



CURRITUCK COUNTY PLANNING BOARD February 9, 2010

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: Joe Kovacs, Manly West, Fannie Newbern, Lynne Wilson, Susan Taylor, John Wright, Jim Clark and Forrest Midgette. Absent: William Etheridge.

Ben Woody, Planning Director, Donna Voliva, Planner II, 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. Kovacs motioned to approve the agenda as presented. Mr. Clark 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 January 12, 2010 Minutes |

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

OLD BUSINESS:

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| Item 3 | PB 09-36 Corolla Club and Resort (Sumit Gupta): Request for special use permit to allow 32 multi-family units in addition to retail, restaurant, and hotel on property zoned Limited Business-Hotel (LBH) in Corolla, north of the Hampton Inn, Tax Map 128, Parcel 1D, Poplar Branch Township. |
| Item 4 | PB 09-15 A-1 Towing: Request for a special use permit to operate a towing company impound lot at 1221 Ponton Lane in Corolla, Tax Map 114, Parcel 3M, Poplar Branch Township. |

NEW BUSINESS:

- Item 5 **PB 10-02 Beach Jeeps of Corolla:** Request for a special use permit for an outdoor tour operator. The property is located at 103A Austin Street, Tax Map 115B, Parcel 2P2B, Poplar Branch Township.
- Item 6 **PB 10-03 Swan Beach Corolla:** Request to rezone 37.36 acres from Outer Banks Limited Access Residential (RO2) to Conditional District-General Business (CD-GB). The property is located in Swan Beach, Tax Map, 101 and 101A, Parcels A,B,C,D,1A,M1 and M2, Fruitville Township.
- Item 7 **PB 87-56 Monterey Shores, PUD:** Request for an amended special use permit to designate an additional 1.10 acres of commercial zoning within the Planned Unit Development (PUD). The property is located in Monterey Shores, PUD, Tax Map 116, Parcels 3W and 10, Poplar Branch Township.
- Item 8 **PB 09-38 Corolla Fun Park:** Request for a special use permit to establish a 36-hole miniature golf course; go-kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD, Tax Map 116, Parcels 3W and 10 and Tax map 116D, Parcel 3C, Poplar Branch Township.
- Item 9 **ADJOURNMENT**

APPROVAL OF MINUTES

Mr. West motioned to approve the Planning Board minutes for January 12, 2010 as presented. Mr. Clark seconded the motion. Motion carried unanimously.

OLD BUSINESS:

PB 09-36 Corolla Club and Resort (Sumit Gupta): Request for special use permit to allow 32 multi-family units in addition to retail, restaurant, and hotel on property zoned Limited Business-Hotel (LBH) in Corolla, north of the Hampton Inn, Tax Map 128, Parcel 1D, Poplar Branch Township.

Eddie Valdivieso, Quible and Associates, Richard Adams, Kimley-Horn, Sumit Gupta, Bill Hollan, John Gaw, Earl Wemer, Jerry Wright appeared before the board.

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

[Link for case analysis for PB 09-36 Corolla Club and Resort \(Sumit Gupta\)](#)

DISCUSSION

Mr. West asked who makes the determination for the Letter of Map Amendment (LOMA).

Ms. Voliva stated FEMA.

Mr. Valdivieso stated that his client is under contract to purchase the property from the National Audubon Society. This property is not part of the Pine Island PUD and is not subject to the Pine Island guidelines. The property is zoned commercial and the site is designated full service district. Mr. Valdivieso stated this case came before the Planning Board in January but was tabled because it did not comply with the fire code access and 20% reduction in the parking requirements. Since this time they have had a parking study done and resubmitted a site plan that meets fire code. Mr. Valdivieso stated the issues with the stormwater disposal or means of wastewater disposal are not valid at this point because the process that they are going through now is to request a special use permit for the site plan. There has been a lot of discussion on the Natural Heritage Program designation of the property. Mr. Valdivieso stated they have been in contact with NC Department of Natural Resources to find out why the subject property is in a Natural Heritage Area and what significance the property has from an environmental prospective. Mr. Valdivieso stated the main reason it is in there Heritage Area program is because it is Audubon property. Mr. Valdivieso stated the county has asked them to check with the NC Department of Natural Resources to find out why the subject property is in a Natural Heritage Area and if it is valid to be under this designation. They did speak to them and basically they said the Natural Heritage Program (NHP) is a non regulatory program. Mr. Valdivieso stated they had a site assessment done with two of his staff members. The conclusion was that there is no threatened, endangered or special concern species recognized by NHP were observed.

