

CURRITUCK COUNTY
NORTH CAROLINA
MAY 3, 2004

The Currituck County Board of Commissioners met prior to the regular meeting at 5:00 p.m. as the Board of Equalization and Review. The Board met at 6:00 p.m. to discuss fire hydrants.

The Currituck County Board of Commissioners met on Monday, May 3, 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.

Bob Henley was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to approve the agenda. Commissioner Martin seconded the motion. Motion carried.

Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Old Business

Item 3 Public Hearing and Action on moratorium on building in the Whalehead Subdivision.

Item 4 Action on Amendment of Animal Control Ordinance (2nd reading)

New Business

Item 5 Public Hearing and Action PB 04-20: Amendment to Articles 13 and 14 of the UDO to allow security training and services operations with a special use permit.

Item 6 Public Hearing and Action PB 04-02: Amendment to Articles 2 and 9 of the UDO to require the following in Conservation and Open Space Subdivisions: 1) that all septic system improvements be located on the lot it is designed to serve and; 2) to increase the minimum lot size from 20,000 sq. ft. to 40,000 sq. ft. and; 3) to increase minimum lot widths from 100 feet to 125 feet.

Item 7 Public Hearing and Action PB 04-21 Thomas Pope: Rezone 2.15 acres from Agricultural (A) to Commercial (C) on property located in Shawboro at 1808 Shortcut Road, Tax Map 27, Lot 20A, Crawford Township.

Item 8 Action PB 03-48 Poplar Ridge: Preliminary Plat for 18 lots located in Poplar Branch at 390 Poplar Branch Road, Tax Map 93, Lot 175, Poplar Branch Township.

Item 9 Action PB 03-49 Piney Lane: Preliminary Plat for 6 lots located in Harbinger on the east side of Owens Beach Road (SR 1117) beginning at the intersection with Harbinger Ridge Road (SR 1103), Tax Map 132, Lot 4, Poplar Branch Township.

- Item 10 Public Hearing and Action PB 04-23 Currituck County: Special Use Permit to allow the construction of a Fire/EMS Station located in Waterlily at 412 Waterlily Road, Tax 70, Lot 5B, Poplar Branch Township.

- Item 11 Public Hearing and Action PB 02-42 WINDCHASER: Amended Sketch Plan/Special Use Permit to add two lots to a commercial/industrial subdivision (32 total lots) located in Moyock at 1382 Caratoke Highway, Tax Map 23, Lot 68C, Moyock Township.

- Item 12 Public Hearing and Action on Creating the Northwest Watershed Improvement Advisory Board.

- Item 13 Appointment to Nursing Home Advisory Board.

- Item 14 Consent Agenda:
 Budget Amendments
 Approval of April 5 Minutes
 Resolution to declare surplus property
 Resolution Authorizing upset bid process.
 Change Orders for SOBW system
 Change Orders for Law Enforcement Center.

- Item 15 Commissioner's Report
 Up-coming Board appointments

- Item 16 County Manager's Report

- Item 17 Closed Session to discuss legal issues.

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.

Tom Rody, expressed his concerns with Tidewater Auto Auction.

Sara Koch, questioned the study on Ranchland flooding.

Sam Nelson, Eagle Creek, opposed Tidewater Auto Auction.

Bob Kohler, invited the public to the Memorial Day celebration at the Veterans' Memorial Park.

Chairman O'Neal commented on extending the water lines.

Commissioner Gregory expressed a desire to come up with a payment plan for citizens who want to hook up to the water system.

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

Old Business

Public Hearing and Action on moratorium on building in the Whalehead Subdivision.

Pat McDowell, County Engineer, made a presentation on the flooding and drainage issues in the Whalehead Subdivision. Mr. McDowell stated that it could take up to 10-12 months to find a solution to the problem.

Chairman O'Neal opened the public hearing.

Clair Lackey, supports the moratorium.

Bob Collins, Lighthouse Drive, supports moratorium.

Greg Willis, Attorney, represents a builder with 5 homes under construction, presented the Board with a letter on his clients vested rights.

Tani Fricano, opposes moratorium.

Barbara Vaughan, opposes moratorium.

Peggy Arnette, Newport News, Va., opposes moratorium.

Jeff O'Brien, presented a petition with 14 signatures opposing moratorium.

Kay Cole, opposes moratorium.

Debbie Price, supports moratorium.

Bill Myatt, supports moratorium.

Donna Myatt, supports moratorium.

Dale Arculus, opposes moratorium.

Margaret Dyer, opposes moratorium.

Commissioner Bowden opposes any moratorium at this time.

Commissioner Martin, stated that he considered this a public health and safety issue.

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

Commissioner Gregory moved to approve a moratorium for no more than 90 days to evaluate the flooding and drainage issues.

Commissioner Martin seconded the motion. Motion carried with Commissioner Bowden voting no.

