

CURRITUCK COUNTY PLANNING BOARD

October 10, 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, Arthur Winter, Bobby Bell, Manly West, Pat Riley, William Etheridge and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present.

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. West motioned to approve the October 10, 2006 agenda with items 5 and 13 removed. Ms. Turner seconded the motion. Motion passed unanimously.

APPROVAL OF MINUTES

Mr. Kovacs motioned to approve the September 12, 2006 minutes. Mr. Turner seconded the motion. Motion passed unanimously.

**Currituck County
Planning Board Agenda
Historic Currituck County Courthouse
October 10, 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 September 12, 2006

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

- Item 3 **PB 06-37 JERNIGAN ENTERPRISES (EAGLE CREEK):** Request to rezone 5 acres from Agricultural (A) to Residential. The property is located at

109 Green View Road adjacent to the Mill Run golf course clubhouse, within the Eagle Creek subdivision, Tax Map 16, Parcel 1A, Moyock Township.

Item 4 **PB 06-19 EEPKO:** Final Plat for one additional commercial lot. The proposed development is located in Grandy approximately 250 feet south of the intersection of Caratoke Highway and Hickory Hill Drive on the west side of Caratoke Highway, Tax Map 108, Parcel 62S Poplar Branch Township.

Item 5 **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.

Item 6 **PB 06-44 CALVARY TEMPLE CHURCH:** Request to rezone approximately 44 acres from Agricultural (A) to General Business (GB). The property is located at 166 Caratoke Highway, approximately ½ mile south of the NC/ VA state line, Tax Map 9, Parcel 79, Moyock Township.

Item 7 **PB 06-47 AKE PROPERTIEIS:** Rezone 95 acres of a 143 acre parcel from Agricultural (A) to Residential (R) on property located on the west side of harbinger Ridge Rd., approximately 800' south of West Mobile Rd., Poplar Branch Township.

Item 8 **PB 01-08 KILMARLIC CLUB, PHASE II:** Preliminary Plat for 32 lots on property located to the west of The Kilmarlic Club, Phase I at the end of West Side Lane, Tax Map 124, Parcel 133 and Tax Map 124F, Parcel 63, Poplar Branch Township.

Item 9 **PB 06-10 JARVIS LANDING:** Preliminary Plat for 14 Residential Lots on property located at 7400 Caratoke Highway, 750 feet North of Case Landing Road, Tax Map 11, Parcels 74, Poplar Branch Township, Currituck

Item 10 **PB 03-28 WATERSIDE VILLAGES PHASE 8A, 8B, 8C, AND 8D:** Preliminary Plat/Site Plan for 32 Multi-Family Planned Adult Retirement Units. The Property is located at the west end of waterfront dr., 500' east of the Caratoke Highway, Tax Map 108; Parcels 20, 21, 22B, 22C & 22D, Poplar Branch Township.

Item 11 **PB 94-49 THE CURRITUCK CLUB:** PUD Phase 14 (Historic Shooting Club), Preliminary Plat for 27 Residential Lots on property located on the west side of Hunt Club Drive adjacent to the Currituck Sound at the south end of the Currituck Club, Tax Map 127, Parcel 1U, Poplar Branch – Outer Banks Township

Item 12 **PB 90-01 PINE ISLAND, PHASE 5:** Amended Preliminary/Final Plat to

adjust the lot lines of 3 commercial lots adjacent to and including the Hampton Inn. The property begins at a point approximately 1.8 miles north of the Currituck/Dare County Line and runs northward approximately ½ mile; located on the east side of NC 12, Tax Map 128, Parcels 1D, 2E, 2F, 2G and 2H, Poplar Branch Township.

Item 13 **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 14 **PB 06-51 CURRITUCK COUNTY:** Special Event/ Special Use Permit for the Moving Wall: This site is located at Currituck Veterans Memorial Park, 132 Coinjock Canal Road, Tax Map 71A, Parcel 24, Crawford Township

Item 15 Old Business

Item 16 Adjournment

PB 06-37 JERNIGAN ENTERPRISES (EAGLE CREEK): Request to rezone 5 acres from Agricultural (A) to Residential (R). The property is located at 109 Green View Road adjacent to the Mill Run golf course clubhouse, within the Eagle Creek subdivision, Tax Map 16, Parcel 1A, Moyock Township.