Mr. Midgette stated that the property is considered a Natural Heritage Area as identified in the county's Land Use Plan (LUP) and significant growth shall avoid these areas.

Mr. Valdivieso stated he is aware of the statement, but the site assessment which was done states this property does not meet the criteria for a Natural Heritage Area.

Mr. Midgette asked Mr. Valdivieso how the board would get confirmation if the property is a Natural Heritage Area and how long will it take to get confirmation.

Mr. Valdivieso stated they are asking the board to base their decision on the information that they have provided. Mr. Valdivieso stated what they are running into with the NC Department of Natural Resources is that they are not willing to come out and say if this meets their criteria or doesn't meet their criteria.

Mr. West asked what is the zoning of the other property that the National Audubon owes which is across the street.

Mr. Woody stated RO1 and the subject property is zoned Limited Business Hotel (LBH).

Mr. West asked how did this piece of property get rezoned to LBH which is still owned by the National Audubon when the other property is zoned RO1.

Mr. Valdivieso stated he thinks the property was zoned LBH when the National Audubon obtained it, but this is just a guess.

Mr. Adams, a professional traffic engineer, presented a presentation on the Shared Parking Analysis.

Ms. Wilson stated that in the calculation was it taken into consideration the potential number of people parking in these spaces during the peak season time.

Mr. Adams stated that in talking with the development team there is recognition of this factor.

Ms. Wilson stated the developer said the wastewater system will be a very environmental conscious system; would they also apply this as well to the parking system.

Mr. Gupta stated that there are two things with the parking, one being from the business side they want to make sure there is enough parking to sustain the project. During the peak season they need to have in place some sort of management of parking, i.e. valet system. Mr. Gupta stated there are many environmental friendly ways to manage the parking and they are still looking at other options.

Mr. Valdivieso stated they have addressed the issues of fire access, parking and Natural Heritage Area. Mr. Valdivieso stated they have applied to FEMA to change the flood zone designation from a VE designation to an AE designation for construction purposes.

Mr. Hollan stated he was here to speak on behalf of Pine Island and he knows a lot about the history of the property. Earl Slick gave the property to the Audubon. Mr. Hollan provided an overview of the history. Mr. Hollan stated that the Audubon voluntarily dedicated this area as a Natural Heritage property. The state does not come in and take someone's property and say it is in a Natural Heritage Area. The Audubon submitted this area to the state as part of the Natural Heritage Program. Mr. Hollan stated the proposed project is not in harmony with the rest of the community. Property taxes have never been paid on this property. Mr. Hollan stated he hopes the board finds this request is inconsistent with the surrounding properties and it is a Natural Heritage Area and will deny the request.

Mr. Clark asked if there is any other area open in Corolla like this property.

Mr. Hollan stated no.

Mr. West stated that farmers can be asked that land be put in an agriculture district but they can also remove it. Since the National Audubon asked that this land be put in the Natural Heritage Area, can they request that it be removed?

Mr. Hollan stated he does not think so.

Mr. Gaw stated he is there representing the Pine Island Homeowner's Association. He has a petition with 277 names on it opposing the development. Mr. Gaw stated the Audubon acquires environmentally sensitive land that needs to be protective and this is why there is a Natural Heritage designation application to this land. The Natural Heritage is not a regulatory agency but it is an agency that identifies land that needs to be regulated because it is land that is environmentally sensitive. Mr. Gaw stated there is a public health issue because of over wash from the ocean and how it will affect the septic systems. There are many problems with this project and he would ask that the board deny this request.

Mr. Wemer stated this project is requesting to get out of the V-zone and with the recent northeaster storm they have lost 10 to 30 feet of dunes in Corolla. He requests the request be denied.

