



CURRITUCK COUNTY PLANNING BOARD

October 14, 2008

WORK SESSION

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

REGULAR MEETING

The Currituck County Planning Board met in the Board Room of the Historic Courthouse. The following members were present: Manly West, Alvin Keel, Joe Kovacs, Bobby Bell, Elizabeth Turner, Arthur Winter, and Forrest Midgette. Absent: Bren Robbins and William Etheridge.

David Webb, Senior Planner, Ben Woody, Planning Director, and Susan Tanner, Clerk to the Planning Board 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 agenda as presented. Mr. Keel seconded the motion. Motion carried unanimously.

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| 6:00 p.m. | Work Session |
| 7:00 p.m. | Call to Order
Pledge of Allegiance and Moment of Silence |
| Item 1 | Approval of Agenda |
| Item 2 | Approval of September 9, 2008 Minutes |

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

OLD BUSINESS:

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| Item 3 | PB 08-41 Bissell Professional Group - Text Amendment for RO2 Roads and Lots: Request to amend UDO Chapter 9: Infrastructure; Chapter 2: Zoning Districts; and Chapter 10: Subdivision Requirements to allow existing larger parcels to be re-subdivided into open space subdivisions in the RO2 zoning district with sand roads that follow the configurations of previously approved roads and lots (Carova Beach, Swan Beach, etc.) |
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NEW BUSINESS:

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| Item 4 | PB 08-46 Twiddy Family Partnership, LLC: Request to rezone .29 acres from |
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Outer Banks Standard Residential (RO1) to Conditional District – General Business (CD-GB). The property is located at 1141 Persimmon Street, Tax Map 114, Parcel 24, Poplar Branch Outer Banks Subtownship.

- Item 5 **PB 08-47 Twiddy Family Partnership, LLC:** Request to rezone .30 acres from Outer Banks Standard Residential (RO1) to Conditional District – General Business (CD-GB). The property is located at 1143 Persimmon Street, Tax Map 114, Parcel 23, Poplar Branch Outer Banks Subtownship.
- Item 6 **PB 08-53 Morrison/Myers (Horgan):** Request to rezone approximately 119.96 acres from Agricultural (A) to Residential (R). The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.
- Item 7 **PB 08-48 Currituck Marina/Horgan:** Request to establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on approximately 119.96 acres. The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.
- Item 8 **PB 07-20 Aydlett's Choice:** Final Plat for a 19 lot Residential subdivision. The property is located on the west side of Aydlett Road, across from the intersection with Scaff Lane, Tax Map 92, Parcels 41B and 59A, Poplar Branch Township.
- Item 9 **PB 07-40 Coinjock Meadows:** Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units. The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.
- Item 10 **PB 08-45 Carova Beach Business Blocks:** Three Sketch Plans/Special Use Permits to re-plat 19 existing lots into 29 residential lots. The lots are located in Carova Beach as shown on Tax Map 87A, Parcels A-H, Block 1; Tax Map 87A, Parcels: A and B, Section 2; A and B, Section 3; and Tax Map 87A, Parcels: 1A, 2A, B, C, and D, Section 5; A-C, Section 9, Fruitville Township.
- Item 11 **PB 08-09 Jarvis Landing:** Amended Sketch Plan/Special Use Permit for 39 attached residential dwellings. The property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Road, Tax Map 110, Parcel 74, Poplar Branch Township.
- Item 12 **PB 08-44 Currituck County:** Request to amend the Currituck County Unified Development Ordinance, Chapters 10, 11, 12, and 17, to establish a revised Development Review Process and adopt a manual by resolution.
- Item 13 **PB 08-50 Currituck County Planning Board:** Request to amend the Currituck County Unified Development Ordinance, Table of Permissible Uses, to allow wastewater treatment plants with a Special Use Permit.
- Item 14 **ADJOURNMENT**

APPROVAL OF MINUTES

Mr. Bell motioned to approve the Planning Board minutes for September 9, 2008 as presented. Ms. Turner seconded the motion. Motion carried unanimously.