Bill Jernigan appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. West motioned to remove the item from the table Mr. Etheridge seconded the motion. Motion passed unanimously.

Mr. Midgett asked if the property owners met and came to an agreement.

Mr. Jernigan said that there was a meeting, but he is not aware of an agreement.

Christopher Reddy, Board of Directors for Eagle Creek, presented the findings of the home owners. During the last meeting a question and answer session was held with Mr. Jernigan and the current developer. A vote was taken among the residents with 140 against the rezoning, 71 for, and 3 abstained from the vote.

Mr. Midgett asked if Mr. Jernigan had anything new to add.

Mr. Jernigan mentioned moving the application to another parcel.

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Mr. Gregory Gould, 214 Eagle Creek Rd., made comments on loss of open space, and intent of conservation subdivision. He spoke about declining property values and restated his opposition to the rezoning.

Mark Slate spoke of his concern with property values if the golf course goes out of business. He is in support of the rezoning.

Mr. Kelley McClellan, resident of Eagle Creek, spoke of his opposition.

Dick Schraeder stated that he was opposed to the application until the latest meeting with the property owners. The vote was taken before Mr. Jernigan spoke. Had the vote been taken following the result may have been very different.

Stephanie Burwell, 283 Green View Rd., spoke in opposition to the rezoning. The neighbors are afraid that if the rezoning is denied the golf course will close and the property will be neglected, which will in turn affect property values. There are rumors that there will be corn planted down the fairway.

Mike Arbogast, 156 Eagleton Circle, spoke in favor of the rezoning.

Carl Kuhn, 296 Green View Rd., spoke in opposition to the rezoning.

Vicotria Fantino, 207 GreenView Rd., spoke in favor of the rezoning.

Mr. Jewell, 111 Green View, spoke of his concern with the drainage around his property. He presented photos of his property after the last rain to the board to illustrate the flooding problem.

Jennifer Pratt stated her fear that if Mr. Jernigan doesn't get his condos the golf course will close and the property will be worth nothing.

Petty Officer Morrison stated that the county pushed for the open space, and asked if the county would take over the golf course if it closes.

Mr. Kovacs asked Mr. Jernigan if he moved the project how many homeowners would be affected.

Mr. Jernigan said that is a matter of opinion. He feels that no one should be affected if the development goes where he is proposing. The 2.79 acres is an extra amount of open space. He stated that if he doesn't get condos, he will have to close the golf course. He isn't trying to scare the residents; the property will go into liquidation.

Mr. West asked if there is something on record of what people were shown when they purchased the property.

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Mr. Jernigan said he wasn't sure. He said the sales people promised a lot of things that weren't true.

Mr. West asked if this particular parcel is shown on the plat as open space.

Mr. Jernigan stated that he has a plat but doesn't know how this parcel is designated.

Mr. Gould presented the map to the board that he was shown when he purchased his property.

Ms. Turner said that she looked at the plat today and said that it is not uncommon to have excess open space but this piece was not noted as possible future development.

Ms. Jernigan noted that the vote taken was 1/3 against, the other 2/3 either didn't vote or voted in favor. He felt that people voted without hearing the facts.

Ms. Turner said that she doesn't feel that open space should ever be taken back.

Mr. Reddy clarified the vote as there being 426 homes in the subdivision, 218 were represented in attendance, 140 voted against and 71 voted for the rezoning. The rest of the votes were by proxy.

Stephanie Burwell said that she went door to door and most people were unaware of the rezoning.

Ms. Turner motioned to deny the request as presented because she feels that open space is special and should be held in the highest regard. Mr. West seconded the motion. Motion passed 8-1 with Mr. Kovacs voting no.

PB 06-19 EEPKO: Final Plat for one additional commercial lot. The proposed development is located in Grandy approximately 250 feet south of the intersection of Caratoke Highway and Hickory Hill Drive on the west side of Caratoke Highway, Tax Map 108, Parcel 62S Poplar Branch Township.

Kim Hamby, Hyman & Robey, appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Kovacs asked if there is access from lot 1 to 2 instead of multiple curb cuts.

Ms. Keifer said that was discussed at sketch plan.

