

CURRITUCK COUNTY PLANNING BOARD

November 14, 2006

A work session was held prior to the meeting to discuss items on the agenda.

The Currituck County Planning Board met in the Board Room of the Historic Courthouse. The following members were present: Forrest Midgette, Alvin Keel, Joe Kovacs, Bobby Bell, Pat Riley, and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present. Absent: William Etheridge, Arthur Winter, Manly West

Planning Board Chairman Midgette called the meeting to order.

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

APPROVAL OF AGENDA

Mr. Keel motioned to approve the agenda with items 7 and 11 removed. Mr. Bell seconded the motion. Motion passed unanimously.

APPROVAL OF MINUTES

Mr. Kovacs motioned to approve the October 10, 2006 minutes. Ms. Turner seconded the motion. Motion passed unanimously.

**Currituck County
Planning Board Agenda
Historic Currituck County Courthouse
November 14, 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 October 10, 2006 Minutes

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

- Item 3** **06-50 CECIL AND ELSIE SIMPSON:** Request to rezone approximately .20 of an acre from Agricultural (A) to General Business (GB). The property is located at 135 Dot Sears Drive in Grandy, approximately 300 feet from the intersection with Caratoke Highway, Tax Map 94 B, Parcel 3, Poplar Branch Township.
- Item 4** **PB 06-40 OWNLEY HEIRS/ FRIEDMAN:** Rezone 77 acres from Agricultural (A) to Residential (R) on property located at 120 Survey Road, north of the Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.
- Item 5** **PB 06-52 BURRUS/R&E DEVELOPMENT:** Residential Multi-Family Overlay rezoning to create a 23 acre multi-family overlay district. The property is located on Caratoke Hwy., 890 feet south of The Pointe Golf Club Drive, Tax Map 124, Parcel 105B, Poplar Branch Township.
- Item 6** **PB 06-49 J&B OUTER BANKS:** Rezoning request to create a 16.09 acre Residential Multi-Family

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Overlay Zone on two properties. The two properties are located to the northwest of the intersection of West Mobile Road and Caratoke Highway, Tax Map 131, Parcels 97 and 95A, Poplar Branch Township.

Item 7 **PB 06-38 CARATOKE FOREST:** Create a 76.62 acre Residential Multi-Family Overlay District on property located on the west side of Caratoke Highway (NC 168) approximately ½ mile north of the intersection with Bells Island Rd., Crawford Township.

Item 8 **PB 06-53 ROBERT GLIDDEN:** Special Use Permit for outdoor sales and storage in a Light Manufacturing Zone. The property is located at 4544 Caratoke Highway, ½ mile north of the Coinjock Bridge, Tax Map 71, Parcels 1 and 2, Crawford Township.

Item 9 **PB-06-56 RAYMOND AND JENNIFER ALLEN:** Amendment Request to amend Currituck UDO Article 13, Permissible Uses and Table, to allow a pawn shop in a General Business (GB) zoning district.

Item 10 **PB-06-51 CURRITUCK COUNTY:** Request to amend the Currituck UDO Article 13, Permissible Uses and Table, Section 1305, Accessory Uses, and Article 25, Definitions, Section 2501, Definitions of Basic Terms, of the UDO to clarify the prohibition of junked motor vehicles.

Item 11 **PB 06-63 Repeal and re-enact the UDO**

Item 12 **PB 06-64 Amendment to the Land Use Plan**

Item 13 Old Business

Item 14 Adjournment

06-50 CECIL AND ELSIE SIMPSON: Request to rezone approximately .20 of an acre from Agricultural (A) to General Business (GB). The property is located at 135 Dot Sears Drive in Grandy, approximately 300 feet from the intersection with Caratoke Highway, Tax Map 94 B, Parcel 3, Poplar Branch Township.

Elsie Simpson appeared before the board.

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

ZONING:	<u>Current Zoning</u> Agricultural (A)	<u>Proposed Zoning</u> General Business (GB)
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ZONING HISTORY: This property has been split zoned Agricultural and General Business since 1989.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Office building	GB
SOUTH	vacant	GB and A
EAST:	vacant	A
WEST:	Grandy Greenhouse and Market	GB

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Family Business

GENERAL BUSINESS USES:

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

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

**LAND USE PLAN
CLASSIFICATION:**

This property is in the **Full Service Area** and Grandy sub-area of the 2006 Land Use Plan. With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.