OLD BUSINESS:

PB 08-41 Bissell Professional Group - Text Amendment for RO2 Roads and Lots: Request to amend UDO Chapter 9: Infrastructure; Chapter 2: Zoning Districts; and Chapter 10: Subdivision Requirements to allow existing larger parcels to be re-subdivided into open space subdivisions in the RO2 zoning district with sand roads that follow the configurations of previously approved roads and lots (Carova Beach, Swan Beach, etc.)

Mark Bissell, Bissell Professional Group, Larry Riggs, Ocean Sands Corporation and Lynne Wilson appeared before the board.

Mr. Webb presented the following case analysis to the board.

Link for case analysis for PB 08-41 Bissell Professional Group - Text Amendment for RO2 Roads and Lots

DISCUSSION

Mr. Kovacs stated if this text amendment was approved by the Planning Board it would set a precedent on the Outer Banks, as well as the mainland requiring the same consideration.

Mr. Webb stated this request is only pertaining to the RO2 zoning district.

Mr. West asked if this was approved, how many new lots would be created.

Mr. Webb stated approximately 548 additional lots.

Mr. Kovacs referred to the ocean lots asking if a storm comes through and washes away part of this lot, would they now be non-conforming lots?

Mr. Webb stated it would be regulated by Coastal Management regulations and not county regulations. Once a lot is platted even if at a later date it becomes a non-conforming lot, the county ordinance allows you to build a house. Subdivision approval occurs at a point in time; basically you take a snapshot of all the ordinances in place at that time and create a subdivision.

Mr. Kovacs asked if this is approved will the general business go away with this request.

Mr. Webb stated that there is currently no general business zoning in the RO2 area.

Mr. Bissell stated it is a misunderstanding on the 548 lots. There is no difference in the number of lots developed if this amendment is adopted vs. the number of

lots developed if it is not passed. Mr. Bissell stated it is not 548 lots, but it is closer to none. The minimum lot size is 2.75 acres and it is just a difference in how you configure the lots.

Mr. Woody stated that unless you had these lots surveyed, you would not know if there is a net increase in lots.

Mr. Bissell stated the purpose is not to get more lots; the purpose is to get lots that are more appropriate with the configuration of the parcels in the development. Mr. Bissell stated that the residents are concerned with minimizing the clearing of the Maritime Forrest in a traditional tract of land. The 7:1 ratio is a benefit because you have 70% less roadway than you would have with a 4:1 ratio.

Mr. Riggs provided an overview of the history in this area.

Mr. Bissell stated if they went with a 4:1 ratio in Section 2 they would end up with 2 ocean front lots instead of 3 and 5 interior lots instead of 4.

Mr. West stated with the 4:1 ratio you would have fewer ocean front lots, but more internal lots.

Ms. Turner asked why the open space language needs to be in the text amendment since there are no existing open space parcels.

Mr. Woody stated that zoning districts have standards that are unique to that zoning district, which is why the open space language is included in this request.

Mr. Bissell stated they have had a local meeting and there was also a meeting at the local fire department which was well attended.

Mr. Woody stated he attended both meetings. Both the applicant and citizens worked diligently and tried to find compromises. All parties have worked hard to find a solution.

Ms. Wilson stated she lives in North Swan Beach and she represents the four wheel drive community. She attended the meeting at the local fire department and had another meeting with Mr. Bissell, Mr. Riggs and Mr. Woody. They had many concerns which were addressed and corrected. The biggest concern is the 7:1 reconfiguration. Mr. Bissell stated with the 7:1 ratio there will be less roads and maritime forest disturbance. The concept of an open space subdivision, if it doesn't result in more lots, is very appealing if it only involves the reconfiguration of lots. Ms. Wilson stated they were very appreciative of Mr. Bissell addressing their concerns, including some concerns that were safety issues. Ms. Wilson stated that in all fairness, speaking for the community this proposal has

presented them with many challenges, but they have been discussed and met and they have come to an agreement that they are not protesting this request.

