

CURRITUCK COUNTY PLANNING BOARD

September 12, 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, Manly West, Pat Riley, William Etheridge and Liz Turner. Sarah Keifer, Planning Director, and David Webb, Chief Planner, were also present. Absent: Bobby Bell, Arthur Winter.

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 September 12, 2006 agenda with items 8 and 10 removed. Ms. Turner seconded the motion. Motion passed unanimously.

APPROVAL OF MINUTES

Mr. West motioned to approve the August 8, 2006 minutes. Mr. Etheridge seconded the motion. Motion passed unanimously.

**Currituck County
Planning Board Agenda
Historic Currituck County Courthouse
September 12, 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 August 8, 2006 Minutes

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

- Item 3 **PB 03-28 WATERSIDE VILLAGES PHASE 5:** Final Plat for 26 single Family lots at the west end of Waterfront Dr., 500' east of the Caratoke Highway, Tax Map 108, parcels 20 and 22B, Poplar Branch Township.
- Item 4 **PB 94-49 CURRITUCK CLUB PHASE 11 THE COTTAGES:** Final Plat for 23 single family cottage lots on property located South of Currituck Club Drive between NC 12 and the first fairway of The Currituck Club, Tax Map 126, Parcel 3C, Poplar Branch-Outer Banks Township, Currituck Co.
- Item 5 **PB 04-10 SEA HAWK ACRES:** Final Plat for 9 Single Family Lots on property located off of Elliott Road, approximately 450' from its intersection with Aydlett Road, Tax Map 92, Parcel 30G, Poplar Branch Township.
- Item 6 **PB 06-33 TOM BRADY (BRADY AIRPARK):** Rezone approximately 20.32 acres from Agricultural (A) to Residential Airpark Development (RAD). The property is located

adjacent to the Currituck County Airport and Brady Landing Phase I, with an access to Maple Road., Tax Map 52, Parcel 3B, Crawford Township.

- Item 7 **PB 06-37 JERNIGAN ENTERPRISES (EAGLE CREEK):** Request to rezone 5 acres from Agricultural (A) to Residential on property 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 8 **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 9 **PB 06-39 DIANA AND KIRK SHAW:** Rezone approximately 3.38 acres from Agricultural (A) to General Business (GB) on property located at 7403 Caratoke Highway, at the intersection with James Way, approximately 1800 feet south of Colonial Beach Road, Tax Map 110, Parcel 51B, Poplar Branch Township
- Item 10 **PB 06-40 OWNLEY HEIRS/ FRIEDMAN:** Rezone 77 acres from Agricultural (A) to General Business (GB) on property located at 120 Survey Road, adjacent to the Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.
- Item 11 **06-43 GRIGGS INVESTMENTS:** Create a 64.5 acre Planned Adult Retirement Community Overlay District. The property is located along South Spot Road, approximately 925 feet from the intersection with Caratoke Highway. One parcel also has access to Caratoke Highway, 1425 feet north of the intersection with South Spot Road, Tax Map 124, Parcels 28, 36B, 36A, Poplar Brach Township
- Item 12 **PB 05-40 COOPER LANDING:** Preliminary Plat for 18 Single Family Lots on property located on the west side of Narrow Shores Road approximately 1,500' north of Lighthouse View, Tax Map 82; Parcels 20A & 20B, Poplar Branch Township.
- Item 13 **PB 06-42 VILLAS OF KILMARLIC:** Special Use Permit for a 53 unit Town Home Community. The five properties are located adjacent to the entrance to the Kilmarlic Club at the intersection of Caratoke Highway and North Side Road, Tax Map 124, Parcels, 54, 55, 56, 57A, and 57F, Poplar Branch Township, Currituck Co.
- Item 14 **PB -06-45 CURRITUCK CROSSING:** Currituck Crossing Sketch Plan/ Special Use Permit for a 106 lot Conservation Subdivision. The property is located on Aydlett Road, approximately 400ft north of intersection with Caroon Rd., Tax Map 93, Parcels 1, 95 and 95C, Poplar Branch Township.
- Item 15 **CURRITUCK COUNTY 2006 LAND USE PLAN UPDATE - REVIEW AND RECOMMENDATION**
- Item 16 Old Business
- Item 17 Adjournment

PB 03-28 WATERSIDE VILLAGES PHASE 5: Final Plat for 26 single family lots at the west end of Waterfront Dr., 500' east of the Caratoke Highway, Tax Map 108, parcels 20 and 22B, Poplar Branch Township.