Mr. Jerry Wright stated he is concerned about the water fowl resource that is in Currituck County and how they will be affected because they use the marshes in Pine Island and the Audubon property. The proposed site is directly across from the Pine Island Club House which the northern pintail flight comes and winters on this yard starting in August. Mr. Wright stated the Pine Island community was never intended to have this intense type of development. They have tried to work in Currituck to promote economical growth and activity on the beach while at the same time trying to protect the resources that people come here for; our horses, our water fowl and our fishing. Mr. Wright requests the board deny this request.

Mr. Valdivieso provided an overview of the wastewater treatment system and the affect of over wash and stormwater runoff.

Mr. Kovacs asked if the development will be done in phases.

Mr. Gupta stated yes and the timeline will be 2 to 3 years for build out.

Mr. Valdivieso stated the retention pond will be approximately 10,000 sq. ft. with fencing and will be professionally managed.

Mr. Midgette asked how many contractors in Currituck County or Dare County that would be capable of building a hotel of this magnitude.

Mr. Valdivieso stated they do have a contractor but would use local contractor to do the plumbing, framing, electrical, site work, and supplies.

Mr. Midgette stated he thinks they have a great project but the location is not right.

Mr. Gupta stated they have been working on this project for two years. Mr. Gupta stated the county's LUP has this zoned as LBH in a full service district. They have a letter from the Audubon stating they do not see this property as part of the conservation area and are willing to sell the property. Mr. Gupta stated this resort will offer a lot to Corolla in the long run. Mr. Gupta stated it is very frustrating to them as a developer that they have spent two years on a project if the county had told them upfront that they could not develop this land because it was part of a Natural Heritage Area.

Mr. Wright stated the county does adhere to the LUP and Natural Heritage Area which is adopted by the county. Mr. Wright refers to Policy ES8 which states that significant future growth shall avoid Natural Heritage Areas.

Mr. West stated that with no taxes paid on the property that signals something unique with the property.

Mr. Kovacs asked Mr. Valdivieso was he okay with staff recommendations.

Mr. Valdivieso stated the only objection is with the mandate to construct in a V-zone.

Mr. Clark stated he has concerns from citizens which are recommendations in the event the SUP is approved. Construction during June thru October be limited to 9-5, 5 days per week to reduce noise impact, overnight parking for heavy equipment should be at the south end of the property, working hours should be dawn to dusk during November thru May seven days per week.

Mr. Valdivieso stated they would take them into consideration.

Ms. Wilson stated that even though the land was reclassified from RO1 to LBH; does this mean the environmental needs disappear with it?

Mr. Valdivieso stated yes. The National Audubon Society is now saying in writing that the site does not have a conservation value.

ACTION

Ms. Wilson motioned to recommend denial based on the classification of the this property as a Natural Heritage Area and Policy ES8 of the Land Use Plan it would be violated if the project went forth. Ms. Taylor seconded the motion. Ayes: Mr. West, Mr. Wright, Mr. Midgette, Ms. Taylor, Mr. Clark and Ms. Wilson. Nays: Ms. Newbern and Mr. Kovacs.

PB 09-15 A-1 Towing: Request for a special use permit to operate a towing company impound lot at 1221 Ponton Lane in Corolla, Tax Map 114, Parcel 3M, Poplar Branch Township.

Mark Bissell, Bissell Professional Group, Larry Weaver, Ed Cornet, Kate Cole appeared before the board.

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

[Link for case analysis for PB 09-15 A-1 Towing](#)

DISCUSSION

Mr. Kovacs asked if the county uses the Coral Road access.

Mr. Woody stated yes.

Mr. Bissell stated that the plan has been modified since the last time the board saw it so there are no impacts on future irrigation areas or green areas which have been confirmed with the state. Mr. Bissell talked about the three possibilities for access which A1 Towing can use. Mr. Bissell stated this request is to go back to the access that was approved in 1989 and to review that part of the A1 Towing application in 1991-2001.

Mr. West asked if Coral Lane is the access that A1 Towing has legal access too.

Mr. Bissell stated yes.

Mr. Weaver stated he owns A1 Towing and the purpose of the storage area is to keep cars and contents in a secure area.

