acre subdivision to the South. The revised plan shows connectivity to the West and South. Staff agrees the current layout meets the intent of the Section 914, Streets. The project engineer indicated that a connection to the North would pass through environmentally sensitive managed pine or wetlands. Staff is not recommending any connections to the Taylor property because of possible damage to the managed pine areas.
2. Staff recommends the applicant coordinate with Cooperative Extension staff to identify the method that will be used to implement a reforestation program.
3. The trail system should be hard surface for accessibility and ease of maintenance. The path should be demarcated where the open space area passes between lots.
4. Sidewalks should be installed on both sides of the street with the street trees placed adjacent to the sidewalks to create a uniform street layout.
5. A variety of street tree species are recommended to avoid monotony and minimize the risk of loss of trees due to weather conditions or disease.
6. All street connections should be paved to the property line with signs installed indicating connection to future development. If the paving is not completed staff is concerned with maintenance of the right of way and the future road will not be completed.

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 stated that he doesn't agree with recommendations of staff. Item #4, sidewalks on both sides of streets, is a concern for the development. He proposes sidewalks on one side and extensive trails throughout the development. All lots with exception of those that front the access roads, will have access to trail system. He supports the idea of a sidewalk in the front, but adding a second sidewalk adds to construction cost without adding a benefit. He also disagrees with connectivity as requested by staff to the south, because the provisions of the UDO are ambiguous with regard to the concept. He is under the impression that development to the south may be low income rental housing and wants to discourage an 'undesirable element' from congregating there.

Mr. Kovacs asked about proposal for street lighting.

Mr. Bissell said that it has not been considered.

Mr. Webb stated that street lights are required and would be shown at preliminary plat.

Mr. Kovacs stated his desire for cluster mailboxes to cut down on clutter in the development.

Mr. Bissell agreed with the suggestion.

Mr. Kovacs asked if the trail system is paved.

Mr. Kovacs asked about the entrance pond.

Mr. Bissell described it as a fountain, an entrance feature.

Mr. West asked if the lots were 20,000 square feet. He stated that according to his calculations, there should be 89 lots instead of 160. He stated that the soils in the back part of this property are poor. He stated that the county is getting into trouble with open space subdivisions, and they are too cluttered and he doesn't agree with 160 lots on 90 acres.

Mr. Kovacs asked about connectivity to the south and if the lots below were developable.

Ms. Keifer said that there is the potential for development.

Mr. Kovacs motioned to approve the request as presented with staff recommendations. Mr. Riley seconded the motion. Motion passed 7-2 with Mr. West and Mr. Etheridge voting no.

Bill Clayton appeared before the board.

Ms. Keifer presented the following amendment to the board.

PB 06-22 TOUR BUS OPERATIONS: Amendment to Articles 8 and 13 to allow Tour bus Operations in the General Business (GB) or Commercial (C) zoning districts.

Currituck County
Department of Planning and Inspections
Post Office Box 70
Currituck, North Carolina 27929

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: May 1, 2006

SUBJECT: PB-06-22, George A. Thornton, III and Barrier Island Bus Services, Tour Bus Operations

Enclosed please find an ordinance amendment proposed by George A. Thornton, III and William Clayton, Barrier Island Bus Services, to allow bus tour operations in the Commercial, General Business, and Limited Business-Hotel zones of the Outer Banks Overlay District as a matter of right with minimal conditions. As written, such a use would require only administrative review and issuance of a zoning permit by staff.

The planning staff is concerned that the language as proposed does not address all of the elements of the proposed use. Items such as loading and unloading areas, idle times, restrooms, tour routes, the number of buses/passengers, the commercial traffic within the residential subdivisions, impacts on private property, and impacts to the public vehicular area on the beach strand are not considered. Given the possible impacts of the use on surrounding areas, staff is concerned that the proposed use would be in keeping with the character of Corolla.

However, staff suggests that should the Board determine the proposed bus tour operation is a reasonable use in the Outer Banks Overlay District it may be more prudent to permit the use through a special use permit process rather than by right. The following language is recommended in place of the language proposed by the applicant:

Section 125 Outer Banks Overlay District.