Mark Bissell appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

There was no discussion on this item.

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

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

Bernie Mancuso and Ken Sisk appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

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

PB 04-10 SEA HAWK ACRES: Final Plat for 9 Single Family Lots on property located off of Elliott Road, approximately 450' from its intersection with Aydlett Road, Tax Map 92, Parcel 30G, Poplar Branch Township.

Bill Owen appeared before the board.

Ms. Keifer presented the case analysis to the board.

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

PB 06-33 TOM BRADY (BRADY AIRPARK): Rezone approximately 20.32 acres from Agricultural (A) to Residential Airpark Development (RAD). The property is located adjacent to the Currituck County Airport and Brady Landing Phase I, with an access to Maple Road., Tax Map 52, Parcel 3B, Crawford Township.

Eddie Hyman, Hyman & Robey, appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. Kovacs asked if there would be a road between the two properties.

Mr. Hyman said that there will be a road on the west side of the existing lots to access the runway.

Mr. West asked if this was additional property.

Mr. Hyman said yes, it was an additional purchase.

Mr. John Snowden, resident of Maple Rd, stated that his family has lived in Maple for three generations. He believes that Mr. Brady has a monopoly of sorts on this type of development, and has been allowed to continue in the name of 'economic development'. He stated that he believes Mr. Brady has installed a road in need of a culvert and that there is a hangar constructed on a property without a home. He asked that the Planning Department investigate the situation.

Mr. Hyman stated that this is a unique project and the owner is trying to enlarge the development.

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

PB 06-37 JERNIGAN ENTERPRISES (EAGLE CREEK): Request to rezone 5 acres from Agricultural (A) to Residential on property 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 and Rick House appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Mr. West asked about access to the open space for this project.

Ms. Keifer stated that the golf course is part of the open space of Eagle Creek. There is a slight excess, approximately 2 ½ acres, available for development. There would be an amendment to the Eagle Creek sketch plan.

Mr. Midgette stated that the board cannot take development into consideration at this time, only a rezoning.

Ms. Keifer said that is correct.

Mr. West asked about what is actually being rezoned.

Mr. House said 2.979 acres would be rezoned, but he was directed to ask for a 5 acre parcel by staff.

Mr. Kovacs asked if this change affects the court decision.

Ms. Keifer said that she does not believe there would be a negative impact. They are not mutually exclusive. There has been discussion to be sure the county is not in violation of the agreement.

Mr. House said that he is prepared to answer questions from the residents.

Gene Jewell, 111 Green View Rd., stated that he owns the lot next to the lot for consideration. He stated that there is a drainage problem in his neighborhood and that water from the clubhouse flows into his back yard. He feels that his home will depreciate with condos next door.

David Kouskouris, 186 Eagleton Circle, stated that there are drainage and traffic problems already in this community. He feels that this would not be what the community as a whole needs.

Mr. Kovacs asked where Mr. Kouskouris got his information or 'mis'information.

Mr. Kouskouris said word of mouth and the internet.

Greg Gould, 214 Eagle Creek Rd., spoke in opposition to the increased traffic. He feels traffic is a safety issue in a development without sidewalks and bike paths. New neighborhoods could jeopardize the roads being accepted in the state system. Survey road has proven to be too narrow for buses to travel safely. He also stated his concern for property values.

Mr. Kovacs asked where Mr. Gould got his information regarding the roads and DOT.

Mr. Gould said that the HOA cannot find a written document stating DOT's acceptance of the roads.