Mr. Cornet stated he is the president of the Ocean Hill Section 1 Property Owners Association (OH1POA). Mr. Cornet stated OH1POA believes that any special use permit that relies on the use of the Coral Lane stormwater area for vehicular access to RT12 should be denied because:

- OH1POA is the owner of the right-of-ways within the OH1 subdivision that include Coral Lane. Although the roads and right-of-ways are dedicated to public use, by court order OH1POA has responsibility for operation and maintenance and has the authority to issue easements. No easement has been granted.
- Vehicles enter by driving over private property on a narrow track that has been created by filling wetlands.
- OH1POA is against issuing an easement until three issues can be resolved.
 - Public health issues due to flooding on Coral Lane and Rt. 12.
 - Public safety issues at a dangerous intersection.
 - Destruction of value and harmony in a residential only subdivision.

Ms. Cole stated she lives adjacent to Coral Lane. Ms. Cole stated A1 Towing has been a good neighbor and does not have any problems with them. A1 Towing was to move the access north of Coral Lane. Right after A1 Towing was approved in 2001 they did improve the access just north of Coral Lane but it was never recorded. Ms. Cole stated it is important that it gets recorded and a dedicated legal access is moved. Ms. Cole recommended that A1 Towing have a chance to get it straight and continue to operate.

Mr. Bissell stated that ownership and public dedication are two different things. The original developer did a quick claim deed to the property owners association, but the key is that it was dedicated to public use. What they are trying to do is re-approve what was originally approved. Mr. Bissell read a portion of a letter from Starkey Sharp an attorney for Midlantic Builders which states, "The roadway was part of the original Ocean Hill subdivision. There is a spur of the road which comes west off NC12 at the south end of the Villages at Ocean Hill project. The roadway was dedicated at the time the plat was recorded showing that road. The property into which Coral Lane runs is owned by Midlantic Builders, LLC and is part of the Villages at Ocean Hill PUD. The dedication of the street segment which occurred with the recording of the plat remains effective; In addition, the roadway is necessary to provide access to properties within the PUD and has been in continuous use for many years. I understand a property owners group from the original Ocean Hill subdivision may dispute what I have summarized in the letter. I believe the case law will support the position I have outlined." Mr. Bissell stated the applicant has the continually legal right to use the road.

Mr. Midgette asked Mr. Bissell if he is okay with staff recommendations.

Mr. Bissell stated yes.

ACTION

Mr. Clark motioned to recommend approval with staff recommendations of PB 09-15 A1 Towing for a special use permit to operate a towing company impound. Mr. West seconded the motion. Motion carried unanimously.

The Planning Board took a five minute break.

NEW BUSINESS:

PB 10-02 Beach Jeeps of Corolla: Request for a special use permit for an outdoor tour operator. The property is located at 103A Austin Street, Tax Map 115B, Parcel 2P2B, Poplar Branch Township.

Bob White, Robert Ianucci, Steve Rothrock, and Greg Lampe appeared before the board.

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

[Link for case analysis for PB 10-02 Beach Jeeps of Corolla](#)

DISCUSSION

Mr. White stated he has been conducting unguided horse tour rentals in the off-road areas of Corolla for four years. They have a route marked out for them to go too and they are on their own for approximately 2.5 hours.

Ms. Taylor asked if there is a minimum age limit to drive the vehicle.

Mr. White stated they have to be 25 years of age or older and have full insurance coverage.

Mr. Clark asked if they have ever had any problems with the law regarding his rentals.

Mr. White stated they have had people call and say a vehicle is doing something wrong. This year it makes it easy because they had decals or paint markings that clearly display the company's name. Mr. White stated they donate to the Wild Horse Fund. Mr. White stated it is hard to find responsible people to do guided tours. There are companies in Dare County who do not have any stipulations. One option is to have a caravan tour where you have 4 to 5 jeeps in one tour.

Mr. West stated he liked the fact that you have to be 25 years or older to drive but one thing in the past is that they need to be guided tours.

Mr. Woody stated that the special use permit will be for one year and then it will come back to the BOC for renewal.

Mr. Wright asked if the Wild Horse has a position on guided vs. unguided.

Mr. Woody stated the Wild Horse Tours are guided at the applicant request.