(h) Tour buses used for the purpose of sightseeing or transporting passengers for recreational enjoyment shall be permitted within the Outer Banks Overlay District and limited to General Business, Limited Business-Hotel and Commercial zoning districts, shall require a special use permit and shall comply with the additional conditions of Article 14.

Section 402 Number of Parking Spaces Required.

6.310 Bus Tours 1 space for every employee, 1 adequately sized space for each bus and one space for every four seats designed to seat only one person and one space for every two seats designed to seat more than one person.

Section 504 **Bufferyard Land Use Classification.**

1.(c)Classification III: hotels/motels (1.540); sales and rental of goods, merchandise and equipment (2.000); office, clerical, research, and services not primarily related to goods or merchandise (3.000); manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment (4.000 - partial) excluding uses listed in Section 1304 Permissible Uses and Specific Exclusions; indoor recreation (6.110, 6.120); golf driving range not accessory to golf course, par 3 golf courses, etc. (6.230); horse riding stables not accessory to residential development unless located on exterior of development (6.240); drive-in movie theaters (6.260); private campgrounds (6.270); petting zoo (6.280); **bus tours (6.310)**; institutional residences or care or confinement facilities (7.000); restaurants, dance halls, bars nightclubs (8.000); motor vehicle and boat related sales and service operations (9.000); storage and parking (10.000); services and enterprises related to animals (12.000); emergency services (13.000); agricultural operations (14.100); sivilcultural operations (14.200); post office (15.100); dry cleaner and laundromat (16.000); utility facilities (17.000); towers and related structures (18.000); open air markets (19.000); funeral home (20.000); nursery school, day care centers (22.000); crabshedding not operated in a residential zoning district (24.000 - partial); off-premise signs (29.000); agribusiness uses (32.000); miscellaneous water related uses (34.000).

Section 1310 **Table of Permissible Uses.**

| | A | RA | R | RO1 | RO2 | RR | GB | C | LBH | LM | HM |
|-----------------------|---|----|---|-----|-----|----|----|---|-----|----|----|
| 6.300 Tour Operations | | | | | | | | | | | |
| 6.310 Bus Tours | | | | | | | S | S | S | | |

Section 1403 **Specific Standards.**

24. Tour buses used for the purpose of sightseeing or transporting passengers for recreational enjoyment shall be permitted within the Outer Banks Overlay District and limited to the General Business, Limited Business-Hotel, or Commercial zoning district with a special use permit issued by the Board of Commissioners provided the following conditions are met:

- (a) The loading point, booking, customer and employee parking, and unloading point, for the tour operation shall be located on one parcel of land and, within a General Business, Limited Business-Hotel or Commercial zoning district with adequate area reserved for the additional vehicle parking and storage;**

- (b) **The storage of buses may be located on an separate parcel zoned General Business or Commercial owned by the applicant or, submit a written, notarized lease or use agreement for the parking and storage of the buses on an separate parcel. The separate storage site shall have all required approvals and permits for storage of vehicles or equipment outside a fully enclosed building.**
- (c) **The public restrooms may be located on an adjacent parcel of the loading and unloading point owned by the applicant or, submit a written, notarized lease or use agreement for restroom facilities.**
- (d) **Temporary tents may not be used in conjunction with the proposed use.**
- (e) **Signage on tour buses shall be limited to the name of the business, shall not exceed 32 square feet in area, and shall not contain sponsors or other advertising information;**
- (f) **The loading and unloading locations and vehicular area for the buses shall be designed without the necessity of backing into any street right-of-way. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians, other vehicles and without interfering with parking areas;**
- (g) **the tour bus shall not allow passengers to load or unload during the tour and shall return all passengers to their vehicles and unload at the initial loading point;**
PLANNING STAFF COMMENT: Loading and unloading of passengers at various locations including the public vehicular area on the beach strand, private property, public and private streets would be a bus service and not a tour operation. This could strain the already overburdened street system on the north beaches and further congest the beach strand.
- (h) **a bus tour route shall be submitted to and approved by the Board of Commissioners and shall not be permitted to cross private property without the expressed written consent of the land owner(s);**
- (i) **a maximum of two buses with 60 total passengers shall be allowed for each business/special use permit; and,**
PLANNING STAFF COMMENT: Should the Board consider the allowing the tour activity, a cap on the total number of buses and passengers should be addressed that would limit the commercial traffic on the beach strand and the unimproved road system.
- (j) **all tour buses shall be insured and drivers shall be required to hold a CDL license.**