Mr. Kovacs asked if the petition was presented to the HOA.

Mr. Gould said that he was not aware.

Mr. Kovacs asked if the HOA is behind the petition.

Mr. Gould said that he signed a copy, but is only answering for himself.

Ms Keifer said that the streets are dedicated to public use. The county is still holding bonds. She understands that there are drainage problems and that DOT has not taken over the roads.

Mr. Gould said that the planning department indicates that they are intended to be dedicated.

Kelly Foster and Jennifer Pratt said that they were responsible for the petition. They didn't feel that the HOA was speaking for the home owners they were speaking for themselves. They obtained 231 signatures in opposition out of the 246 people contacted about the

rezoning request. There will be a meeting with the homeowners and Mr. Jernigan to resolve the issues.

Frank Dlucznik, 145 St. Andrews Rd., stated his opposition to the project. He read minutes of the July 06 minutes of the HOA.

Mr. Kovacs asked Mr. Dlucznik to read the next line about the cost of the proposed houses.

Mr. Dlucznik said that it reads \$249,000 for a 1500 sq ft. condominium.

Stephanie Burwell, 283 Greenview Rd., read an excerpt from the VA Pilot regarding a request to rezone this same property 10 years ago that was denied because of drainage and access. She stated her belief that the condos would not be the end of the development because there is a proposed road at the back end of Eagle Creek.

Tom Roddy, 193 St. Andrews Rd., stated that two years ago the residents of eagle Creek showed up to speak against the Tidewater Auto Auction. He stated that that the voters of Eagle Creek promised to remove Mr. Miller for his lack of support on that issue. He feels that the residents were successful. Mr. Roddy said that the HOA board knew the golf course was for sale three months ago and did not notify the homeowners. He stated that he is not necessarily opposed to the condos, but he is opposed to the additional traffic. He asked for an apology from the board member who questioned their honesty.

Mr. Keel asked if the people in the audience attend the HOA meetings or if there is a board of directors. He also asked why the HOA did not inform the homeowners of the sale of the golf course.

There were comments from the audience that there are people to represent them so it seemed that most did not attend the meetings.

Mr. Etheridge stated that Mr. Kovacs was not questioning the honesty of the people who had spoken thus far, he was asking for clarification on the issue. He also stated that he lives in Moyock and that Eagle Creek does not make up the entire citizen population of the area.

Kellie Lockaby, 313 Green View Rd., stated that her house is in the 'Estate' section. This proposal is in her back yard and feels that she has paid a lot of money for a golf course home and will have condominiums instead of golf course for a view. This wasn't her intent.

Mr. Keel asked if she was under the impression that the land behind her was golf course.

Ms. Lockaby said she was told that it was under a 100 year lease and would not have purchased the home had she known that there was a possibility of development in the area.

David Pariman, 144 St. Andrews, stated that there was a crime problem in his old neighborhood. Condos concern him because it will change the nature of this development. It is not fair to the property owners next to this property.

Brian Forshee, 147 Eagleton Cir., Stated that he would like to keep Moyock a small town as long as possible. He feels that condos and apartments require infrastructure and tax dollars. He went on to state his opposition to the rezoning.

Carl Kuhn, 296 Green View Rd., read from the Eagle Creek covenants.

Arnold Argandona 182 Eagle Creek Rd. stated his opposition to the project because of the traffic and his agreement with the other homeowners who spoke.

Dick Schraeder, 141 Green View Rd., stated his opposition to the project and described the drainage problem after the last storm.

Kasey Johnson, 150 St. Andrews Rd., asked for the rezoning to be denied.

Lisa Carter 148 St. Andrews Rd. moved to Moyock for the schools and to live more affordably. She stated her opposition to the rezoning.

Michael Hodgis, 215 Eagle Creek Rd., stated his opposition to the rezoning and said that he cannot allow his grand daughter to play in the front yard because of the traffic.

Chris Kirkbride, 122 Eagleton Cir., described the capacity of the schools and the impact of condos on the schools and the property values.