RESOLUTION OF CURRITUCK COUNTY BOARD OF COMMISSIONERS
ESTABLISHING A MORATORIUM IN WHALEHEAD SERVICE DISTRICT

WHEREAS, the Whalehead Service District has, and is experiencing a substantial and sustained growth in population, in significant part due to the proliferation of residential subdivisions;

WHEREAS, such growth taxes the ability of the District to provide a studied and careful review of subdivision projects and their effect on existing properties under the current administrative process, and;

WHEREAS, growth as experienced by the District, if not properly accommodated and thoughtfully channeled, may jeopardize the District's ability to protect private property owners from stormwater runoff and from any public health issue resulting from a conflict between wastewater and private wells, and;

WHEREAS, all of the above are of high concern to the people of the District and the Currituck County Board of Commissioners, who desire to thoughtfully review all legal, equitable facets of growth management and control, with appropriate regard for private property rights and the general health, safety and welfare of all citizens of the District.

NOW, THEREFORE, BE IT RESOLVED, effective immediately **for a period of 90 days from May 4, 2004**, a moratorium shall exist for the approval of any land-disturbing activity, including the filling of a lot, or any construction that involves the increase of impervious surfaces. During the period of this moratorium, the engineers retained by the County shall develop a community-wide plan to remedy the existing drainage problems occurring in the Whalehead Service District. Such plan shall include, but is not limited to, consideration of the adequacy of District infrastructure to serve continued growth, water availability and quality, and water drainage issues.

All reasonable efforts should be made by the staff, the engineers, and the Board of Commissioners to limit the duration of this moratorium while at the same time allowing for a proper review so as to limit the necessity for a future moratorium. In this regard, the staff shall make reports to the Board of Commissioners as to the progress of

their efforts to ensure that an expeditious attempt is being made to remedy the condition which gave rise to the necessity of this moratorium.

Action on Amendment of Animal Control Ordinance (2nd reading)

Commissioner Martin moved to approve second reading. Motion died for lack of a second.

Chairman O'Neal questioned why this could not be handled with a nuisance ordinance. He was not willing to have an ordinance where you got into counting animals in each household.

Commissioner Gregory stated that the Health Department would address these concerns when they draft their nuisance ordinance. This is a health issue.

Commissioner Martin directed the staff to address the problem with too many animals with a nuisance ordinance. Commissioner Bowden seconded the motion. Motion carried.

New Business

Public Hearing and Action PB 04-20: Amendment to Articles 13 and 14 of the UDO to allow security training and services operations with a special use permit.

Gary Ferguson, Planning Director, reviewed the amendment.

PB 04-20 The following amendments to Sections 1310 and 1403 of the UDO have been requested to allow Security Training Operations and Services in the Agricultural zone with a Special Use Permit.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part 1. That the following sections be amended:

Section 1403 Specific Standards.

23. **A Security Training Operations and Services Facility is permitted in the "A" District only. A minimum lot size for this use shall be three thousand**

five hundred (3500) contiguous acres. All areas within the proposed Security Training Operations and Services Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking & accessory areas, parachute landing zone, driver training area, etc. shall be under uniform control or ownership. The Security Training Operations and Services Facility shall also be subject to the following requirements:

Firearms and Explosive Training

- (a) The design criteria for all firearms ranges cited in the Military Handbook - Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B), as amended or superseded or the National Rifle Association range Manual, as amended or superseded shall be met;
- (b) The proposed firearms ranges shall be reviewed by and comments received from the Currituck County Sheriff's Department;
- (c) No firing or explosive training activities shall occur between the hours of 10 p.m. to 7 a.m. EST daily;
- (d) The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least nine hundred (900) feet from any property line regardless of the direction of fire unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable;
- (e) The maximum downrange safety area for each range and shooting area shall be essentially fan-shaped, with its vertex being 100 yards each side of the end firing point and extending 4800 meters in length 100 degrees from the firing line, plus an additional 100 meters running parallel to the 100 degree line. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner;
- (f) Weapon types will be restricted to pistol, rifle and shotgun, or similar. No automatic assault type weapon shall be used by the general public but will be allowed by any law enforcement,

military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the National Rifle Association Range Manual subject to the physical constraints of the property;

- (g) Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these type of explosives;
- (h) Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. permitted for use by law enforcement, military or federal agency groups only;
- (i) All actual firing activities will be directed toward either moving or stationary targets only;
- (j) Any overnight or temporary storage of weapons, ammunition and explosives shall meet the Department of Defense storage and stand-off safety standards;
- (k) In no case shall any explosive material be stored, either inside or outside a "magazine," closer than one thousand twelve hundred fifty (1250) feet to a property line or dwelling unit and three hundred (300) feet to any roadway;
- (l) The maximum amount of explosives on-site at any one time shall not exceed one hundred (100) pounds stored and ten (10) pounds utilized during any one evolution;
- (m) A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the County annually at the special use renewal hearing;
- (n) The County Fire Marshall shall be authorized by the applicant to inspect the site and shall not be required to give advance notice of his inspection date for the purpose of determining compliance with all required permits and regulations including but not limited to:

Alcohol, Tobacco and Firearms (AT&F) permits, National Fire Protection Association standards, Volume 5 of the NC State Building code (Fire Prevention Code), and local ordinances. The facility shall be inspected annually for the first three (3) years and thereafter a minimum of once every five (5) years;

- (o) The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT&F) to conduct such operations in compliance with its permits;

Driver Training and Vehicle Maintenance

- (p) The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least one hundred fifty (150) feet from any property line unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable;
- (q) Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited
- (r) Stockpiling of tires and vehicles is prohibited;
- (s) No driver training is permitted on any public road and all driver training may only be conducted in clearly marked designated driving areas;

Rotary and Fixed-Wing Aircraft Operations and Parachute Operations

- (t) Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and any and all other applicable FAA regulations or any other applicable State or local ordinance that governs the use and operation of rotary and fixed wing aircraft.
- (u) Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations or any other applicable State or local ordinance that governs parachute operations, including any and all federal, state or local rules and regulations related to a parachute landing zone, if any;

Dining Facility and Lodging

- (v) Construction of dormitory type structures to house not more than one hundred twenty (120) persons at any one time shall be permitted to provide overnight accommodations to those people training at the Security Training Operations and Services Facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure;
- (w) All state, county and relevant agency permits, approvals and licenses must be obtained in connection with the operation of a dining facility;
- (x) Sleeping and dining accommodations to persons not utilizing or otherwise associated with the Security Training Operations and Services Facility shall not permitted;

Miscellaneous

- (y) The site or area used as a Security Training Operations and Services Facility shall be enclosed by a six (6) foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, ditches, etc.) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along access points;
- (z) The special use permit is non-transferable and will be reviewed annually for the first three years after approval and then every five years thereafter.
- (aa) The special use permit does not waive any requirement for compliance with any applicable federal, state and local rules, regulations, permits and other required licenses and permits to conduct any of the aforementioned operations or to construct any building or improvement;
- (bb) The operators of a Security Training Operations and Services Facility must provide proof of coverage by adequate accident and liability

insurance companies. A minimum coverage of \$2,000,000 shall be established; and

(cc) That any activity not specifically mentioned within the foregoing shall be prohibited.

Part 2. That the following sections be amended:

Section 2501 Definitions of Basic Terms.

Security Training Operations and Services. A facility located on at least 3,500 contiguous acres which provides the following services; explosives training, driver training (including vehicle maintenance facility to support driver training activities), training operations utilizing fixed and rotary wing aircraft (including parachute operations and training, airstrip and supporting aviation structures, and parachute landing zones), towers that are 100' tall or less that are used in connection with security training, dining facilities, commercial retail and lodging areas, and office, clerical, research and services related to security training operations and services.

Chairman O'Neal opened the public hearing.

Sara Koch, was concerned with Blackwater's hours of operation.

Earl Brickhouse, expressed his concerns with noise.

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

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

Public Hearing and Action PB 04-02: Amendment to Articles 2 and 9 of the UDO to require the following in Conservation and Open Space Subdivisions: 1) that all septic system improvements be located on the lot it is designed to serve and; 2) to increase the minimum lot size from 20,000 sq. ft. to 40,000 sq. ft. and; 3) to increase minimum lot widths from 100 feet to 125 feet.

Gary Ferguson, Planning Director, reviewed the amendment.

These amendments are policy changes to increase the minimum lot size to 40,000 sf and the width to 125 for lots within Conservation and Open Space Subdivisions. In addition, it

will be required that septic systems are located on the lots on which they are to serve.

Item 3 includes an amendment to eliminate the allowance for 40,000 sf lots to be created for blood relatives within the A zoning district. This type subdivision was replaced last year by the Family Subdivision regulations, which permit one lot per year to be created which is accessed by a graveled accessway.

Intermixed though Items 3 and 4 are text amendments to correct section references and have the sections agree with the regulations found in Article 9

Following is a description of the requested amendments and the reasons for them:

Item 1. Most recently, two (2) major policy issues have arisen concerning minimum lot sizes and on-site septic systems. Due to the preponderance of poor soils throughout the county mainland, the Board of Commissioners has requested that minimum lot sizes be increased to 40,000 sf. Albemarle Regional Health Services has strongly recommended this change as well, especially in light of the larger size of single family homes now being built in addition to all the amenities now requested by owners (i.e. swimming pools, larger parking areas, etc.). In addition, the board of Commissioners has also requested that all required septic improvements be located on the same lot with the house. As you may know, in conservation subdivision there is currently an allowance for placing these improvements in common open space which often requires tri-party agreements, specific easements, and additional engineering expenses. The proposed amendment would require all of these improvements to be located on the lot that it is designed to serve.