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

PB 06-44 CALVARY TEMPLE CHURCH: Request to rezone approximately 44 acres from Agricultural (A) to General Business (GB). The property is located at 166 Caratoke Highway, approximately ½ mile south of the NC/ VA state line, Tax Map 9, Parcel 79, Moyock Township.

Mr. Eddie Moore appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Moore said that if the property is rezoned the church will address property owners' concerns.

Hank Errolson, 147 Caratoke Hwy, stated that he didn't get notice of the rezoning but his neighbors did.

Mr. Moore said that the letters were mailed and Mr. Webb verified the addresses of the recipients in the file. Mr. Errolson's name was not on the list.

Mr. Etheridge asked what type of buffer is between the property and North Point.

Mr. Moore said that it is all trees.

Mr. Etheridge said that there are too many houses in Moyock already and feels that the county could benefit from a new business.

Mr. West motioned to the request as presented. Mr. Etheridge seconded the motion. Motion passed 7-2 with Ms. Turner and Mr. Kovacs voting no.

PB 06-47 AKE PROPERTIES: Rezone 95 acres of a 143 acre parcel from Agricultural (A) to Residential (R) on property located on the west side of Harbinger Ridge Rd., approximately 800' south of West Mobile Rd., Poplar Branch Township.

Dave Ryan, Bissell Professional Group, appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Kovacs asked if two specific areas were wetlands.

Ms. Keifer and Mr. Webb said yes.

Mr. West asked if these were the only wetlands to be rezoned.

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Ms. Keifer said the balance would be left in the Agricultural Zone.

Mr. Ryan said that the applicant agrees to the staff's recommendation of 61.5 acres to be rezoned.

Mr. Kovacs asked if the density is 1:1.

Ms. Keifer said that under current zoning, yes.

Mr. Riley motioned to approve the request as presented with staff recommendation of 61.5 acres.

Mr. Winter seconded the motion. Motion passed unanimously.

PB 01-08 KILMARLIC CLUB, PHASE II: Preliminary Plat for 32 lots on property located to the west of The Kilmarlic Club, Phase I at the end of West Side Lane, Tax Map 124, Parcel 133 and Tax Map 124F, Parcel 63, Poplar Branch Township.

David Ryan, Bissell Professional Group, appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Ryan remarked on the staff recommendations on page 5. All of the conditions can easily be addressed.

Mr. West asked if the developer should disclose to the property owners that this area was formerly a septage disposal field.

Mr. Ryan said it was septage not sludge, but if the board recommends a disclosure, they will do so.

Mr. West said that #1 may have passed at the county level but has a concern with approving without state approval. He wonders how the board knows when the permit is approved.

Ms. Keifer said that there will be no authorization to construct without the proper permits.

Mr. West motioned to approve the request based upon the staff's recommendations and add a condition that construction approval isn't allowed prior to the permit being issued and a statement with the plat indicating that this was a septic disposal area. Ms. Turner seconded the motion. Motion passed unanimously.

PB 06-10 JARVIS LANDING: Preliminary Plat for 14 Residential Lots on property located at 7400 Caratoke Highway, 750 feet North of Case Landing Road, Tax Map 11, Parcels 74, Poplar Branch Township, Currituck

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

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Kovacs asked if there could be a decel lane installed at the entrance.

Ms. Keifer said that DOT hasn't made that recommendation in their comments.

Mr. Kovacs stated that such a lane is advisable with traffic conditions in that area.

Mr. Bissell stated that the UDO requires that to be addressed with more than 40 lots. The only frontage this property has is 45 feet. It was originally a 25 foot access and they acquired additional footage from the other property owners.

Mr. Bissell asked if the owner can go to work upon approval. He submitted application in June to the water department for extension and received approval at the end of September. He wants to cut in a road while the state water permit is being processed.

Mr. Midgett stated that the board has nothing to do with that.

Ms. Keifer said that the UDO requires the permits to be in hand prior to work. She is not comfortable allowing construction to begin without permits in hand.

Mr. West stated he is not comfortable approving without permits in hand.

Mr. Bissell said that initially the Water Dept. stated that in 9 months construction authorization would be issued. Prior to technical review the position was reversed and the water lines would be allowed at the time of road construction.

Mr. West stated that the board doesn't have the authority to make those decisions.