The uses allowed within the General Business district are consistent with the 2006 Land Use Plan along the Caratoke Highway corridor in the Grandy.

**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 Dot Sears Road.

FLOOD ZONE:

The property is located in Flood Zone X, outside of the 100 year flood plain

SOILS:

The Currituck County Soil Suitability map indicates the property contains soils that are Suitable for on-site septic.

**STAFF
RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is

whether the proposed amendment advances the public health, safety or welfare” of the county and further directs that “the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.”

In addition, section 2407 of the Ordinance states that “[a]reas zoned for non-residential purposes along the county’s major arterials have been carefully selected, taking into account existing needs and uses. Additional areas along these major arterials shall not be rezoned to non-residential districts except upon an extraordinary showing of public need or demand.

Staff recommends **approval** of the request for the following reasons:

- 1) The property is split zoned with a majority of the property already being General Business.
- 2) The rezoning would be an extension of an existing General Business zoning district.
- 3) The request **complies** with the 2006 Land Use Plan designation of Full Service.

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

Ms. Simpson stated that she hates to have a split lot and would like it rezoned so it can be used in the future as General Business should they wish. They have no plans for the property at this time.

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

PB 06-40 OWNLEY HEIRS/FRIEDMAN: Rezone 77 acres from Agricultural (A) to Residential (R) on property located at 120 Survey Road, north of the Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Mark Bissell, Bissell Professional Group, appeared before the board.

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

OWNERS:

William Pitt and Linda Yendall
5621 N. 9th Road
Arlington, VA 22205

APPLICANT: Charles Friedman
3500 Virginia Beach Blvd.
Virginia Beach, VA 23452

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

ZONING: Current Zoning Proposed Zoning
A (Agricultural) R (Residential)

ZONING HISTORY: The property has been zoned Agricultural (A) since 1989. This application was originally submitted as an A to GB rezoning on July 28, 2006. The applicant changed the requested zone to R (Residential) on October 10, 2006.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural	A
SOUTH	Residential (Eagle Creek)	A
EAST:	Residential, Moyock Middle School	A
WEST:	Agricultural	A

EXISTING LAND USE: Agricultural

PROPOSED LAND USE: The application states the purpose of the request is to provide for uses that are permitted in the Residential zoning district.

LAND USE PLAN CLASSIFICATION:

The Land Use Plan update was adopted by the Board of Commissioners on October 2, 2006. This application will be considered under the 2006 Land Use Plan.

The 2006 Land Use Plan classifies the subject property as **Rural** and within the Moyock sub-area. In the Rural Classification, population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres.

While the overall Rural Classification does not necessarily support an up-zoning from Agricultural to Residential, the Moyock sub-area description does. The Moyock area is describes as the fastest growing part of the county, experiencing development pressure from the Tidewater Area of Virginia. The Land Use Plan further provides that it is not the intention of the county to develop all of Moyock intensely, but rather create service centers and various gradations of development.

The surrounding area, while zoned Agricultural, is emerging in a suburban low-density residential development pattern, particularly as evidenced by the Eagle Creek Subdivision. The permitted density in the Residential zoning district of 1 unit/ acre is in keeping with the surrounding area and appears to **comply** with the policies of the Land Use Plan.

**PUBLIC SERVICES
AND UTILITIES:**

The Moyock Volunteer Fire Department provides fire protection for this area. Electric service, telephone, county water and cable are currently available for this site.

TRANSPORTATION:

The property is accessed by Survey Road.

FLOOD ZONE:

The area proposed for rezoning is outside of the 100 year flood zone (Zone X).

SOILS:

The Currituck County Soil Suitability map indicates the entire site contains soils that are Not Suitable for on-site septic systems.

**STAFF
RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the “central issue before the board is whether the proposed amendment advances the public health, safety or welfare” of the county and further directs that “the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.”

Upon evaluating the application, staff recommends **approval** for the following reasons:

- 4) The request complies with the 2006 Land Use Plan.
- 5) The residential zone would be adjacent to an existing residential development, Eagle Creek.

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. Kovacs asked if the soil was suitable for on site septic.

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Ms. Keifer said that the development details of the property have not been discussed with staff at this point, this is just a rezoning application so she is not aware of the details of a proposed wastewater system.

Mr. Bissell stated that the soils are similar to those at Eagle Creek. There hasn't been actual plans developed, but there would likely be an engineered on site system should development occur.

Mr. Kovacs asked if it would be tied to Eagle Creek.