Item 2. As requested by Board Member Gene Gregory, we may now want to consider increasing the minimum lot width for the open space and conservation subdivision lots for the following reasons:

- i. With the County's current concerns with drainage and fill, the wider lots would be beneficial in giving the home builders a larger buildable/fill area while keeping in conformance with our drainage and fill requirements.

- ii. The wider lots render a more open, private and spacious feeling to the subdivisions.

Item 3. These sections are amended to agree with Article 9 and the increased lot sizes in the Conservation and Open Space Subdivisions. Last year when Article 9 was revamped, Family Subdivisions were created. To agree with Article 9, this additional amendment is to eliminate the allowance for 40,000 square foot lots to be created for blood relatives in the A zoning district.

Item 4. This section is amended to agree with Article 9 and the increased lots widths for Conservation and Open Space Subdivisions.

Recommendation

Staff recommends approval of these amendments.

Planning Board Recommendation

This request was reviewed by the Planning Board on Tuesday, April 13, 2004 and recommended for approval (7-0).

CURRITUCK COUNTY

PB 04-02

UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests the following amendment to the Currituck County Unified Development Ordinance:

PB 04-02 CURRITUCK COUNTY: Amendments to increase the minimum lot size and width in Open Space and Conservation Subdivisions and require that septic systems be contained within the lots they are to serve.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1 That the following sections be amended to increase minimum lot sizes and require on-site septic systems:

Section 902 Subdivision Styles

Eight types of subdivisions are permitted. A maximum of five lots may be created with administrative approval on any separate tract in existence on April 2, 1989. Additional design and development standards for subdivision

styles, other than Conventional are set forth in Part V of this Article.

(d) Conservation Subdivision - A residential subdivision where lot sizes may be reduced to a minimum of ~~20,000~~ **40,000** square feet and at least 45% open space shall be provided. Subdivisions of five lots or less that are developed under these standards will not be eligible for a density bonus. Subdivisions with more than 40 lots are required to meet the Conservation Subdivision standards, unless lot sizes are five acres or more. (See Sections 927 through 935 for special design and development standards).

Section 921 Lots

MINIMUM LOT SIZES AND WIDTHS

Minimum Lot Size
Minimum Lot Width

Private Access Subdivision

40,000 square feet;
3 acres in "A" Zoning District ¹
120,000 square feet in R02 Zoning District.
125'

Family Subdivision

40,000 square feet;
3 acres in A Zoning District ¹
125'

Conventional Subdivision

5 acres; or
200'

up to 10 Lots - 40,000 square feet;
3 acres in "A" Zoning District ¹
120,000 square feet in R02 Zoning District.
125'

Open Space Subdivision

Up to 40 Lots
~~20,000~~ **40,000** square feet ²
100'

Conservation Subdivision

~~20,000~~ **40,000** square feet³
100'

Planned Residential Development

10,000 square feet with centralized water and centralized sewer ⁴;
15,000 square feet with centralized water or centralized sewer;

20,000 square feet if there is no centralized water or centralized sewer.

65'

Planned Unit Development

10,000 square feet with centralized water and centralized sewer ⁴;

15,000 square feet with centralized water or centralized sewer;

20,000 square feet if there is no centralized water or centralized sewer.

65'

Residential Airpark Development

40,000 square feet

125'

- 1 In the A zoning district, each parcel as it existed on March 1, 1995 may create a total of five 40,000 sf lots.
- 2 The required lot size ~~(40,000 sf or 3 acres)~~ in the "A" zoning district may be reduced to ~~20,000~~ 40,000 sf if the lot size reduction is applied to the open space area. In the R02 zoning district the lots may be reduced to 1.5 acres.
- 3 In the R02 zoning district minimum lot size may be reduced to 1.5 acres.
- 4 May be reduced to 7,500 sf if the lot size reduction is added to the Open Space area.

Section 928 Lot Sizes and Septic Systems

- 1. In any single-family residential subdivision, a developer may create open space subdivision lots that have or contain ~~20,000~~ 40,000 square foot minimum lot sizes, subject to Albemarle Regional Health Services approval.
- ~~2. With approval from Albemarle Regional Health Services, individual septic systems, drain lines, and repair areas may be located within common open space provided:~~
 - ~~(a) Easements shall be recorded showing the location of systems within common open space.~~
 - ~~(b) Restrictive covenants shall provide for access, maintenance and upkeep of systems located in common open space. All septic systems shall be operated in compliance with state and local regulations.~~
- 3. All required septic system improvements and requirements including, but not limited to the septic tank, drain lines, repair area and pumps shall be located on the individual lot they are designed to serve.