The amendment proposed by the applicant is as follows:

GEORGE A. THORNTON, III AND BARRIER ISLAND BUS SERVICES

PB 06-22

UDO AMENDMENT REQUEST

GEORGE A. THORNTON, III AND BARRIER ISLAND BUS SERVICES requests an amendment to Sections 125, 402, 811 and 1310 of the UDO to allow bus tour operations.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That the following section be amended:

Section 125 Outer Banks Overlay District.

(h) Tour buses used for the purpose of sightseeing or transporting passengers for recreational enjoyment shall be permitted within the Outer Banks Overlay District and limited to General Business, Limited Business-Hotel and Commercial zoning districts provided the requirements of Article 8 are met.

Item 2: That the following section be amended:

Section 402 Number of Parking Spaces Required.

6.310 Bus Tours 1 space for every employee and one space for every four seats

Item 3: That the following section be amended:

Section 811 Outer Banks Bus Tours.

1. Tour buses used for the purpose of sightseeing or transporting passengers for recreational enjoyment shall be permitted within the Outer Banks Overlay District and limited to General Business, Limited Business-Hotel and Commercial zoning districts provided the following conditions are met:

- a. The initial pick-up point, booking, and customer and employee parking for the tour operation shall be located within a General Business, Limited Business-Hotel or Commercial zoning district;**
- b. the tour activity shall allow pick-up and drop-off sites at different locations on the northern beaches; and,**
- c. all vehicles shall be insured and drivers shall be required to hold a CDL license.**

Item 4: That the following section be amended:

Section 1310 Table of Permissible Uses.

| | A | RA | R | RO1 | RO2 | RR | GB | C | LBH | LM | HM |
|-----------------------|---|----|---|-----|-----|----|----|---|-----|----|----|
| 6.300 Tour Operations | | | | | | | | | | | |
| 6.310 Bus Tours | | | | | | | Z | Z | Z | | |

Item 5: 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. Clayton stated that he wouldn't be running up and down the beach all night. He would stop around 7. He would also propose drop off service.

Mr. Kovacs asked where people would park.

Mr. Buck Thornton owns a piece of property where the patrons would park.

Mr. Riley stated that parking is already a problem in Timbuck II.

Mr. Thornton has two commercial sites behind the vegetable stand where the parking will be.

Mr. West asked if that property is where the proposed bridge will be.

Mr. Thornton said yes.

Mr. Kovacs asked if Mr. Clayton would oppose having to apply for a Special Use Permit.

Ms. Keifer described for Mr. Clayton what a Special Use Permit is.

Mr. Clayton stated that he'd like to start as soon as possible, there are already Suburbans running the same operation.

Ms. Keifer stated that this use is currently not permitted.

Mr. Webb stated that tours are not permitted.

Ms. Turner asked how many parking spaces there would be, and about restrooms.

Ms. Keifer cautioned the board to stay away from site specific questions, as this is an amendment request only.

Mr. Keel asked how many people the bus will hold.

Mr. Clayton said approximately 22.

Ms. Turner asked about the storage of the buses.

Mr. Clayton said they'd be parked on the parking lot.

Mr. Riley motioned to approve the request as presented with the staff recommendation of a Special Use Permit. Mr. West seconded the motion. Motion passed unanimously.

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

PB 06-20 CURRITUCK COUNTY: Amendment to Sections 206 and Article 25 of the UDO to change the manner in which building height is calculated to reflect the definition in the NC Building Code.