Mr. Midgett asked Mr. Jernigan to clarify drainage, traffic, septic.

Mr. Bill Jernigan stated that he didn't know some of these issues because the HOA didn't convey that to him. He is not interested in hurting anyone's property values. He has requested a meeting with the HOA and the property owners. He stated that he included his cell phone number on the adjoining property owner's letters. The course is not doing well because he doesn't have the support of the community. The developer made a lot of promises to market Eagle Creek as a golfing community but the marketing did not happen. Only 10% of the residents are members while most developments of this type have 50% of the residents as members.

Mr. West stated that he has listened to the comments and understands that everyone is trying to be honest about their feelings. He stated that Mr. Jernigan should meet with the HOA board and the property owners. He is not comfortable rezoning open space. He thinks the solution is for the parties to come to an agreement.

Kelly Foster Met today with Mr. Jernigan and asked for a meeting with the homeowners.

Mr. Keel asked if the sketch plan was a 'done deal' or if there is another place on the property to place the condos.

Ms. Turner stated that she feels that open space deserves sanctity. She stated her problem with the open space issue.

Mr. House said that the open space requirement is 40% of the 2.9 acres, and that leaves 1.8

acres for development. He described the preliminary plan for the open space and how the drainage and traffic would be addressed. He is looking at 32 units, cul de sacs and drive aisles.

There will be a meeting on September 27 between Mr. Jernigan and the HOA.

Mr. Kovacs asked if Mr. Jernigan is willing to postpone this request for a month and meet with the residents.

Mr. West motioned to table the rezoning. Ms. Turner 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 FROM THE AGENDA

PB 06-39 DIANA AND KIRK SHAW: Rezone approximately 3.38 acres from Agricultural (A) to General Business (GB) on property located at 7403 Caratoke Highway, at the intersection with James Way, approximately 1800 feet south of Colonial Beach Road, Tax Map 110, Parcel 51B, Poplar Branch Township

Kirk Shaw appeared before the board.

Ms. Keifer presented the case analysis to the board.

DISCUSSION

Jeff Whitlow, adjoining property owner, stated that the property in question will need to be filled and his property would be completely useless because the drainage would run on to his property. He presented photos to the board of the flooding on his property.

Deborah Whitlow stated her opposition to the rezoning.

Mr. Keel stated that sometimes a rezoning doesn't include all parts of the property.

Mr. Whitlow stated that he has had most of his property under water for as long as three months and Mr. O'Neal has visited his property.

Ms. Whitlow stated that she filled her property and are still flooded when it rains.

Frank Riddick, adjoining property owner, stated that there is a lot for sale in the back of the area. He stated that he widened the road in order to build his home. He stated that there are houses on the property that Ms. Shaw is requesting be rezoned to GB. He would like to know why the Shaw's want the property rezoned.

Mr. Midgette asked for clarification on the 'oversight'.

Ms. Keifer said that the owners feel that there was a mistake in the original zoning map.

Pam Riddick stated her opposition to the rezoning.

Diana Shaw stated that she would rather have had her neighbors come to her with their concerns. The drainage problem begins beyond their property.

Mr. Kovacs asked if there is an easement for James Way.

Ms. Shaw said that there is a 30' easement.

Elizabeth Newbern, adjoining property owner, said that she isn't against the rezoning, she asks that the drainage issues are corrected prior to development.

Mr. Keel stated that drainage will be addressed prior to development.

Ms. Newbern also stated that there was a business on the property that her grandfather owns.

Mr. Whitlow asked when the drainage will be addressed.

Mr. West stated that the drainage after development cannot be more than prior to development. Ditches are built for a purpose, and developers move ditches and create problems.

Ms. Turner asked if there is a new ordinance that requires people to clean out clogged ditches.

Mr. Shaw stated that his neighbors are good neighbors. He stated his knowledge of the drainage issues in the area. He described digging a ditch and putting in culvert in order to help the problem. He is willing to eliminate drainage problems that may be his fault.

Mr. Riddick said that he isn't aware of the culvert Mr. Shaw installed.