Item 2 That the following section be amended to increase minimum lot widths:

Section 921 Lots

MINIMUM LOT SIZES AND WIDTHS

Minimum Lot Size
Minimum Lot Width

Private Access Subdivision

40,000 square feet;
3 acres in "A" Zoning District ¹
120,000 square feet in R02 Zoning District.
125'

Family Subdivision

40,000 square feet;
3 acres in A Zoning District ¹
125'

Conventional Subdivision

5 acres; or
200'

up to 10 Lots - 40,000 square feet;
3 acres in "A" Zoning District ¹
120,000 square feet in R02 Zoning District.
125'

Open Space Subdivision

Up to 40 Lots
20,000 square feet ²
~~100'~~ 125'

Conservation Subdivision

20,000 square feet³
~~100'~~ 125'

Planned Residential Development

10,000 square feet with centralized water and centralized sewer ⁴;
15,000 square feet with centralized water or centralized sewer;
20,000 square feet if there is no centralized water or centralized sewer.
65'

Item 3 That the following sections are amended to correct references, to agree with the Article 9 and to increase lot sizes:

Section 201 Minimum Lot Size.

1. Subject to the provisions of Section 202, ~~Article 11 Section 921~~(Planned Residential Developments), ~~Article 10~~ (and Planned Unit Developments), and Section 208 (Multi-Family and Two-Family Development); every lot in every zoning district shall have or contain at least 40,000 square feet except in the A district where the minimum lot size shall be 3 acres or as provided for in Section 202(1)(a) and in the R02 where the minimum lot size is 120,000 square feet. Minimum

lot sizes shall not apply to areas designated as open space. (Amended 2-20-95)

2. For purposes of this and the following Sections, land that is submerged or regularly under water or intended in the future to be in such condition in canals, sounds, streams, ocean, CAMA wetlands, etc. shall not be included in the area of any lot for purpose of meeting minimum square footage requirements except where the area is designated as open space, in which case the provisions of Article 7 or Section 207 shall apply. Further, at least ~~thirty three percent (33%)~~ **fifty percent (50%)** of the required minimum lot area shall be uplands that do not contain 404 wetlands. (Amended 5-7-01)

Section 202 Maximum Residential Density.

1. Subject to Subsection (2) and the provisions of ~~Article 11 (Planned Residential Developments), Article 10 (Planned Unit Developments)~~, Article 9 (~~Planned Residential Developments and Planned Unit Developments~~ **Common Open Space Subdivisions**) and Section 207 (Multi-Family, Two-Family, and Retirement/Assisted Living Communities). (Amended 11-1-99)

(a) every lot developed for residential purposes except as provided herein and lots within Planned Residential Developments, Planned Unit Developments, ~~Common Open Space Subdivisions~~, or A zoning districts, shall have or contain a minimum lot size of 40,000 square feet. When in an A district, every lot developed for residential purposes shall contain a minimum of 3 acres except as provided below. (Amended 2-20-95)

~~(1) In an A zone, a lot owner may create a total of one lot for each child, grandchild, sister, brother and parent in accordance with county subdivision standards, a minimum of 40,000 sq.ft. in area. This provision shall only be used one time for each eligible family member regardless of the number of properties owned by that lot owner and the property shall be for the use of the individual the lot is created for. In the event the lot owner is a corporation, partnership, firm or other legal entity, this provision may only be used by a person having a majority interest in that entity. For purposes of this section, a husband and wife shall be considered as a single lot owner. (Amended 2-20-95)~~

(2)(1) On each parcel of land in an A zone, as such parcel existed as of March 1, 1995, a total of five lots may be created with a minimum lot size of 40,000 sq. ft. each. Regardless of the number of times a parcel is subdivided after March 1, 1995, the total number of 40,000 sq. ft. lots shall not exceed 5 on the parcel as it originally existed on March 1, 1995. If the parcel, as it existed on March 1, 1995 is recombined with another parcel ~~or parcels at some later date or is adjacent to another parcel under the same ownership~~, then the total number of 40,000 sq. ft. lots on the parcel or parcels shall not exceed five. (Amended 5-15-95)

(b) every lot developed for residential purposes in the R02 District, except lots within ~~Common~~ **Open Space and Conservation** Subdivisions, shall have or contain a minimum lot size of 120,000 square feet;

Item 4 That the following sections be amended for clarification and to agree with the increased lot widths:

Section 203 Minimum Lot Widths.

2. The following lot widths, **as measured at the Building Setback Line**, shall be deemed presumptively to satisfy the standard set forth in Subsection 1.