Currituck County

Department of Planning and Inspections

Post Office Box 70

Currituck, NC 27929

252-232-3055 /Fax 252-232-3026

MEMORANDUM

TO: Planning Board
Board of Commissioners

FROM: Planning Staff

DATE: April 26, 2006

SUBJECT: PB 06-20 Height Amendment

Staff is proposing the attached text amendment to change the definition of height to reflect that which is in the NC Building Code. Currently, height is measured by the UDO from grade to the highest point of the roof surface. The proposal will measure height from grade plane to the average height of the roof. Average height of the roof is the mid-height between the roof eave and the roof ridge of the highest roof surface.

The maximum height will remain 35'; however, the measurement will be taken from the average height of the roof and not the highest point of the roof. This proposal also measures height uniformly throughout the county.

Please feel free to contact us with any questions.

UDO TEXT AMENDMENT REQUEST

PB 06-20 CURRITUCK COUNTY request an amendment to Sections 206 and Article 25 of the UDO to change the manner in which building height is calculated to reflect the definition in the NC Building Code.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part 1. That the following sections be amended:

Section 206 Building Height Limitations. (Amended 9/7/99)

1. For purposes of this Section, the height of a building shall be **is measured as** the vertical distance **from grade plane to the average height of the highest roof surface.** ~~measured from the finished grade surrounding the building to the highest point of the building provided that the highest point of the finished grade shall not be calculated to be more than six (6) inches above the natural grade.~~
2. **Grade plane is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six (6) feet from the building.**
3. **The average height of the roof is the mid-height between the roof eave and the roof ridge of the highest roof surface, regardless of the shape of the roof. The average height of multiple roof levels is not to be used to determine the building height.**
2. ~~No building or structure may exceed a height of thirty five (35) feet except in the Outer Banks Overlay Zoning District in Poplar Branch Township where the maximum height shall be forty (40) feet. Buildings or structures in the RO1 zoning district that are between thirty five (35') feet and forty (40') feet in height shall be subject to all of the following:~~
 - ~~(a) buildings or structures must setback fifteen (15') feet from side lot lines. The fifteen (15') foot setback does not apply to encroachments allowed under Section 204(4), such as uncovered decks, stoops, porches, eaves, gutters and the like;~~
4. ~~(b) maximum height to the top plate of the building or structure shall be thirty-five (35) feet;~~
5. ~~(c) there shall be no more than three (3) habitable floors; and~~
- ~~(d) no habitable floor area shall be greater than ninety (90) feet from any street right of way unless the driveway serving that building or structure is constructed to support a 66,000 pound vehicle.~~

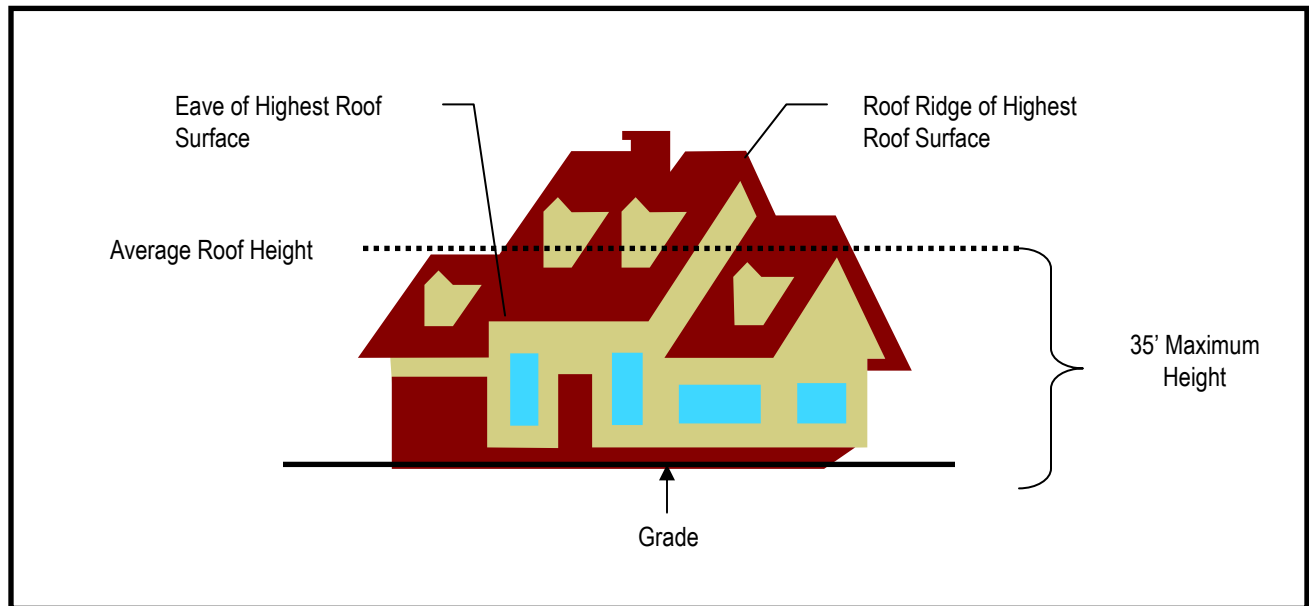
Part 2. That the following section be amended:

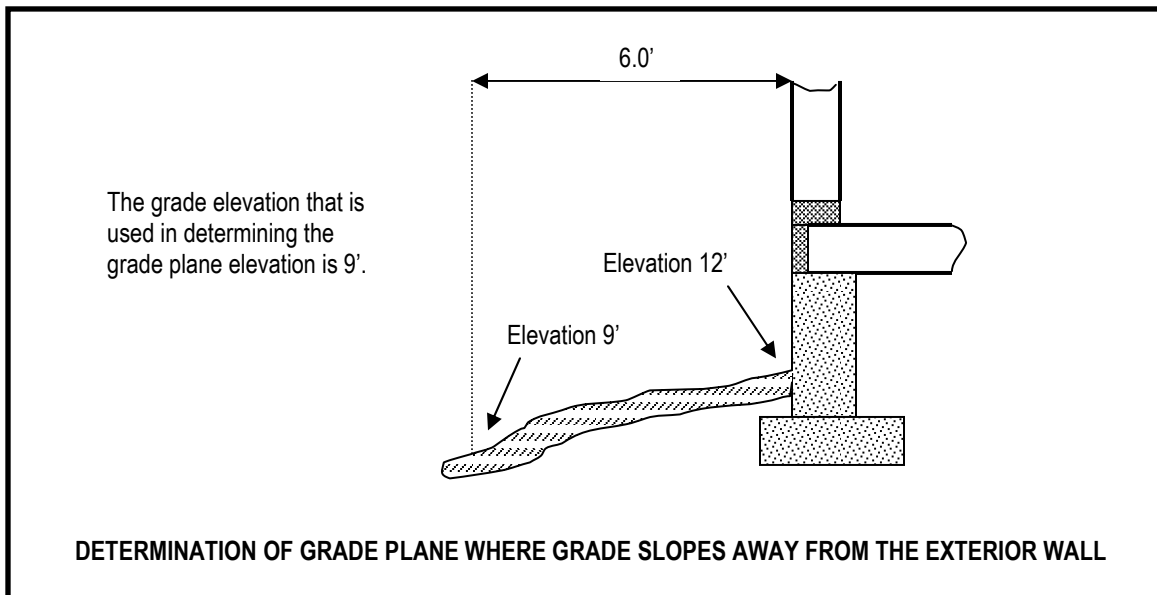
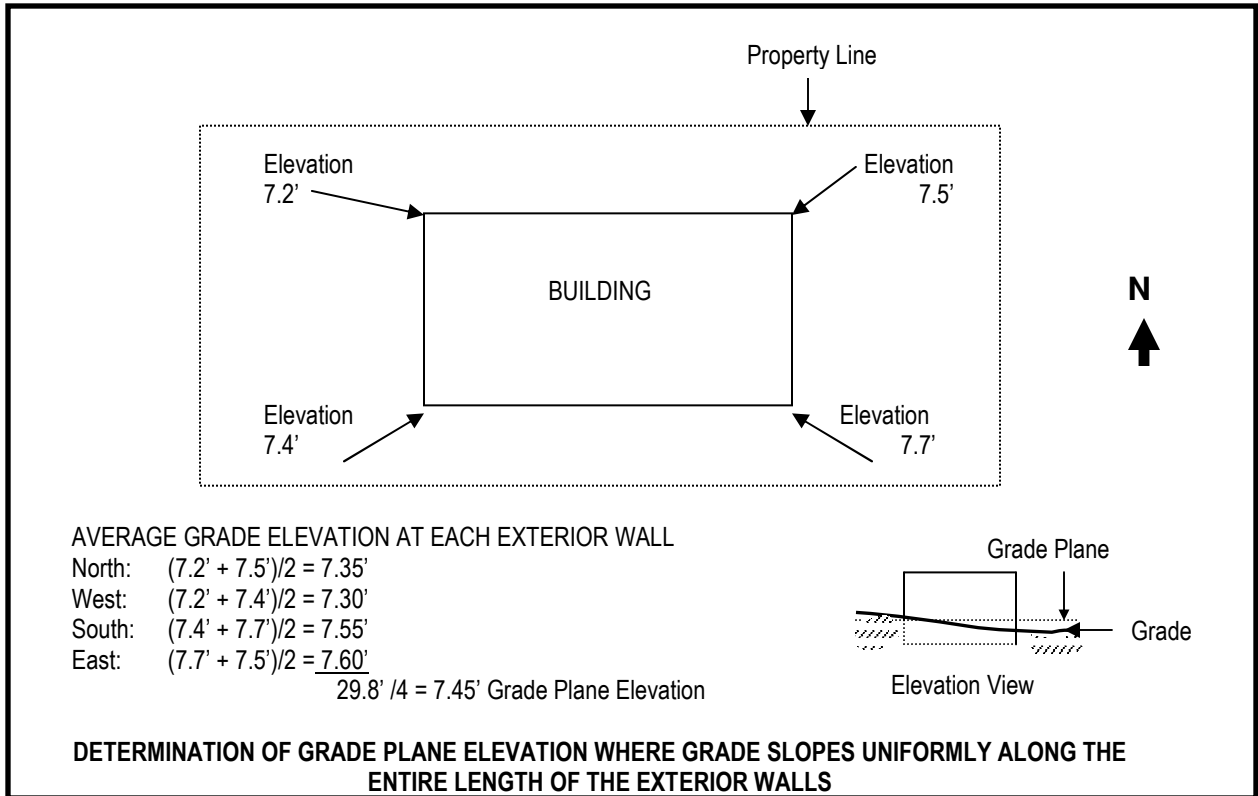
Section 2501 Definitions of Basic Terms.