Mr. Keel motioned to approve Mr. Etheridge seconded the motion. Motion passed unanimously.

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

REMOVED

06-43 GRIGGS INVESTMENTS: Create a 64.5 acre Planned Adult Retirement Community Overlay District. The property is located along South Spot Road,

approximately 925 feet from the intersection with Caratoke Highway. One parcel also has access to Caratoke Highway, 1425 feet north of the intersection with South Spot Road, Tax Map 124, Parcels 28, 36B, 36A, Poplar Brach Township

Mark Bissell and Minnie Griggs appeared before the board.

Sarah Keifer presented the following case analysis to the board.

DISCUSSION

Mr. Bissell presented a preliminary sketch and described the type of community that is being proposed.

Mr. West asked if this development is connected in any way to the golf course.

Mr. Bissell said that it is just in the vicinity, there is no direct access.

Mr. Kovacs asked if there would be septic.

Mr. Bissell said that there would be a community system.

Ms. Turner asked if access to Caratoke Highway was necessary.

Mr. Bissell said that they believe it is necessary for visibility.

Mr. Keel said that Spot Rd. would be more suitable for entrance to the development.

Mr. Kovacs asked about density.

Active Adult density is permitted as the underlying zoning. The applicant has asked for increase in density. The staff is asking for a recommendation for increase from the board.

Mr. Kovacs asked if there are single family homes on the east side of the property.

Mr. Keith Hall, owner of the Point Golf Club, stated his support for the project.

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

PB 05-40 COOPER LANDING: Preliminary Plat for 18 Single Family Lots on property located on the west side of Narrow Shores Road approximately 1,500' north of Lighthouse View, Tax Map 82; Parcels 20A & 20B, Poplar Branch Township.

Eddie Hyman, Hyman & Robey appeared before the board.

John Cooper appeared before the board.

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

DISCUSSION

Mr. Kovacs asked if the development requires an HOA.

Ms. Keifer said that she would recommend one.

Mr. Kovacs stated his concern because of the open space at the waterfront.

Mr. Hyman said that there is one proposed.

Mr. Midgette asked if there were questions on the CAMA permit.

Mr. Hyman said that the reviewer had a death in the family and he is waiting for the permit to be issued.

Mr. West asked about erosion in the area.

Mr. Hyman said the permit that he is waiting for will allow for a bulkhead to lessen the slope of the property

Mr. West asked if waterfront conveyed with lots.

Mr. Hyman indicated the lots that would be waterfront and which will be public access.

Mr. Midgette asked if the developer agreed with the staff comment about the open space.

Mr. Hyman said no. The waterfront lots are steep and not conducive to a public park. The developer would like for it to remain private property and be sold with the lots.

Mr. West asked who maintains the pier and dock.

Mr. Hyman stated it would be the responsibility of the HOA.

Mr. Keel asked if 45 foot access would be enough room to handle the amount of proposed homes.

Mr. Hyman said yes.

Mr. Riley asked if there was an existing bulkhead.

Mr. Hyman said yes.

Mr. John Cooper restated that the CAMA permit is on the reviewer's desk. Preliminary covenants call for a Home Owners Association. They have been given permission to extend the existing bulkhead with a 4:1 slope. They are providing a 45 foot access to the pier. The area will be more usable than it is now.

Mr. Ron Cooper stated that the incorporated entity has been created for the HOA. He feels that not marketing the waterfront lots as waterfront property will hurt them financially.

Mr. West asked what the projected cost of a waterfront lot is.

Mr. Ron Cooper answered \$400,000 and indicated that if the property is not sold as waterfront it could cut that amount in half.

Mr. John Cooper said that his estimate is that the lots could go from \$350 for waterfront to \$225 for non waterfront. Without the waterfront lots, they would take a loss on the entire development.

Mr. Kovacs motioned for approval without recommendation #1. Mr. West seconded the motion. Motion passed unanimously.