(a) in all Zoning Districts: one-hundred and twenty-five feet (125'). This provision shall not apply to lots in Planned Unit Developments, ~~and~~ Planned Residential Developments ~~Open Space Subdivisions~~ and as provided in Section 115, Every Lot Must Abut a Street or ~~Read Accessway~~. (Amended 2-20-95)

(b) lots in Planned Unit Developments, ~~and~~ Planned Residential Developments ~~and Open Space Subdivisions~~ shall **have a minimum lot width of sixty five feet (65')** and shall comply with the provisions ~~of~~ Section 115, Every Lot Must Abut a Street or ~~Read Accessway~~ and subsection 1 above.

3. Lots fronting on cul-de-sacs shall have at least 80% of the minimum lot width required when measured to a point ~~fifty (50)~~ **seventy five (75)** feet back from the street right-of-way. Further, cul-de-sac lots shall have a minimum of thirty-five (35) feet of frontage along the street right-of-way.

Chairman O'Neal opened the public hearing.

Jerry Wright, expressed concerns with lot size and need for open space subdivisions.

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

Commissioner Bowden moved to adopt (1), that all septic improvements be located on the lot is designed to serve and table 2 and 3 for further input from the Health Department. Commissioner Martin seconded the motion. Motion carried.

Public Hearing and Action PB 04-21 Thomas Pope: Rezone 2.15 acres from Agricultural (A) to Commercial (C) on property located in Shawboro at 1808 Shortcut Road, Tax Map 27, Lot 20A, Crawford Township.

Gary Ferguson, Planning Director, reviewed the request.
TYPE OF REQUEST: Request for rezoning 2.15 acres from Agricultural (A) to Commercial (C).

LOCATION: This site is located in Shawboro along the north side of Shortcut Road, Tax Map 27, Parcel 20A.

PROPERTY OWNERS: Thomas & Gayla R. Slade

ZONING: <u>Zoning</u>	<u>Current Zoning</u>	<u>Proposed</u>
	Agricultural	Commercial

ZONING HISTORY: Property has been zoned Agricultural since 1975.

SURROUNDING

ZONING/LAND USE:

NORTH:	Agricultural/woodlands
SOUTH:	Agricultural/farmland
EAST:	Agricultural/farmland
WEST:	Agricultural/residential

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Commercial/Seasonal Business

LAND USE PLAN

CLASSIFICATION: According to the 1990 Land Use Plan this area appears to be located at the boundary of the Rural With Services and Conservation land classifications. The purpose of the Rural With Services class is "to provide for low density land uses including residential use where limited water services are provided to avert an existing or projected health problem." The purpose of the Conservation class is "to provide for the effective long-term management and protection of significant, limited or irreplaceable areas." This rezoning is not consistent with the Conservation classification and consistency with the Rural With Services class is questionable.

PUBLIC SERVICES

AND UTILITIES: Crawford Volunteer Fire Department provides fire protection for this area. Electric, telephone, County water and cable are currently available.

**STAFF ANALYSIS
PB 03-48 - POPLAR RIDGE
PRELIMINARY PLAT**

ITEM: PB 03-48 POPLAR RIDGE
18 SINGLE FAMILY LOTS

LOCATION: On the west side of Poplar Branch Road (SR 1131) approximately 1,800 feet south of the intersection with Macedonia Church Road, Poplar Branch Township.

ZONING DISTRICT: Residential & Agricultural

OWNER:

C.A. Howard
P.O. Box 94
Currituck, NC 27929

APPLICANT/AGENT

Hyman & Robey, PC
150 A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Vacant- zoned R & A
SOUTH: Farmland & Vacant - zoned R & A
EAST: Residential & Farmland - zoned R
WEST: Vacant - zoned A

NARRATIVE OF REQUEST:

C.A. Howard is seeking Preliminary Plat approval for 18 single family lots through the major subdivision process. The total acreage of the entire development is approximately 24.84 acres.

Lots 1 - 13 are zoned Residential. Lot 14 is divided by the Residential and Agricultural zones, with lots 15 - 18 zoned Agricultural. Section 202 of the UDO allows for the creation of a total of 5 lots within the Agricultural zone at 40,000 sq.ft. The 40,000 sq. ft. allowance is utilized with lots 14 through 18. Lot sizes within this development range from 40,000 - 265,194 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: There is one street proposed and it will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT. Although the cul-de-sac exceeds 1,000 sq. ft., the street is located adjacent to the property line which allows for future connectivity to adjoining properties, if the Board of Commissioners chooses to require it.

WATER: This development will be served by County water.

FIRE: This development will be located within the Lower Currituck Volunteer Fire District.

WASTEWATER: Individual on-site septic systems are proposed. The lots have been tested and provisionally approved by Albemarle Regional Health.

SOILS: The soils on this property consist of Conetoe loamy sand, Portsmouth fine sandy loam, State fine sandy loam, Nimmo loamy sand and Wasda muck. Conetoe and State soils are well drained soils with moderate permeability. Portsmouth and Nimmo soils are poorly drained with moderate permeability. The portion of this property that is designated as 404 wetlands contains Wasda muck, which is very poorly drained with a surface layer of black muck.