Ms. Keifer read the section of the UDO that specifically addresses this situation. The permits must be in hand prior to the start of construction. Sometimes the BOC has the authority to waive certain conditions in the UDO, but she doesn't know that the Planning Board has the ability to do that.

Ms. Turner motioned to approve the request as presented with staff comment. Mr. Etheridge seconded the motion. Motion passed unanimously.

PB 03-28 WATERSIDE VILLAGES PHASE 8A, 8B, 8C, AND 8D: Preliminary Plat/Site Plan for 32 Multi-Family Planned Adult Retirement Units. The Property is located at the west end of waterfront dr., 500' east of the Caratoke Highway, Tax Map 108; Parcels 20, 21, 22B, 22C & 22D, Poplar Branch Township.

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

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

DISCUSSION

Mr. Kovacs asked about accessibility to the picnic area.

Ms. Keifer said that there is pedestrian access.

Mr. Bissell said that there is also community parking and a walkway along the canal.

Ms. Turner said that the building inspector stated that the walkways 'may' have to be handicap accessible.

Ms. Keifer asked Mr. Bissell if they would be constructed to be accessible.

Mr. Bissell said that they would.

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

PB 94-49 THE CURRITUCK CLUB: PUD Phase 14 (Historic Shooting Club), Preliminary Plat for 27 Residential Lots on property located on the west side of Hunt Club Drive adjacent to the Currituck Sound at the south end of the Currituck Club, Tax Map 127, Parcel 1U, Poplar Branch – Outer Banks Township

Sean Boyle, Quible & Associates, appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Riley asked if there were hydrants in the area.

Mr. Boyle said that there have been 270 hydrants added.

Mr. Kovacs asked if there is proposed use for the open space.

Mr. Boyle said no.

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

PB 90-01 PINE ISLAND, PHASE 5: Amended Preliminary/Final Plat to adjust the lot lines of 3 commercial lots adjacent to and including the Hampton Inn. The property begins at a point approximately 1.8 miles north of the Currituck/Dare County Line and runs northward approximately ½ mile; located on the east side of NC 12, Tax Map128, Parcels 1D, 2E, 2F, 2G and 2H, Poplar Branch Township.

Sean Boyle, Quible & Associates, appeared before the board.

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

DISCUSSION

Mr. Boyle asked for clarification on the note by staff.

Ms. Keifer read the second paragraph of the memo.

Mr. Boyle said he has no problem with the conditions.

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

PB 06-51 CURRITUCK COUNTY: Special Event/ Special Use Permit for the Moving Wall: This site is located at Currituck Veterans Memorial Park, 132 Coinjock Canal Road, Tax Map 71A, Parcel 24, Crawford Township

Mr. Keel made a motion for approve Mr. Riley seconded the motion. Motion passed unanimously.

OLD BUSINESS

Meeting Nov. 1-reorganization of the UDO.

DISCUSSION ON MULTI FAMILY OVERLAY

Mr. Kovacs stated that the intent was for affordable housing, but since it was approved the applications have had no regard for the intent of the ordinance. He recommended a certain percentage of units being 'affordable'. He asked the staff to look at adding something to accomplish the intent of the ordinance.

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Ms. Turner said that Multi Family is ordinarily more affordable, but that could be a \$300,000 unit in a \$700,000 development.

Mr. Kovacs said that he would like something added that would require builders to include housing that is affordable for first time buyers and county employees, teachers, etc.

Mr. Riley asked for the term 'affordable' to be clearly defined.

Ms. Keifer stated that the commissioners share in the concern and has asked staff to look at Manteo's similar ordinances.

Mr. Kovacs stated that there should be design criteria developed for the area along the corridor of the county.

DISCUSSION ON SUBDIVISION

Mr. West stated that there was a subdivision before the board last month and there seemed to be more information given to the Board of Commissioners.

Ms. Keifer said that staff gives information that they have and the disadvantage is that the Planning Board meetings are not public hearings and people go to the Board of Commissioners to voice their opinion.

Mr. Midgett stated that the Planning Board needs more authority and the public would come and speak.

Mr. Kovacs stated that testimony given here is hearsay.

ADJOURNMENT

With there being no further business to discuss, Mr. West motioned for adjournment. Ms. Turner seconded the motion and the motion passed unanimously. The meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board