PB 06-42 VILLAS OF KILMARLIC: Special Use Permit for a 53 unit Town Home Community. The five properties are located adjacent to the entrance to the Kilmarlic Club at the intersection of Caratoke Highway and North Side Road, Tax Map 124, Parcels, 54, 55, 56, 57A, and 57F, Poplar Branch Township, Currituck Co.

Mr. Bobby Outten appeared before the board.

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

DISCUSSION

Mr. Outten stated his exception with some of the staff recommendations, specifically number 2 and 3 on page 8 dealing with sidewalks on the perimeter of the property. He said that these sidewalks won't add anything to the project. He is concerned that the pavement will create a lot coverage issues. He also stated opposition to the recommendation on pg 7, item #4. He said that he doesn't see a reason for the gate access.

Ms. Keifer said that the point is to move the fence to reach the open space. She said that recommendation #2 installing a loop system for walking trails be hard surfaced and interconnected and accessible.

Mr. Outten said that they would prefer sidewalks as they are presented on the plan.

Ms. Keifer said that staff will concede on the system as long as what is there is hard surfaced. Sidewalks along West Side Lane and the highway are useful as the county grows. The LUP is allowing for the area to be full access. Staff stands by the comment and the board may strike it from the approval should it choose.

Mr. Outten said that building the sidewalks today will serve no purpose.

Ms. Keifer said that in the future they may, thus the purpose of Land Use Planning

Mr. Etheridge asked whether the sidewalks on the highway were for the subdivision or for the county.

Ms. Keifer said the county.

Ms. Turner said that there is a need on Northside Lane, and that sidewalks for the highway are a good vision.

Mr. Keel stated that overlay districts were approved originally for affordable homes. The projects coming before the board are all too expensive, in his opinion.

Mr. Outten said this is not being represented as affordable housing.

Mr. Riley said that the concept of the overlay district was for affordable housing.

Ms. Turner asked if there is a way to get from one side of Northside lane to another without the sidewalks.

Mr. Kovacs asked why the sidewalk couldn't be on both sides of the street.

Ms. Turner asked if a pedestrian signs or crosswalks will be installed.

Ms Keifer said that it could certainly be a recommendation.

Mr. Kovacs asked if street lighting is proposed.

Mr. Outten said he was not aware, but those things would be addressed later.

Mr. Kovacs asked if lighting had been discussed.

Mr. Ryan said that there would be lighting but it hadn't been decided.

Mr. Kovacs asked if each unit would have a mailbox or if cluster mailboxes could be installed.

Mr. Ryan said it was a possibility.

Mr. Outten asked again to be approved without the staff recommendations that he stated as a concern.

Ms. Turner asked if the sidewalk connects to Kilmarlic.

Mr. Outten said that they do not own the property.

Mr. Kovacs motioned to recommend approval as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

PB -06-45 CURRITUCK CROSSING: Currituck Crossing Sketch Plan/ Special Use Permit for a 106 lot Conservation Subdivision. The property is located on Aydlett Road,

approximately 400ft north of intersection with Caroon Rd., Tax Map 93, Parcels 1, 95 and 95C, Poplar Branch Township.

John Delucia appeared before the board.

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

DISCUSSION

Mr. West asked if these are 20000 square foot lots.

Ms. Keifer said yes.

Mr. Delucia said that there are no issues with the staff recommendations except #3, but doesn't feel that sidewalks on both sides of the streets and along the back sides of the lots are absolutely necessary in all cases because of lot coverage and runoff. He would like to work with staff for a compromise.

Mr. West asked why they chose a conservation subdivision.

Mr. Delucia said that the ordinance required it over 40lots. He also stated that the areas proposed for ponds are the areas where the water collected after the last storm.

Ms. Keifer asked if the engineer could have something to show the Board of Commissioners regarding sidewalks.

Mr. Delucia said that he worked on the plans today and described the walkway. The UDO requires sidewalks on one side of the street, he isn't sure that two sides is necessary.

Mr. West asked which street Mr. Delucia was referring to.

Mr. Delucia said that he was referring to the streets in the subdivision.