Mr. Bissell said that would be a possibility.

Mr. Kovacs asked if the Eagle Creek plant would need to be upgraded.

Mr. Bissell said that he isn't sure where that plant stands as far as capacity.

Mr. Bissell stated that this is consistent with the Land Use Plan, adjacent to Eagle Creek and the school and it is an appropriate place for a residential use.

Mr. Greg Gould, 214 Eagle Creek Rd., expressed concern about a new treatment plant being built next to existing homes.

Tom Roddy, 193 St. Andrews Rd., stated that the original case analysis wherein the applicant requested rezoning from Agricultural to General Business stated that the road was inadequate at that time and expressed his concern with the recommendation for approval at this time.

Ms. Keifer said that this request is different in that the first request was to rezoning to General Business rather than Residential. Each type of development results in a different traffic demand/generation.

Mr. Roddy asked where that is written in the UDO.

Ms. Keifer explained that the development in a General Business zone is more intense than residential subdivision and likely to result in higher traffic generation.

Mr. Roddy asked how many lots would be allowed, per UDO.

Ms. Keifer said the maximum density is 1 unit per acre in the Residential zoning district resulting potentially in 77 units with a conventional subdivision.

Mr. Roddy said that if school buses are still an issue, he doesn't understand why the staff has changed its mind and is recommending approval of this application.

Ms. Keifer said was because of the intensity of the uses. Again, a residential development will bring substantially less traffic than a General Business zone.

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Mr. Midgett reminded the audience that this is a rezoning request only.

Mr. Bissell stated that if the rezoning is successful, the roads and waste water would be addressed at that time.

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

PB 06-52 BURRUS/R&E DEVELOPMENT: Residential Multi-Family Overlay rezoning to create a 23 acre multi-family overlay district. The property is located on Caratoke Hwy., 890 feet south of The Pointe Golf Club Drive, Tax Map 124, Parcel 105B, Poplar Branch Township.

Eddie Valdivieso, Quible & Associates, appeared before the board.

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

OWNER: William and Allen Burrus
PO Box 27
Hatteras, NC 27943

APPLICANT: R&E Developments. LLC
821 Ocean Trail
Corolla, NC 27927

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

ZONING:	<u>Current Zoning</u> General Business (GB)	<u>Proposed Zoning</u> Residential Multi Family Overlay (RMF)
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ZONING HISTORY: This property was split zoned until 2006 as Agricultural and General Business. On July 17, 2006, the Board of Commissioners rezoned the entire property to General Business (GB).

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Golf Course and Residential	GB and A
SOUTH	Mix of Residential and Commercial (Storage)	GB and A
EAST:	Vacant	A
WEST:	Across Caratoke Highway: Mix of Commercial and Residential Uses	GB, HM, LM

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Multi-Family development

**LAND USE PLAN
CLASSIFICATION:**

This property is classified **Full Service** in the 2006 Land Use Plan. With respect to residential development, base development density is contemplated to be 2 units per acre in Full Service areas but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

A Residential Multi-Family Overlay zone would comply with the Full Service classification.

**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 Caratoke Highway.

FLOOD ZONE:

The property is located in Flood Zones X, Shaded X and AE (6) and. Approximately 4.6 acres are in the 100 year flood zone.

SOILS:

The Currituck County Soil Suitability map indicates that 1.1 acres contains soils that are Marginal, with the remainder being Non-suitable for on-site septic.

**STAFF
RECOMMENDATION:**

The Residential Multi-Family Overlay District (RMF) was created by the Board of Commissioners to provide for medium density residential development in close proximity to major thoroughfares and commercial zones. The district is designed to have insignificant impacts on surrounding single family residential development.

This site is located in an area that has a mix of commercial and higher density residential uses, such as Villas of Kilmarlic, Freedom Business Park, Ballast Rock commercial subdivision and the 7 building Sampat Professional Center. The proposed multi-family overlay is adjacent to The Pointe Golf Club, which could be an amenity for this development. A multi-family development seems to fit the character of this area.

The 23 acre site exceeds the required 5 acre minimum and would have a maximum density of 90 units. The site is served by public

water and has access to Caratoke Highway. The proposed road frontage of the site is 200 feet.

Because the request complies with the Land Use Plan designation of Full Service, is in keeping with the character of the surrounding area, and meets the minimum requirements of the RMF zone in Section 127, staff recommends **approval** of the request.