Mr. Midgette asked Mr. White if he was okay with staff recommendations.

Mr. White stated yes.

Ms. Wilson stated living in the Corolla area the tours are under the microscope and having an unguided tour may be self-destructive.

Mr. White stated he has a lot of money tied up in his business and he keeps the money in the community. If the tours were guided he may see a 5% reduction but maintenance cost of vehicles would go down. The public really enjoys the unguided tours.

Mr. Lanucci stated he is concerned about unguided tours and is in favor of guided tours.

Mr. Rothrock stated he would like to see a number on the jeeps along with the company name so when you call the sheriff department you can give them a number along with the company name. Control the number of permits which in turn will control the number of vehicles up in the off road area. Mr. Rothrock asked who is spending more money, the person who rents the jeep for 2.5 hours or rents a home for a week.

Mr. Lampe stated he likes a one year permits and he is in favor of guided tours.

ACTION

Mr. West motion to recommend approval with staff recommendations and that the tours be guided during the months of Memorial Day through Labor Day for a special use permit for an outdoor tour operator. Ms. Taylor seconded the motion. Motion carried unanimously.

PB 10-03 Swan Beach Corolla: Request to rezone 37.36 acres from Outer Banks Limited Access Residential (RO2) to Conditional District-General Business (CD-GB). The property is located in Swan Beach, Tax Map, 101 and 101A, Parcels A,B,C,D,1A,M1 and M2, Fruitville Township.

Brian Plumlee, Mark Bissell, Elizabeth White, Debra Lanucci, Lillie Daniels, Bob Albrecht, Michael Cherry and Greg Lampy appeared before the board. Ms. Voliva presented the following case analysis to the board.

[Link for case analysis for PB 10-03 Swan Beach Corolla](#)

DISCUSSION

Mr. Plumlee stated they are asking for conditional zoning meaning they would be required to follow the conditions set by the county. Mr. Plumlee stated his client has been paying taxes on this property since 1969 as a business parcel. What his client is proposing to build is a private beach resort for weekly rentals and special events. It would include a chapel, fire and rescue station, wellness center and commercial for neighborhood services. At the south end there would be a fishing pier. Mr. Plumlee addressed staff recommendations for denial.

- The proposed request is not consistent with the Carova Sub-area Policy: *What they are proposing is an old beach village style development and clearly these plans can be tailorrd by the county. They will be very small structures, 900 to 1200 sq. ft. They are looking into the potential of shuttle service for people using the resort.*
- The proposed uses and development plan does not promote compatibility between the subject property: *Having smaller structures is going to be a better development.*
- The intensity of the proposed uses and development plan will encourage commercial services in the off-road area: *The pier will be at the southern end of the property and the Inn will be at the northern end. The Inn will not encourage adjoining commercial structures because of shuttling people in.*

The fishing pier is to encourage fishing. Mr. Plumlee stated to consider these two items separately, the Inn and the pier. His client is mostly focused on the resort.

- Vehicular access: *Mr. Plumlee stated he hopes they have addressed this with the shuttle services and they would have to buy their own private insurance.*

Mr. Bissell provided an overview of the project, addressed the community meeting comments, and examples of the building styles.

Ms. Taylor asked where in Corolla are the cars are going to be parked.

Mr. Bissell stated the developer has a special use permit for a remote parking site.

Mr. Wright asked how vehicles or emergency vehicles will pass under the pier when the water comes up and the height of the pier will decrease as it gets closer to the dune line?

Mr. Bissell stated this will have to be addressed in the design.

The Board was concerned with more traffic being routed from the beach to the local roads.

Mr. West asked for clarification on the Inn and individual cottages.

Mr. Bissell stated it is an Inn in multiple structures. Two buildings will have 8000 sq. ft. on each floor with 12 units per floor. It will be operated under single management. Mr. Bissell stated each unit will have their own individual septic system.

Ms. Wilson stated that Mr. Plumlee stated that Mr. Friedman is doing this for the community. She lives in the community and from the community meeting that was held the community is not asking for this. Ms. Wilson stated that architecturally it is nice but it is still a commercial development. Ms. Wilson stated it is setting a precedent because other properties that are currently zoned residential could put in a request for conditional rezoning for commercial.

