

CURRITUCK COUNTY
NORTH CAROLINA
July 19, 2004

The Currituck County Board of Commissioners met prior to the regular meeting at 5:00 p.m. to tour the new Law Enforcement Center with Sheriff.

The Currituck County Board of Commissioners met on Monday, July 19, 2004, at 7:00 p.m. for their regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman O'Neal and Commissioners Miller, Martin, Bowden and Gregory.

Mr. Bob Henley was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to amend the agenda by adding a closed session to discuss legal issues. Commissioner Martin seconded the motion. Motion carried.

- Item 3 Public Hearing and Action: PB 87-56 MONTERAY SHORES, PHASE 3:
 Amended Sketch Plan/Special Use Permit to create 36 residential
 lots and a commercial area for a temporary disposal area located
 immediately north of Monteray Shores, Phase 1, Poplar Branch
 Township.
- Item 4 Public Hearing and Action on PB 04-05 MILLER'S WAY: Sketch
 Plan/Special Use Permit for 10 lots located at the end of Fox
 Lane, approximately 800' from its intersection with Tulls Creek
 Road, Tax Map 9, Lot 37, Moyock Township.
- Item 5 Consideration of architectural services for Kitchen addition/Law
 Enforcement Center.
- Item 6 Appointment to ABC Board.
- Item 7 Designation of Voting Delegate to NCACC Annual Conference.
- Item 8 Consent Agenda:
 Approval of July 6, 2004 Minutes
 Approval of Board of Equalization and Review Minutes
 Appointment of Bobby Klingler to Nursing Home Advisory Board.
 Consideration of destroying audit released payroll documents.
 Appointment of William Price to Incorporation Commission.
- Item 9 Commissioner's Report
- Item 10 County Manager's Report
 Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman O'Neal opened the public comment period.

Chuck Sowers, Carova, reminded citizens to vote in the July 20 Primary Election.

John Snowden, read a letter by Gladys Taylor regarding county property that was given to the county by Ms. Taylor's father.

Chairman O'Neal stated that the information presented was not factual.

Chairman O'Neal stated that he has had calls from people on Puddin' Ridge Road regarding vehicles speeding to get to Blackwater.

Commissioner Gregory stated that there were no speed limit signs in Quail Run.

Commissioner Miller requested staff to investigate speed limit signs for Quail Run.

There being no further business, the public comment period was closed.

New Business

Public Hearing and Action: PB 87-56 MONTERAY SHORES, PHASE 3: Amended Sketch Plan/Special Use Permit to create 36 residential lots and a commercial area for a temporary disposal area located immediately north of Monterey Shores, Phase 1, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Gary Ferguson, Planning Director, reviewed the request.

STAFF ANALYSIS FOR THE BOARD OF COMMISSIONERS MEETING DATE: JULY 19, 2004

ITEM: PB 87-56 MONTERAY SHORES, PUD, AMENDED SKETCH PLAN APPROVAL

LOCATION: Immediately north of Whalehead Club, Poplar Branch – Outer Banks Township.

ZONING DISTRICT: RO1

OWNER:
Corolla Bay LLC
821 Ocean Trail
Corolla, NC 27927

APPLICANT/AGENT
Coastal Engineering & Surveying
934 W. Kitty Hawk Road
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Corolla Light PUD – zoned RO1
SOUTH: Buck Island - zoned R01
EAST: Whalehead Subdivision - zoned R01
WEST: Currituck Sound

PURPOSE OF REQUEST:

The applicant requests an Amended Sketch Plan/Special Use Permit approval for Corolla Bay, located in Monterey Shores Phase 3, to show the location of the wastewater treatment system. This treatment facility will serve the 36 home sites found in Phase 1 in addition to the 7.32 acre commercial area on the eastern side of Ocean Trail, NC 12, and the 1.23 acre commercial site on the western side of Ocean Trail, NC 12. The water for the development will be provided by Currituck County.

This plant is designed in accordance with the new guidelines requiring 200 gallons per day per bedroom for resort oriented housing in addition to the providing sufficient capacity for the two commercial areas. The plant will be designed to produce “reuse” quality effluent from the plant, thus the water coming “out” of the plant will be of sufficient quality and purity to qualify for reuse. This plant will be expandable to handle future demands as they arise.

In conjunction with the wastewater treatment system, a spray bed area is required. It is proposed to locate the spray bed in a temporary disposal area over 21 home sites which are allocated for Phase 3. The term "temporary" might become permanent.

Also show is a phasing layout for all of Section 3. As noted on the sketch plan, Herring Street is proposed to be improved and continue through Whalehead Club subdivision. If opposition to this occurs, and the BOC does not wish for this connection, than the developer will need to provide a cul-de-sac or redesign Virgin Gorda Crescent to provide a turnaround.

CHANGES APPROVED BY BOC ON DECEMBER 6, 1999

1. Decrease density from 658 units to 598 units (lose of 60 units). Overall density will be reduced from 2.36 units/acre to 2.14 units/acre which is below the 3 units/acre allowed within PUD's.
2. Increase of open space from 38.6% (137.22 ac.) to 39.3% (139.75 ac.) which exceeds the minimum 35% required within PUD's.
3. Increase commercial area from 20.05 ac. to 34.1 ac. which equals 9.59% (up to 10.0% allowed). Applicant is requesting a LBH designation.
4. Addition of 2 amenities areas (1 at south end; 1 at north end) plus dedication of a sound access easement to Currituck County at the south end.
5. Proposed roadway connections with Whalehead Subdivision at both Herring and Perch Streets.