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. Kovacs stated that the soils are marginal and unsuitable.

Mr. Valdivieso said that the intent is for a centralized wastewater treatment.

Mr. Keel stated that there will be 90 units on this property.

Mr. Kovacs stated that the RMF was intended to provide affordable housing. He asked if there would be any affordable units.

Mr. Valdivieso said that the term affordable is relative.

Mr. Keel asked for a ball park figure on these units.

Mr. Valdivieso said that he doesn't know.

Ms. Turner asked about the length of the drive.

Mr. Valdivieso said it is 200 feet.

Mr. Kovacs stated that he would like the developer to look into affordable housing, because it fits the intent of the ordinance.

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

PB 06-49 J&B OUTER BANKS: Rezoning request to create a 16.09 acre Residential Multi-Family Overlay Zone on two properties. The two properties are located to the northwest of the intersection of West Mobile Road and Caratoke Highway, Tax Map 131, Parcels 97 and 95A, Poplar Branch Township.

Dave Holton, appeared before the board.

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

OWNER: J&B Outer Banks, LLC
821 Ocean Trail
Corolla, NC 27927

ZONING: **Current Zoning** **Proposed Zoning**
General Business Residential
Multi-Family Overlay

ZONING HISTORY: The lot at Map 131/ Parcel 95A was zoned General Business on the 1989 Zoning Atlas.

The land at Map 131, Parcel 97 was split zoned General Business and Agricultural on the 1989 Zoning Atlas. The Board of Commissioners approved an A to GB rezoning of 12.5 acres on November 4, 2002 to allow the entire property to be zoned General Business.

A Conditional Use Permit (BOA 97-16) was issued for the site April 30, 1997 to construct a communications facility to include a 185' monopole tower, equipment structures, and antennas.

SURROUNDING PROPERTY:

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

EXISTING LAND USE: Residential with accessory structures, agricultural, 185' Communications Tower (approved in 1997, BOA 97-16) and wooded.

PROPOSED LAND USE: Multi-Family Development

LAND USE PLAN CLASSIFICATION:

This application was submitted before the 2006 Land Use Plan was adopted and will be considered under the 1990 Land Use Plan.

The 1990 Land Use Plan classifies this property as **Limited Transition and Rural**. 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. However, the Limited Transition classification contemplates a maximum density of three (3) units

per acre rather than the four (4) units per acre permitted by the RMF Overlay Zone.

The purpose of the Rural classification is to “provide for agricultural, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region.” The Rural areas are designated for low density dispersed single family housing at a density of one unit per acre.

The 2006 Land Use Plan classifies these properties as **Limited Service** Areas, which does not support high density residential development.

This proposal is not consistent with the 1990 Land Use Plan **Rural** and **Limited Transition** classification.

**PUBLIC SERVICES
AND UTILITIES:**

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

TRANSPORTATION:

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

FLOOD ZONE:

The majority of the property is not in a flood zone. There is approximately 1 acre of land in flood zones AE(7) and AE(6).

SOILS:

The Currituck County soils maps indicate the soils on this property are Marginal for on-site septic systems.

**STAFF
RECOMMENDATION:**

The Residential Multi-Family Overlay District was created by the Board of Commissioners to provide for medium density residential development in close proximity to major thoroughfares and commercial zones. The district is designed to have insignificant impacts on surrounding single family residential development.

The maximum density for the 16.08 acre subject site would be 1 unit per 10,000 SF or a total of 70 units. The site is served by public water and has access to Caratoke Highway.

West Mobile Road together with Harbinger Ridge Road serve as collector roads for several subdivisions in the Harbinger area, including Cypress Point, Albemarle Estates, and Owens Beach. The potential increase in traffic for up to 70 housing units would affect the northern access to Caratoke Highway for these developments.

This site is approximately 2.5 miles north of the Wright Brothers Memorial Bridge, which is an area participants in Land Use Plan meetings in 2005 and 2006 objected to any higher density

development. Surrounding this property are approximately 10 residential dwellings on lots that are 1 acre or greater. There are no high density residential developments within ½ mile of this site.

The proposed overlay zone is also encumbered by the required 185' buffer zone for the communications tower. The tower is in the proposed overlay zone.