Mr. Clark asked if the beach would be open in front of the development so the public to drive down the beach.

Mr. Bissell stated yes.

Ms. White stated she is a resident of Swan Beach and the president of the Swan Beach Property Association. The members of the Swan Beach Property Association are against the conditional rezoning request and are in agreement with staff recommendations for denial. Ms. White stated this request will lead to

incompatible and disruptive activity and will be detrimental to the general welfare, safety, health and well-being of their community. The community is not requesting any of the services in this proposal. The Swan Beach Property Association is asking that the board deny this request.

Ms. Lanucci stated she is property owner in Swan Beach and is against the rezoning request because it is a drastic change in the landscape of Swan Beach.

Ms. Daniels stated she hopes the board will deny this request and leave it like it is. It has worked in the past and hopefully will work in the future.

Mr. Albrecht stated he is against the rezoning request because of the lack of an adequate infrastructure, septic systems, and not in harmony with residential nature of the community.

Mr. Cherry stated he is the former president of the Swan Beach Property Association. Mr. Cherry stated he lives in a house that had been moved and if the pier was built this would eliminate the ability to do this. Mr. Cherry stated this project is not in harmony with the residential nature of the community and asking that the board deny the request.

Mr. Lampy asked the board to deny this request.

Mr. Plumlee stated what is popular is not always right and what is unpopular is not always wrong. They do believe this project would reduce impacts compared to the results of residential developments at this location. The pier is not the main part of the project. This development will not decrease the value of adjoining properties. This is a lower impact plan. If it is the concern to lessen impacts then you would adopt this plan, if it is the issue of controlling what is happening at all times around you then you would reject it, it is as simple as that.

Ms. Wilson stated she has a letter from the North Swan Beach Property Owners Association, a statement from the C.O.A.S.T. environmental group and the Corolla Wild Horse Fund in opposition to this rezoning request.

ACTION

Ms. Wilson recommended denial with staff recommendations and LUP Policies, OB6, CD5, ES8, ES7, and ES6 to rezone 37.36 acres from Outer Banks Limited Access Residential (RO2) to Conditional District- General Business (CD-GB). Ms. Taylor seconded the motion. Motion carried unanimously.

Ms. Voliva presented PB 87-56 Monterey Shores, PUD and PB 09-38 Corolla Fun Park together.

John Delucia, Albemarle & Associates, Tim Rary, Bob Lynch, Wes Zabloudil, Earl Wemer, Andrew Meredith, and Crouse Gray appeared before the board.

DISCUSSION

Mr. Delucia stated the plan already has stormwater approval from the Division of Natural Resources and it has already gone through its first technical review with the site plan. Mr. Delucia stated his client wants to build a family resort. Mr. Delucia provided an overview of what has been done.

- The special use permit has been submitted and gotten comments from the Technical Review Committee.
- The area where the low impact development track is located is already approved for general business. They felt this location would be good to minimize noise and also minimize spectators. Mr. Delucia talked about the stormwater situation and it has been taken care of.
- No wetlands are on the property which will be developed.
- Currently the open space is part of the Monterey Shores PUD and if his client purchases it the open space will be maintained the same way it is now.
- On the site plan they show a 10 foot wide path and a 20 foot easement along the highway and they have also offered to extend the path further to the Buck Island entrance.
- Mr. Delucia talked about the recommended hours of operations 9:00 a.m. to 10:00 p.m. as being problematic for them.
- There is no significant vegetation in the area.
- They intend to include preservation along NC 12.
- The architectural style matches the Corolla area.
- Gas powered vs. electrically powered karts. Mr. Delucia stated his client wants to use gas powered karts but is willing to use 4 stroke engines which don't have the noise level that 2 stroke engines have.

Mr. Wright asked if a study was done that says the area has no significant vegetation.

Mr. Delucia stated they went out to the property and compared it with the definition of "significant vegetation".