CHANGES APPROVED BY BOC ON SEPTEMBER 11, 2000

1. To show a 33,000sf. Food Store on northernmost commercial parcel;
2. To depict a minor variation in the overall commercial boundary ("404" wetland areas have been delineated and taken out of the original commercial area);
3. To convert 72 SF lots to 24 MF and 48 Hotel units;
4. To show parking lot within area to be dedicated to Currituck County for public sound access; and,
5. Increase minimum lot area within all SF lots.

CHANGES APPROVED BY BOC ON JUNE 17, 2002

1. Further defined development intent within the "Phase IV" commercial portion of Corolla Shores. Phase IV portion of the amended sketch plan showed approximately 75,000 square feet of retail/restaurant commercial complex within ten (10) proposed buildings. It should be noted that this did not represent an increase in overall commercial acreage within Corolla Shores as it remains at 14.05 acres.
2. Increased the total number of single family home sites from 92 to 116.
3. Reduced the total number of multi-family/hotel/lodge density from 72 to 48.
4. Reduced open space from 28.92 acres to 23.67 acres which still exceeds the minimum 35% required with PUD's.

CHANGES APPROVED BY BOC ON DECEMBER 1, 2003

1. The 10.07 acre site that Currituck County has purchased is reflected on the new Sketch Plan and has been designated residential. This area was previously designated as commercial.
2. The total amount of commercial area in Phase 3 was reduced from 14.05 acres to 13.95 acres.
3. The total number of single family home sites was reduced from 134 to 115 units.
4. Open space in Phase 3 has been reduced from 23.67 acres to 14.28 acres. Under this proposal, the total amount of open space for Monterey Shores will be 124.46 acres which meets the 35% minimum required.

STAFF COMMENTS:

- There is a pond in Phase 3 which could serve either as a stormwater retention basin or as a pond for the reuse quality water from the wastewater treatment system.
- Based on the stormwater retention needs and opposition to a tie in with the Whalehead Club subdivision, the developer should provide a turnaround at the boundary between Corolla Bay and the Whalehead Club Subdivisions..
- This plan was reviewed by the Technical Review Committee in May, 2004. The plan has been revised and adequately addresses concerns noted during the meeting.

STAFF RECOMMENDATION:

Staff recommends approval of the Amended Sketch Plan/Special Use Permit of Monterey Shores, Phase 3, Corolla Bay with the following conditions:

1. That Virgin Gorda Crescent be redesigned to provide a turnaround at the border with the Whalehead Club;
2. That the summary table be corrected to reflect the 115 residential units approved for Phase 3 as per the Amended Sketch Plan approved December 1, 2003;
3. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the county's Unified Development Ordinance; and
4. That applicant meet all requirements of the county's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, not exceed maximum building height, lighting, lot coverage, etc.

Chairman O'Neal opened the public hearing.

George Mears, Corolla Drive, opposed the request.

Don Unmussig, Richmond Va., opposed the request.

Ron Barrett, Real Estate Agent, opposed the request.

Walt Readerman, Va. Beach, Va., opposed the request.

Boris Hadshi, Baracuda Drive, opposed the request.

Bob Collins, Whalehead Property Owners Assoc., opposed the request.

Herb Robbins, Whalehead Drive, opposed the request.

Dave Holton, Corolla Bay, LLC, was in support of the request.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Miller moved to continue for further information. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on PB 04-05 MILLER'S WAY: Sketch Plan/Special Use Permit for 10 lots located at the end of Fox Lane, approximately 800' from its intersection with Tulls Creek Road, Tax Map 9, Lot 37, Moyock Township.

This item was deleted.

Consideration of architectural services for Kitchen addition/Law Enforcement Center.

County Manager Scanlon, reviewed the proposal for architectural services for kitchen addition.

Commissioner Bowden moved to approve total base fee of \$131,222.00. Commissioner Gregory seconded the motion. Motion carried.

Appointment to ABC Board.

Continue to next meeting.

Designation of Voting Delegate to NCACC Annual Conference.

Commissioner Bowden moved to appoint Commissioner Gregory. Commissioner Miller seconded the motion. Motion carried.

Consent Agenda:

Approval of July 6, 2004 Minutes

Approval of Board of Equalization and Review Minutes

Appointment of Bobby Klingler to Nursing Home Advisory Board.

Consideration of destroying audit released payroll documents.

Appointment of William Price to Incorporation Commission.

Resolution for Frank Bray, Public Works Director.

Commissioner Miller moved to approve. Commissioner Gregory seconded the motion. Motion carried.

**RESOLUTION
OF
APPRECIATION**

WHEREAS, the Currituck County Board of Commissioners wishes to acknowledge and express its appreciation to Frank Bray for his dedicated service to the citizens of Currituck County as Public Works Director; and

WHEREAS, Mr. Bray will be retiring from County Service on August 1, 2004; and

WHEREAS, Mr. Bray has devoted his time, energy and talents to this community and provided experience and sound judgment on its behalf with integrity and dignity;

NOW THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners commends Mr. Bray for exhibiting professionalism at its best and strong commitment to serving the citizens of Currituck County as Public Works Director.

FURTHER BE IT RESOLVED, Currituck County has been most fortunate to have had a person of Mr. Bray's capabilities and dedication to the citizens of Currituck County and extend to him our best wishes for a long and well-deserved retirement.

Commissioner's Report

County Manager's Report

Closed Session to discuss legal issues.

Commissioner Bowden moved to go into closed session.
Commissioner Miller seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken.

S. Paul O'Neal

ATTEST:

Eldon L. Miller, Jr.

Gwen H. Tatem, CMC
Clerk to the Board

Ernie Bowden

Gene A. Gregory

Paul R. Martin