Because of the negative impacts on single family housing and non-compliance with the 1990 Land Use Plan, and the proposed development density is not consistent with existing development patterns, staff recommends **Denial** of this 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

Mr. Holton said that he cannot dispute anything Ms. Keifer said. He spoke of the benefits of multi family housing. This project is intended for apartments for the people who cannot afford to build or buy in Currituck. This area at one time was full service according to one of the drafts of the 2006 Land Use Plan.

Mr. Midgette asked how the buffer area for the tower would be addressed.

Mr. Holton said there are talks with the tower's owner to have it moved. He described the best scenario for the movement of the tower.

Mr. Kovacs asked if there would be a wastewater treatment plant.

Mr. Holton said that the engineer would have to address that issue.

Mr. Midgette stated that he would like to table the item until the next meeting so that the board would have an opportunity to look at the packet of information that Mr. Holton gave the board prior to the meeting.

Ms. Keifer stated that the board has the authority to table the item. The Land Use Plan states where certain types of development belong. The question being, 'Is this the right place in the county for this type of development?'

Mr. Holton said that the plan thus far is for apartments: multi family, non ownership housing.

Mr. Riley said that Bob DeGabrielle built apartments on the Outer Banks a few years ago that are now condominiums.

Mr. Holton said that Bob DeGabrielle had nothing to do with this application.

Mr. Keel asked what these would sell for.

Mr. Holton said that the market demands putting more into the unit because you put less into the land.

Mr. Keel stated that \$2000 a month is not affordable for rent.

Mr. Holton said that 4.3 units per acre is the maximum here, other places it is 22.

Ms. Brenda Kleman, Waterside Dr., expressed her concern with infrastructure and traffic in the area. She believes this type of development would be serving Dare and is better served farther north.

Mr. Kovacs motioned to deny the request as presented because it doesn't comply with the Land Use Plan. Mr. Bell seconded the motion. Motion passed unanimously

PB 06-38 CARATOKE FOREST: Create a 76.62 acre Residential Multi-Family Overlay District on property located on the west side of Caratoke Highway (NC 168) approximately ½ mile north of the intersection with Bells Island Rd., Crawford Township.

REMOVED

PB 06-53 ROBERT GLIDDEN: Special Use Permit for outdoor sales and storage in a Light Manufacturing Zone. The property is located at 4544 Caratoke Highway, ½ mile north of the Coinjock Bridge, Tax Map 71, Parcels 1 and 2, Crawford Township.

Ken Sisk, The Vision Group, appeared before the board.

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

OWNER:

Robert Glidden
PO Box 233
Coinjock, NC 27923-0233
(252) 453-9903

ENGINEER:

The Vision Group
Ken Sisk, PE
2337 Mount Pleasant Road
Chesapeake, VA 23322
(757) 410-5740

LAND USE/ZONING OF SURROUNDING PROPERTY:

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Manufactured Homes Sales and Storage	GB

SOUTH	Vacant/ Wetlands	A
EAST:	Barber Shop (across highway)	GB
WEST:	Vacant/ Wetlands	A

FIRE DISTRICT: Crawford V.F.D.

SIZE OF SITE: 10.67 Acres

WATER: The site is served by an on-site well.

WASTEWATER: An on-site septic system is being proposed.

DRAINAGE: The site is being proposed to drain to the NCDOT roadside ditches and the wetlands in the rear of the property.

FLOOD ZONES: The property is in Flood Zone AE (5), Base Flood Elevation of 5.9' and Shaded X on 0.6 acre.

NARRATIVE:

The subject site is currently being used for retail sales and outdoor storage of landscape goods without the required Special Use Permit. Because the site exceeds five (5) acres in area, the UDO required Special Use Permit approval for any outdoor sales and storage. The applicant is proposing to bring the site into compliance and at the same time expand the existing warehouse from 2,115 square feet to 5,526 square feet.

TRC REVIEW

A Technical Review Meeting was held on September 20, 2006 and the reviewing agencies had the following comments:

- 1. NCDOT:** Approved as is. Landscaping shall not be permitted inside the site triangle.
- 2. CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The plan was approved with the following comments:
Drainage narrative was received and approved as is.
- 3. CURRITUCK COUNTY WATER DEPARTMENT:**
The property does not have a water service, and a private well will be required and shall be shown on the plan.
- 4. CURRITUCK COUNTY FIRE SERVICES:**
The site plan shall indicate the fire apparatus area including the turnaround area. Once approved, no display will be allowed in this area. The area shall not cause any backing over 150 feet of all portions of the structure. The

surface of the fire apparatus area shall be of an all weather driving surface capable of withstanding 75,000 lbs.

5. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was reviewed with no comment
6. **ALBEMARLE REGIONAL HEALTH SERVICES:**
No comments received.
7. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
8. **CURRITUCK COUNTY GIS/ TAX MAPPING:** The plan was reviewed with no comment.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

- (a) Will not endanger the public health or safety;
- (b) Will not injure the value of adjoining or abutting property;
- (c) Will be in harmony with the area in which it is located;
- (d) Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners; and,
- (e) Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

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

1. **COMPLETENESS OF THE APPLICATION**

Suggested Findings:

The application is complete.

2. **COMPLIANCE WITH ORDINANCE REQUIREMENTS**

Suggested Findings:

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

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

Suggested Findings:

The site is being used for retail sale of non-hazardous landscape materials such as sand, gravel, mulch and topsoil.

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

Suggested Findings:

The use is compatible with the adjacent uses.

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

Suggested Findings:

The use is compatible with other retail uses in the area. However staff is recommending additional vegetative screening in order to minimize the impact on the surrounding area.

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

Suggested Findings:

1. The 2006 Land Use Plan classifies this property as **Full Service**. In this classification, nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.
2. This use complies with a **Full Service** classification.

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

Suggested Findings:

The private water and wastewater systems will not required public services. This use will not exceed the county's ability to provide public services.

STAFF RECOMMENDATION

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

Code and TRC Requirements:

1. A recombination plat shall be recorded for the two properties prior to a building permit being issued to prevent property lines passing through the middle of the new building. (Section 204, Setbacks)
2. The warehouse expansion shall receive approval of Albemarle Regional Health Services for wastewater disposal prior to a building permit being issued. (Section 603)
3. The required type C bufferyard shall be extended along the right side to the woods line. (Section 503-506)
4. The sight plan must show a fire apparatus area and turnaround. (Fire Prevention Code)

Staff Recommendations:

1. Staff recommends that all exterior lighting comply with the standards set for buildings greater than 20,000 SF (Art. 6, Part IV) to not excessively illuminate the neighboring properties.
2. Staff recommends a Type A bufferyard installation to screen all areas with outdoor storage and a type B bufferyard along US 158.

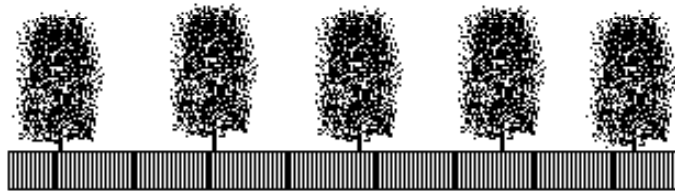
Examples of Type A Bufferyard



6' high evergreen shrubs; small trees planted 30' on center



Tall evergreen trees planted stagger with branches touching ground



Large trees planted 40' on center; 6' high solid screen fence

Examples of Type B Bufferyard



Small trees planted 30' on center; 3' high evergreen shrubs planted 3' on center

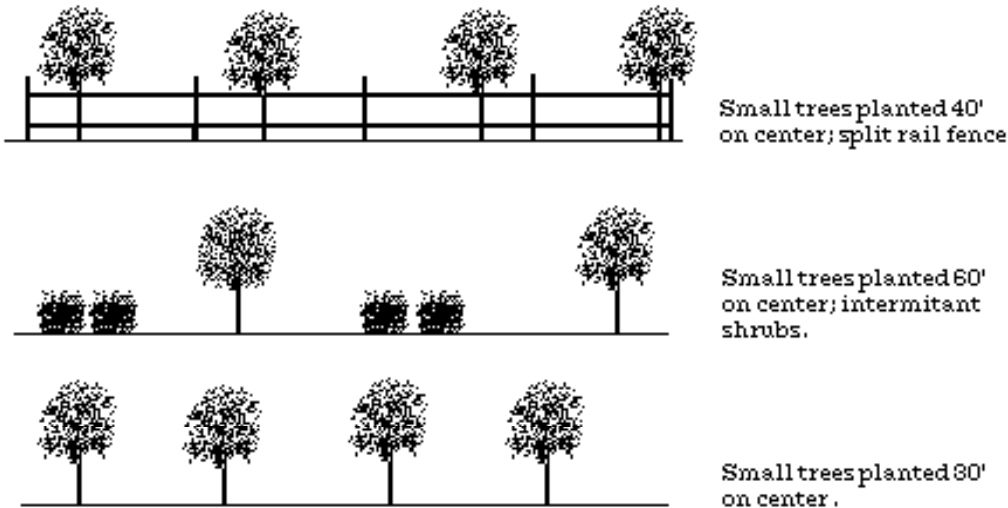


Large trees planted 40' to 50' on center; 3' high evergreen shrubs planted 3' on center



Small trees planted 30' on center on top of 3' high earth berm seeded.