Mr. Webb stated that the applicant can take all these parcels and do a single recombination. By doing this amendment, it saves the applicant six to eight months in process.

Ms. Turner stated that in the proposal they are not taking back deeded open space and re-subdividing it; how do you reword this in the text amendment?

The board discussed how it would be reworded in the text amendment. It was suggested in Item 3, D. add the word “proposed” before open space. It would read “proposed lots and proposed open space”.

Mr. Bissell stated that the proposed open space would be offered to the county and if they did not want it, it would be offered to a conservation group.

The board discussed who owns the property from the property line to the ocean.

Mr. Webb stated the property owner, but he cannot restrict public use.

ACTION

Ms. Turner motioned to recommend approval of the Text Amendment for RO2 Roads and Lots with staff recommendations and the addition of language added to Item 3, D. “proposed” open spaces. Mr. Winter seconded the motion. Ayes: Ms. Turner, Mr. Bell, Mr. Keel, Mr. Kovacs and Mr. Winter. Nays: Mr. West and Mr. Midgette.

NEW BUSINESS:

Cases PB 08-46 and PB 08-47 were presented together.

PB 08-46 Twiddy Family Partnership, LLC: Request to rezone .29 acres from Outer Banks Standard Residential (RO1) to Conditional District – General Business (CD-GB). The property is located at 1141 Persimmon Street, Tax Map 114, Parcel 24, Poplar Branch Outer Banks Subtownship.

David Deel, Quible and Associates, Sharon Twiddy appeared before the board. Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 08-46 Twiddy Family Partnership, LLC](#)

DISCUSSION

Mr. Kovacs asked how much parking is required.

Mr. Woody stated the ordinance requires 1 space for every 200 sq. ft. Mr. Woody stated that the parking ordinance may need to be rewritten to find some relief in the parking requirements for historic areas. Mr. Woody stated the applicant will combine the two parcels, Tax Map 114, Parcels 24 and 23. Mr. Woody stated the goal of the applicant is to develop the remaining portion of Persimmon Street.

Mr. Kovacs asked what type of surface the parking lot will be.

Mr. Deel stated that would be addressed in the site plans.

Ms. Merrell provided a sketch of the elevation of the maintenance building on Persimmon Street.

Ms. Twiddy stated they would be doing a project that would enhance the property at Corolla Village.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone 0.29 acres from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) according to the 2006 Land Use Plan. Mr. Winter seconded the motion. Motion carried unanimously.

PB 08-47 Twiddy Family Partnership, LLC: Request to rezone .30 acres from Outer Banks Standard Residential (RO1) to Conditional District – General Business (CD-GB). The property is located at 1143 Persimmon Street, Tax Map 114, Parcel 23, Poplar Branch Outer Banks Subtownship.

David Deel, Quible and Associates appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 08-47 Twiddy Family Partnership, LLC](#)

DISCUSSION

No discussion.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone 0.30 acres from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) according to the 2006 Land Use Plan. Mr. Kovacs seconded the motion. Motion carried unanimously.

Cases PB 08-53 and PB 08-48 were presented together.

PB 08-53 Morrison/Myers (Horgan): Request to rezone approximately 119.96 acres from Agricultural (A) to Residential (R). The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.

Mike Morrison appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 08-53 Morrison/Myers \(Horgan\)](#)

DISCUSSION

No discussion.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone approximately 119.96 acres from Agricultural (A) to Residential (R) according to the 2006 Land Use Plan. Ms. Turner seconded the motion. Motion carried unanimously.

PB 08-48 Currituck Marina/Horgan: Request to establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on approximately 119.96 acres. The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.

Mike Morrison appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 08-48 Currituck Marina/Horgan](#)

DISCUSSION

Mr. West asked how many restaurants will be on the site.