Mr. Rary stated he represents the TimBuck II Property Association. Mr. Rary stated they already have these entertainment facilities in Corolla. It is their understanding there is an issue between Carolina Water and Bob DeGabrielle regarding the water line crossings which still remain on this property. Until it is settled then the property should not be rezoned. The stormwater drainage at Whalehead cannot handle additional water. Property values will go down while your insurance will increase. They are concerned with the increase in traffic and how it will affect their business. People come to Corolla for the family values and quaintness. Mr. Rary asks the board to deny the request.

Mr. Lynch stated he is representing Monterey Shores Homeowners Association. Mr. Lynch stated that they are concerned that the Corolla Fun Park will make property values go down, safety, noise, lighting, toxic waste removal and the RO water plant. Mr. Lynch is asking the board to deny this request.

Mr. Zabloudil lives in Monterey Shores and is a business owner in TimBuck II. He is concerned with stormwater, environment, noise, lighting, and traffic. For these reasons he is asking that the board deny the request.

Mr. Meredith stated he has a lease with TimBuck II for the miniature golf and in the lease it has a non-compete clause for another miniature golf in the area. Mr. Meredith is asking the board to deny the request.

Mr. Wemer stated this is not compatible with Corolla. People come to Corolla for a different experience. Mr. Wemer asked what happens when these fun parks don't do well financially. What are they left with? Mr. Wemer is asking the board to deny the request.

Mr. Delucia stated the driveway connection which is off NC 12 on the site plan has been approved by Department of Transportation. The stormwater will be handled onsite and nothing will go offsite.

Mr. Gray stated the usages they want to put on this property are permissible usages. Many questions have been brought up which staff has brought to the attention of the developer and they have tried to respond back to staff. Mr. Gray stated Carolina Water showed some real estate on the property that they had no right to do so. Mr. DeGabrielle and Carolina Water have been in litigation and now have settled. Part of the settlement is Mr. DeGabrielle giving Carolina Water certain easement rights. As to the pond, the county is negotiation and going to put an easement and run water into that pond as well. The county has done an engineering study as to what type of capacity the pond is capable of handling. This will cause his client, if this project is approved, to have to raise his property up where the facilities are going to be so they don't have overflow to their property. As to the issue if they are subject to the homeowner's association, this is not before the board. This would be between his client and the homeowner's association if he buys the property. Mr. Gray stated they are not part of the lease agreement with TimBuck II. Mr. Gray stated you are hearing a lot that there are plenty of things to do up in Corolla. If his client thought this, would he be spending this kind of money? His client believes there is a need. Mr. Gray stated his client is putting in 4 stroke engines which are quieter and not 2 stroke engines. These engines are environmental friendly because you don't mix the oil and gas together and they have an automatic shut-off. Mr. Gray stated he can remember when Monterey Shores came to this county and at that point and time there was hardly anything there. The arguments were from the people who lived there were we don't think it is compatible with our community to have such a large subdivision. We are hearing the same argument now.

PB 87-56 Monterey Shores, PUD: Request for an amended special use permit to designate an additional 1.10 acres of commercial zoning within the Planned Unit Development (PUD). The property is located in Monterey Shores, PUD, Tax Map 116, Parcels 3W and 10, Poplar Branch Township.

[Link for case analysis for PB 87-56 Monterey Shores, PUD](#)

ACTION

Mr. West motion to recommend approval with staff recommendations with admitting #1 of PB 87-56 Monterey Shores, PUD for an amended special use permit. Ms. Newbern seconded the motion. Motion carried unanimously.

PB 09-38 Corolla Fun Park: Request for a special use permit to establish a 36-hole miniature golf course; go-kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD, Tax Map 116, Parcels 3W and 10 and Tax map 116D, Parcel 3C, Poplar Branch Township.

[Link for case analysis for PB 09-38 Corolla Fun Park](#)

ACTION

Mr. Clark motion to recommend denial with staff recommendations for PB 09-38 Corolla Fun Park for a special use permit. Ms. Taylor seconded the motion. Motion carried unanimously.

ADJOURNMENT

With there being no further business to discuss, Mr. West motioned for adjournment. Mr. Kovacs seconded the motion and the motion carried unanimously. The meeting adjourned at 12:35 a.m.

Respectfully Submitted,

Susan M. Tanner/s/

Susan M. Tanner
Clerk to the Board