Examples of Type C Bufferyard



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. Sisk stated that the conditions have all been addressed. He is concerned about the landscaping requirements at the front because of the possibility of impairing traffic visibility. The landscaping plan to the back of the property would interfere with wetlands.

Ms. Keifer said that the examples of the type B buffer yard would be acceptable along the road. Under no circumstances would the staff want to impede safety.

Mr. Sisk said that there is an existing berm with landscaping there already with wildflowers and irrigation. It has been improved considerably since Mr. Glidden purchased the property from an automobile repair business two years ago.

Mr. Kovacs stated that landscaping is to help the look of the highway. He said that he is in agreement with the staff on the requirement.

Mr. Sisk said that the type B would be ok, he is concerned with including a type A. He would like to meet someone from the staff on site to discuss the landscaping plan.

Mr. Kovacs asked if the plan is to extend the landscaping along the property line.

Mr. Sisk said yes, to the wetlands.

MR. Kovacs asked if the warehouse would be a metal building.

Mr. Sisk stated that it would, but wouldn't be noticeably visible from the road.

Ms. Keifer asked Mr. Sisk if they oppose the type B buffer yard along the road.

Mr. Sisk said no.

Ms. Keifer said that the type A would be required around the bins, so that they aren't visible.

Mr. Sisk stated that it would impede access to the bins.

Ms. Keifer asked how they are accessed now.

Mr. Sisk said from the front and the rear.

Ms. Keifer stated that doesn't meet the requirement for turning radius.

Mr. Sisk asked if the type A buffer yard could be modified because the backside of the bins meets the woods.

Ms. Keifer said that it doesn't quite meet the intent. The intent is to screen the bins.

Mr. Keel stated that the board could table the request to give the staff and the applicant time to work out the buffer yards.

Ms. Keifer said that the board could make it a condition of approval, but the staff would be more comfortable if it could see something specific and come to an agreement prior to approval.

Mr. Sisk said that a type A could be an L shape along the highway.

Ms. Keifer said that the type A was envisioned for the interior.

Mr. Webb illustrated the proposed buffer.

Mr. Sisk said that he is agreeable.

Mr. Keel motioned to approve the request per the staff recommendation. Mr. Bell seconded the motion. Motion passed unanimously

PB-06-56 RAYMOND AND JENNIFER ALLEN: Amendment Request to amend Currituck UDO Article 13, Permissible Uses and Table, to allow a pawn shop in a General Business (GB) zoning district.

Mr. Keel motioned to table the item due to lack of representation. Ms. Turner seconded the motion. Motion passed unanimously.

PB-06-51 CURRITUCK COUNTY: Request to amend the Currituck UDO Article 13, Permissible Uses and Table, Section 1305, Accessory Uses, and Article 25, Definitions,

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Section 2501, Definitions of Basic Terms, of the UDO to clarify the prohibition of junked motor vehicles.

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

Memorandum

Date: 10/25/2006
To: **Planning Board**
Board of Commissioners
Dan Scanlon
Cc: Sarah Keifer
From: Kate McKenzie
RE: UDO Text Amendment

Please find attached Ordinance PB 06-61, an amendment to clarify the prohibition of junked motor vehicles. At the August 7, 2006, Board of Commissioners meeting, the members adopted a Junk Car Ordinance to become effective on January 1, 2007. The ordinance declared junked, abandoned, and nuisance vehicles on private and/or public property to be prohibited and outlined the enforcement procedures for any violation of the ordinance.

In reviewing the Unified Development Ordinance, however, certain discrepancies were discovered. This amendment will make the UDO consistent with the Code of Ordinances. As the UDO reads now, a property owner would be able to store a motor vehicle without a current license plate and inspection sticker outside if it was raised on blocks or somehow stood one (1) foot above the ground and was completely covered by a waterproof covering material. The amendment would delete this provision of the UDO, as now, according to the Junk Car Ordinance, such a situation would not be lawful. The previous language of Section 1305(4) has been deleted and replaced with language to direct a property owner to the statutes and the County's Junk Car Ordinance for guidance on this issue.