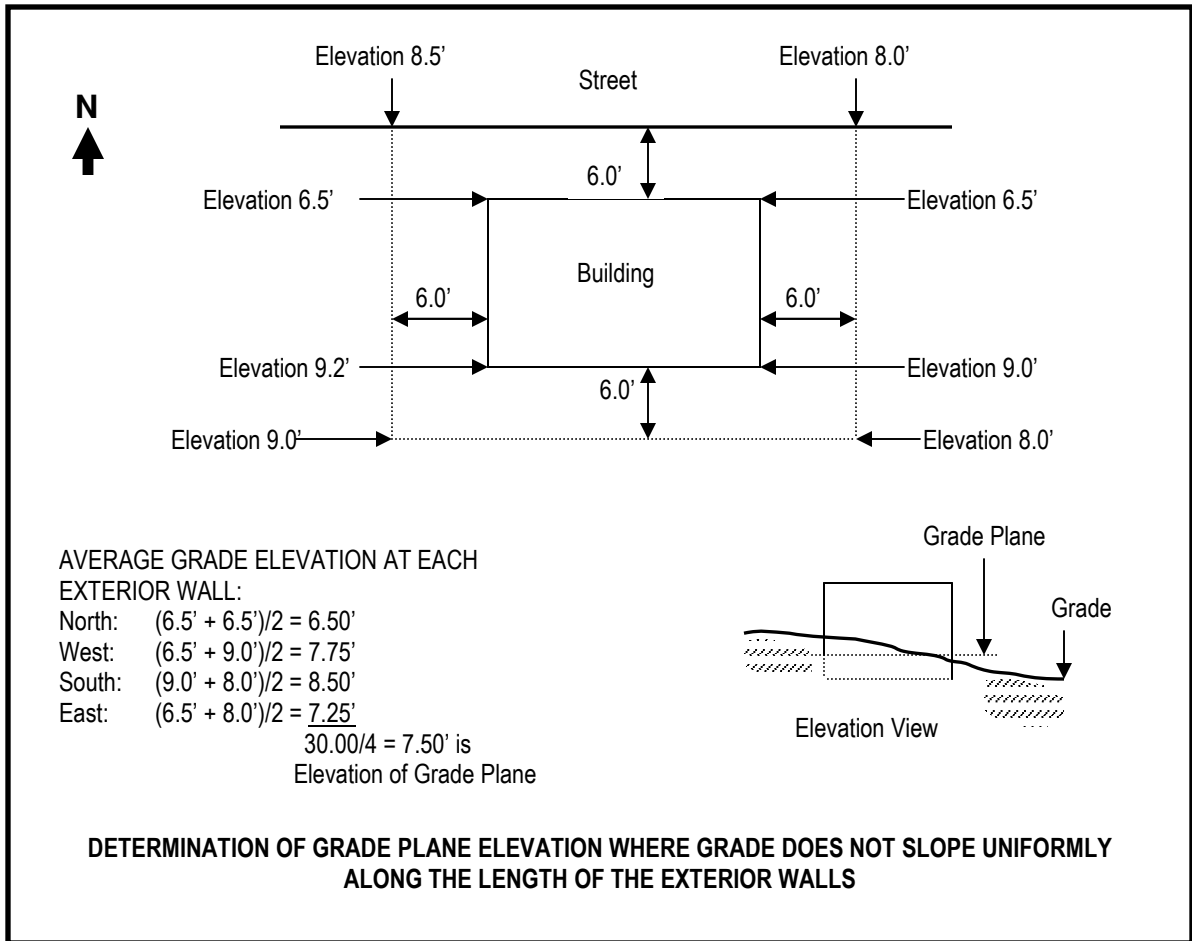
Height. The vertical distance **measured from grade plane to the average height of the highest roof surface. The average height of the roof is the mid-height between the roof eave and the roof ridge of the highest roof surface, regardless of the shape of the roof. The average height of multiple roof levels is not to be used to determine the building height.** ~~the finished grade surrounding the building to the highest point of the building. The highest point of the finished grade shall not be calculated to be: 1. more than six (6) inches above natural grade; or 2. twelve inches above the minimum fill limit established by the Health~~

Department for the waste water system; or 3. at the height established by a CAMA permit; or 4. six (6) inches above the road serving the lot; whichever is greater. For purposes of this section, natural grade may be determined by a North Carolina registered land surveyor establishing the average elevation above mean sea level of four (4) points along the exterior footprint of the building, including the highest point and the lowest point with the other two (2) points directly opposite from the high and low point. **(Amended 3/19/01, 7/2/01)**

Grade Plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six (6) feet from the building.







Part 3. This ordinance amendment shall be in effect from and after the ____ day of ____, 2006.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
 MOTION TO ADOPT BY COMMISSIONER: _____
 SECONDED BY COMMISSIONER: _____
 VOTE: _____ AYES _____ NAYES

 PLANNING BOARD DATE: _____
 PLANNING BOARD RECOMMENDATION: _____
 Ayes _____ Nays _____
 ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
 BOARD OF COMMISSIONERS PUBLIC HEARING: _____
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____

DISCUSSION

Mr. Kovacs stated a concern with the fire equipment that the County already owns.

Mr. Keel motioned to table the request as presented to request the Fire Marshal be present at the next meeting to answer questions. Mr. Etheridge seconded the motion. Motion passed unanimously.

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

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

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board