Mr. Woody stated there is one restaurant near the waterfront and conceivably another could locate in the commercial building.

Mr. West asked if public access to the water will be free to the public.

Mr. Woody stated it will be a free public access where you could launch your boat, but you could not dock your boat without a fee.

Mr. West stated this is a good example of what they intended conditional use zoning to be, which spells out what they are going to do.

Mr. Kovacs asked if this is an age restrictive development.

Mr. Woody stated no.

Mr. Morrison stated the development will be geared towards an active retirement age.

Mr. West asked what the total number of units is.

Mr. Morrison stated 240 units.

ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations to establish a Conditional District-Planned Unit Development Overlay Zone (CD-PUD) on approximately 119.96 acres according to the 2006 Land Use Plan. Mr. Winter seconded the motion. Motion carried unanimously.

PB 07-20 Aydlett's Choice: Final Plat for a 19 lot Residential subdivision. The property is located on the west side of Aydlett Road, across from the intersection with Scaff Lane, Tax Map 92, Parcels 41B and 59A, Poplar Branch Township.

Eddie Hyman, Hyman and Robey, PC and C.A. Howard appeared before the board.

Mr. Webb presented the following case analysis to the board.

[Link for case analysis for PB 07-20 Aydlett's Choice](#)

DISCUSSION

Mr. Hyman asked if the board had any questions.

ACTION

Mr. Kovacs motioned to approve with staff recommendations a final plat for a 19 lot Residential subdivision. Mr. Bell seconded the motion. Motion carried unanimously.

PB 07-40 Coinjock Meadows: Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units. The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.

David Deel, Quible and Associates appeared before the board.
Mr. Webb presented the following case analysis to the board.

Link for case analysis for PB 07- 40 Coinjock Meadows

DISCUSSION

Mr. Kovacs asked what type of septic system will be installed.

Mr. Deel stated it will be a conventional system that will serve more than one unit.

Mr. Midgette asked Mr. Deel if he is okay with the staff recommendations.

Mr. Deel stated yes.

Mr. Kovacs asked how many parking spaces will be available.

Mr. Webb stated each building will have 12 spaces plus 4 extra spaces to a total of 16 parking spaces per building.

ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations of the Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units. Ms. Turner seconded the motion. Motion carried unanimously.

PB 08-45 Carova Beach Business Blocks: Three Sketch Plans/Special Use Permits to re-plat 19 existing lots into 29 residential lots. The lots are located in Carova Beach as shown on Tax Map 87A, Parcels A-H, Block 1; Tax Map 87A, Parcels: A and B, Section 2; A and B, Section 3; and Tax Map 87A, Parcels: 1A, 2A, B, C, and D, Section 5; A-C, Section 9, Fruitville Township.

Mark Bissell, Bissell Professional Group and Phil Addabbo appeared before the board.

Mr. Webb presented the following case analysis to the board.

Link for case analysis for PB 08-45 Carova Beach Business Blocks

DISCUSSION

Mr. West asked if this request is contingent upon the text amendment being approved by the Board of Commissioners.

Mr. Webb stated yes.

The planning board got clarification on 19 existing parcels to be re-platted into 29 lots. Some of the 19 parcels could be larger than others and would allow for 2 or 3 lots on this parcel once the recombination has taken place.

Mr. Midgette asked if this request could be tabled until the text amendment is either approved or denied by the Board of Commissioners.

Mr. Webb stated it is at the board discretion.

Mr. Bissell stated that in Section 1 you have 11 lots with or without the text amendment. The eight existing parcels range in size up to five acres, with a recombination you end up with seven parcels of 2.75 acres and one big lot that can be subdivided into 4 additional lots. The open space option allows them to reduce the 2.75 acre lots to 1.50 acre lot and shift those lots towards the ocean front. It allows you to do 3 ocean front lots instead of 2 ocean front lots.

Mr. Addabbo stated he owned a lot in Carova. He is concerned with these lots being rezoned from residential to general business.