In addition, as the UDO reads now, a junkyard is defined as any lot with more than two (2) vehicles stored without current registration plates or having an excessive amount of trash. Again, according to the Junk Car Ordinance, a property owner is not allowed to have any vehicles without current registration plates. The amendment would delete the reference to two vehicles.

To reiterate, the amendment requests proposed herein would remove any inconsistencies between the UDO and the recently adopted Junk Car Ordinance in the County's Code of Ordinances. Should you have any questions or concerns about the proposed amendments, please do not hesitate to contact me. Thank you.

CURRITUCK COUNTY
PB 06-61
UDO AMENDMENT REQUESTS

CURRITUCK COUNTY requests an amendment to Article 13, Permissible Uses and Table, Section 1305, Accessory Uses, and Article 25, Definitions, Section 2501, Definitions of Basic Terms, of the UDO to clarify the prohibition of junked motor vehicles.

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 Article 13, Permissible Uses and Table, Section 1305, Accessory Uses, Item 4 be amended by deleting the item in its entirety and replacing it with the following underlined language:

Section 1305 Accessory Uses.

~~4. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:~~

~~(a) no motor vehicle which does not have a current license plate and inspection sticker shall be stored outside of an enclosed structure, unless the same is raised up on blocks or stands to a distance of one (1) foot above the ground and is completely covered by a waterproof covering material; and,~~

~~(b) The provisions and definitions of N.C.G.S. 153A-132 [Removal of Abandoned and Junked Motor Vehicles] is adopted as part of this Ordinance by reference and by such adoption abandonment of motor vehicles is hereby prohibited.~~

4. The provisions and definitions of N.C.G.S. 153A-132 and 153A-132.2 are adopted as a part of this Ordinance by reference and by such adoption abandonment of motor vehicles is hereby prohibited. Also, reference is hereby made to the Currituck County Code of Ordinances Chapter 9, Article IV "Junk Car Ordinance" which is incorporated herein.

Item 2: That Article 25, Definitions, Section 2501, Definitions of Basic Terms be amended by deleting the following language indicated with strikethrough marks and adding the underlined language:

Section 2501 Definitions of Basic Terms.

Junkyard. A lot, land or structure or part thereof, used primarily for the collecting, processing, storage and/or sale of salvage paper, animal hides, rags, rubber, glass, scrap metal, lumber or other building materials, or for the dismantling of parts thereof. Any lot with ~~more than two (2)~~ any vehicles stored

without current registration plates or having an amount of trash, either burnable or nonburnable, considered as excessive in the judgment of the Administrator, shall be classified as a junkyard and will require the appropriate zoning and permits.

Item 3: 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 4: These ordinance amendments 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. Kovacs motioned to approve the request as presented. Ms. Turner seconded the motion. Motion passed unanimously

PB 06-64 Amendment to the Currituck County 2006 Land Use Plan

Ms. Keifer presented the following amendment to the Land Use Plan to the board.

Mr. Midgette asked if this issue would come back again.

Ms. Keifer said that the staff had gone back through applications to be sure that no property owners would be negatively impacted by the new plan and this is the only piece that seems to be running into that problem.

Mr. Jon Snowden II, 180 Maple Rd., asked what the nature of the property and current use.

Ms Keifer said that it is the subject of a rezoning application submitted under the 1990 plan and was very clear that changing the plan mid stream would have a negative affect and the Commissioners stated that they did not want to negatively impact a property owner.

Ms. Keifer stated that it would have been Limited Transition in 1990 what is proposed is Limited Service.

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

OLD BUSINESS

There was a brief discussion on the survey for the mid county bridge.

Mr. Kovacs mentioned the changes to the UDO with regard to mining. He would like to add a condition of trucks entering highway use flashers until they reach the speed limit to limit traffic accidents such as the one in Grandy where two young men died.

Mr. Riley agreed but wondered if that would be a traffic ordinance.

Ms. Keifer offered to contact the district office of DOT to see what their direction would be on the issue.

Mr. Keel restated his feeling of frustration with the multi family overlay districts.

Ms. Keifer said that the staff is looking at implementing conditional zoning and spoke regarding affordable housing and the possibility of inclusionary zoning in the future. Higher density makes it easier to provide more affordable housing, but it is a situation that needs to be addressed further.

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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 8:45 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board