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Based on these pupil generation figures, Currituck can expect 7 elementary students, 2 Jr. high students, and 3 high school students from this development.

OPEN SPACE: No open space is required, however a small area of open space (approximately 16,000 sq. ft.) is provided to accommodate an existing private cemetery.

DRAINAGE: The drainage plan has been reviewed and approved by the County Engineer (Pat McDowell) and Mike Doxey (District Conservation Technician). Drainage will be provided via lot line swales with a minimum of 3:1 side slopes.

FLOOD ZONES: This development is located within flood zone C (not within the 100 year flood area).

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is "to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed, single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. This development is consistent with the Land Use Plan.

STAFF COMMENTS:

- The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners in January 2004.
- On March 11, 2004 Technical Review staff reviewed this application. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff.

STAFF RECOMMENDATION:

Staff recommends approval of this request with the following conditions and Suggested Findings of Fact:

1. That applicant meet all requirements of the County's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, lighting, etc.
2. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions, a current copy of which will be filed in the office of the Planning and Inspections Department.
3. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the County's Unified Development Ordinance.

PLANNING BOARD RECOMMENDATION:

On Tuesday, April 13, 2004 the Planning Board reviewed this request and recommended approval (7-0).

TRANSPORTATION: Property has access onto Shortcut Road (US 158), classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan.

FLOOD ZONE: According to FEMA maps, the property is located in Flood Zone C (outside of the 100 year flood plain).

SOILS: The property consists of Roanoke fine sandy loam. Roanoke fine sandy loam consists of poorly drained soils that have slow permeability.

STAFF COMMENTS:

- Property is surrounded on 4 sides by Agricultural (A). There is a parcel zoned Commercial (C) approximately 115' south of this property.
 - This site was previously utilized for a commercial nursery (Comito's).
 - A similar rezoning request for this property was reviewed and recommended for approval by the Planning Board in April 1998. The application was withdrawn prior to consideration by the Board of Commissioners
-

STAFF

RECOMMENDATION: This property is not contiguous with the Commercial zoning district and spot zoning may be of concern given the size of the property. However, in consideration that the site has previously been utilized for commercial purposes, staff is recommending approval of this request.

PLANNING BOARD

RECOMMENDATION: On Tuesday, April 13, 2004 the Planning Board reviewed this request and recommended approval (7-0).

Chairman O'Neal opened the public hearing.

Pauline Jewel, opposes this request.

Jim Lee, opposes request for safety reasons.

John Carlberg, opposes request.

Alex Carlberg, opposes request.

Chris Pope, owner of property, requests support.

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

Commissioner Gregory moved to deny. Commissioner Martin seconded the motion. Motion carried.

Action PB 03-48 Poplar Ridge: Preliminary Plat for 18 lots located in Poplar Branch at 390 Poplar Branch Road, Tax Map 93, Lot 175, Poplar Branch Township.

Gary Ferguson, Planning Director, reviewed the request.

**STAFF ANALYSIS
PB 03-48 - POPLAR RIDGE
PRELIMINARY PLAT**

**ITEM: PB 03-48 POPLAR RIDGE
18 SINGLE FAMILY LOTS**

LOCATION: On the west side of Poplar Branch Road (SR 1131) approximately 1,800 feet south of the intersection with Macedonia Church Road, Poplar Branch Township.

ZONING DISTRICT: Residential & Agricultural

OWNER:	APPLICANT/AGENT
C.A. Howard	Hyman & Robey, PC
P.O. Box 94	150 A US Hwy 158 East
Currituck, NC 27929	Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Vacant- zoned R & A
SOUTH: Farmland & Vacant - zoned R & A
EAST: Residential & Farmland - zoned R
WEST: Vacant - zoned A

NARRATIVE OF REQUEST:

C.A. Howard is seeking Preliminary Plat approval for 18 single family lots through the major subdivision process. The total acreage of the entire development is approximately 24.84 acres.

Lots 1 - 13 are zoned Residential. Lot 14 is divided by the Residential and Agricultural zones, with lots 15 - 18 zoned Agricultural. Section 202 of the UDO allows for the creation of a total of 5 lots within the Agricultural zone at 40,000 sq.ft. The 40,000 sq. ft. allowance is utilized with lots 14 through 18. Lot sizes within this development range from 40,000 - 265,194 sq. ft.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: There is one street proposed and it will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT. Although the cul-de-sac exceeds 1,000 sq. ft., the street is located adjacent to the property line which allows for future connectivity to adjoining properties, if the Board of Commissioners chooses to require it.

WATER: This development will be served by County water.

FIRE: This development will be located within the Lower Currituck Volunteer Fire District.

WASTEWATER: Individual on-site septic systems are proposed. The lots have been tested and provisionally approved by Albemarle Regional Health.