Mr. Woody stated these parcels were originally platted business but the county subsequently zoned them residential. The county zoning regulations control the Land Use, if they were to be rezoned to business the individual would have to (1) rezone the property; (2) amend the Land Use Plan.

Mr. Kovacs asked if these were single family homes.

Mr. Webb stated that RO2 will only allow single family homes.

ACTION

Mr. West motioned to table the Section 1 request until PB 08-41 Text Amendment for RO2 Roads and Lots is either approved or denied by the Board of Commissioners. Mr. Keel seconded the motion. Ayes: Mr. Kovacs, Mr. Winter, Mr. Bell, Mr. West, Mr. Keel and Mr. Midgette. Nays: Ms. Turner. Motion carried.

Mr. West motioned to table the Section 2 request until PB 08-41 Text Amendment for RO2 Roads and Lots is either approved or denied by the Board of Commissioners. Mr. Kovacs seconded the motion. Motion carried unanimously.

Mr. West motioned to table the Section 5 request until PB 08-41 Text Amendment for RO2 Roads and Lots is either approved or denied by the Board of Commissioners. Mr. Winter seconded the motion. Motion carried unanimously.

PB 08-09 Jarvis Landing: Amended Sketch Plan/Special Use Permit for 39 attached residential dwellings. The property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Road, Tax Map 110, Parcel 74, Poplar Branch Township.

David Ryan, Bissell Professional Group and Pete Kauffman, Ocean Builders appeared before the board.
Mr. Webb presented the following case analysis to the board.

[Link for case analysis for PB 08-09 Jarvis Landing](#)

DISCUSSION

Mr. Ryan stated he would like to revise some of the language in the SUP requirements, 3, C. He would like to change the width from 75 feet wide to a minimum easement width of 60 feet for this development. This proposal will be for a commercial master meter to serve the entire development rather than individual meters.

Ms. Turner asked what the rent will be for these units.

Mr. Ryan stated the rent will be established by the Outer Banks CDC and the NC Affordable Housing Group.

Mr. Webb stated it will be based upon your verified income.

Mr. Kauffman stated the rent will be between \$550 to \$650.

ACTION

Mr. West motioned to recommend approval with staff recommendations and the language to change under SUP Requirements, 3, C. from 75 feet wide to a minimum easement width of 60 feet and a community master meter for this development. Ms. Turner seconded the motion. Motion carried unanimously.

PB 08-44 Currituck County: Request to amend the Currituck County Unified Development Ordinance, Chapters 10, 11, 12, and 17, to establish a revised Development Review Process and adopt a manual by resolution.

Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 08-44 Currituck County](#)

DISCUSSION

Mr. Woody stated that the fee schedule will probably need to be revised because staff will be taking on more work and lessen the developers cost. The fee schedule has not been increased since 1994.

Mr. Midgette asked if we were compatible to other counties.

Mr. Woody stated Currituck's fees are lower than other counties.

The Planning Board discussed the fee schedule increase and the timing of submissions on the planning board agenda.

ACTION

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance, Chapters 1, 4, 10, 11, 12, and 17 and to revise the fee schedule and establish timing of submissions. Ms. Turner seconded the motion. Motion carried unanimously.

PB 08-50 Currituck County Planning Board: Request to amend the Currituck County Unified Development Ordinance, Table of Permissible Uses, to allow wastewater treatment plants with a Special Use Permit.

Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 08-50 Currituck County Planning Board](#)

DISCUSSION

No discussion.

ACTION

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance to allow wastewater treatment plants with a Special Use Permit. Mr. West seconded the motion. Motion carried unanimously.

ADJOURNMENT

With there being no further business to discuss, Mr. Kovacs motioned for adjournment. Mr. Bell seconded the motion and the motion carried unanimously. The meeting adjourned at 10:45 p.m.

Respectfully Submitted,

Susan M. Tanner/s/

Susan M. Tanner
Clerk to the Board