Ms. Keifer asked for clarification on the comment on subdividing wetlands.

Mr. Delucia said that for the wetland areas along the Sound the required amount of open space has been 'put away' on this project. Staff said that all wetlands should be conserved. He does not agree. Why make an open space restriction on a sound front lot. It would also hurt the tax base.

Mr. West said that it will either be deeded to the property owner or not. It may seem to be the property owner's property, but either the HOA or the owner would pay the taxes.

Mr. West asked what he projected the lot to sell for as waterfront.

Mr. Delucia said \$350-400 with waterfront, \$250-275 without the waterfront.

Mr. West asked if the homeowner would have to have a CAMA permit to build a pier over

the wetland.

Ms. Keifer is concerned with integrity of wetlands when owned by individual property owners. To split up 404 wetlands runs contrary to the conservation subdivision regulations.

Ms. Turner asked if there were wetlands on the other lots.

Ms. Keifer said yes.

Ms. Turner said that she is in conflict over that. She asked if there was a permit to fill the area.

Ms. Keifer said that is very difficult.

Mr. West asked which staff recommendation this referred to.

Mr. Delucia said #7.

Ms. Keifer said that the intent of the Conservation Subdivision was to take these areas out of play prior to subdividing.

Ms. Turner asked if there is specific language on sound front property.

Ms Keifer said that the intent isn't to cut off access to the sound. It is in favor of public access rather than split it into a few individual lots.

Ms. Turner said that there is a good amount of area with access to the sound. She said that it is common to have wetlands on sound front property.

Mr. West recommended approval with the exception of #7.

Mr. John Snowden stated the issues of preserving the open space. The wetlands serve as a buffer. The land use plan provides for buffers for the sound. He also noted that Division of Cultural Resources did not sign off on this project. He described the pond area east of Aydlett Rd. He said that there is an Indian Burial Ground south of the pine tree line.

Mr. West asked Mr. Delucia if he was aware of this site.

Mr. Delucia said that he is aware. He described the significant erosion on the site. The original burial dig is out in the sound now. Division of Coastal Management is aware. The gazebo permit through CAMA will go to the Division of Cultural Resources.

Mr. West asked if there was a small cemetery removed.

Mr. Delucia said that it is in the report. The archaeologist report said that they could not find anything else and a grave was removed.

Mr. West asked if every effort has been made to determine whether there are remains on the site.

Mr. Delucia said that there have been excavations done to be sure.

Mr. Midgett asked if that information should have been included in the packet.

Ms. Keifer apologized that it was not.

Mr. Keel said that he has a problem with the open space.

Mr. West withdrew his motion.

Mr. Keel motioned to approve as presented and add a large gazebo/park. Mr. Riley seconded the motion.

Mr. Kovacs asked about the two proposed gazebos and stated that there is no where to park and people would have to cross Aydlett rd to get to the amenities. He thinks that there should be more open space instead.

Mr. Delucia said that it would be nice to have a large gazebo instead.

Mr. Kovacs said a community parking would be helpful

Mr. Delucia said that the property isn't big enough.

Ms. Keifer clarified recommendation #3 being modified prior to BOC meeting.

Motion passed unanimously.

Mr. Snowden commented on the signs on the highway and asked the staff to write an ordinance allowing fines for signs left on the side of the road.

CURRITUCK COUNTY 2006 LAND USE PLAN UPDATE – REVIEW AND RECOMMENDATION.

Ms Keifer gave a brief synopsis of the progress of the Land Use Plan.

Brenda Kleman, resident of the southern part of the county, stated her concern with the density in the southern area and the issue that the residents are not given credit for their input.

Mr. David Palmer, Committee Chair, reiterated the importance of the document and all the hard work that was involved in producing it.

Mr. Riley motioned to recommend approval of the plan with the revisions proposed by CAMA. 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, Ms. Turner motioned for adjournment. Mr. Etheridge seconded the motion and the motion passed unanimously. The meeting adjourned at 11:40 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board