SOILS: The soils on this property consist of Conetoe loamy sand, Portsmouth fine sandy loam, State fine sandy loam, Nimmo loamy sand and Wasda muck. Conetoe and State soils are well drained soils with moderate permeability. Portsmouth and Nimmo soils are poorly drained with moderate permeability. The portion of this property that is designated as 404 wetlands contains Wasda muck, which is very poorly drained with a surface layer of black muck.

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Based on these pupil generation figures, Currituck can expect 7 elementary students, 2 Jr. high students, and 3 high school students from this development.

OPEN SPACE: No open space is required, however a small area of open space (approximately 16,000 sq. ft.) is provided to accommodate an existing private cemetery.

DRAINAGE: The drainage plan has been reviewed and approved by the County Engineer (Pat McDowell) and Mike Doxey (District Conservation Technician). Drainage will be provided via lot line swales with a minimum of 3:1 side slopes.

FLOOD ZONES: This development is located within flood zone C (not within the 100 year flood area).

CAMA CLASS: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is "to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed, single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. This development is consistent with the Land Use Plan.

STAFF COMMENTS:

- The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners in January 2004.
- On March 11, 2004 Technical Review staff reviewed this application. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff.

STAFF RECOMMENDATION:

Staff recommends approval of this request with the following conditions and Suggested Findings of Fact:

1. That applicant meet all requirements of the County's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, lighting, etc.
2. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions, a current copy of which will be filed in the office of the Planning and Inspections Department.
3. That as a continuing condition to this approval, the applicant will continue to meet all requirements of the County's Unified Development Ordinance.

PLANNING BOARD RECOMMENDATION:

On Tuesday, April 13, 2004 the Planning Board reviewed this request and recommended approval (7-0).

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

Action PB 03-49 Piney Lane: Preliminary Plat for 6 lots located in Harbinger on the east side of Owens Beach Road (SR 1117) beginning at the intersection with Harbinger Ridge Road (SR 1103), Tax Map 132, Lot 4, Poplar Branch Township.

Gary Ferguson, Planning Director, reviewed the request.

LOCATION: On the east side of Owens Beach Road (SR 1117) approximately 1,000 feet south of the intersection with Harbinger Ridge Road, Poplar Branch Township.

ZONING DISTRICT: Residential

OWNER:	APPLICANT/AGENT
Joe Houska, Holly Houska Wyler & Amanda Houska 2727 Mackinnon Ranch Road Cardiff, CA 92007	William S. Jones, Jr. 303 West Archdale Street Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential- zoned R
SOUTH: Vacant (proposed Albemarle Estates) - zoned R
EAST: Vacant (proposed Albemarle Estates) - zoned R
WEST: Residential - zoned R

NARRATIVE OF REQUEST:

Joe Houska, Holly Houska Wyler and Amanda Houska are seeking Preliminary Plat approval for 6 single family lots through the major subdivision process. The total acreage of the entire development is approximately 6.929 acres.

This property is zoned Residential and fronts on Owens Beach Road. It is located adjacent to the proposed Albemarle Estates subdivision.

Existing houses are located on Lots 8 and 4. A jog in the side lot lines shared by lots 8 and 9 has been

shown to provide the required space for the existing septic system on Lot 8.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** All proposed lots will front on Owens Beach Road which is an existing NCDOT maintained right-of-way.
- WATER:** This development will be served by individual private wells.
- FIRE:** This development will be located within the Lower Currituck Volunteer Fire Department.
- WASTEWATER:** On-site septic systems are proposed for disposal of wastewater.
- SOILS:** Property consists of Conetoe loamy sand which is a well drained soil with moderately rapid permeability.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the 1987 *American Housing Study*, one can expect .4243 elementary students, .084 Jr. high students and .1568 High school students per dwelling unit. (Note: *These figures were verified by a field check of Currituck subdivisions in 1994*). Based on these pupil generation figures, Currituck can expect 2 elementary students, 1 Jr. high student, and 1 high school student from this development.
- OPEN SPACE:** No open space is required or provided within this development.
- DRAINAGE:** Drainage is primarily proposed to occur through infiltration.
- FLOOD ZONES:** This development is located within flood zone C (not within the 100 year flood area).
- CAMA CLASS:** The 1990 Land Use Plan classifies this site as Rural. The purpose of the

Rural class is "to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed, single family residential uses at a gross density of approximately one unit per acre are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services.

STAFF COMMENTS:

- On March 11, 2004 Technical Review staff reviewed this application. One major issue that arose was how drainage for this subdivision is going to be addressed. The applicant and his engineer have stated that infiltration will be the primary method of addressing storm water run-off for this site. They have also agreed to restrict lot coverage to 30% in order to minimize the impact of storm water run-off. During Sketch Plan review, the applicant stated that the existing roadside swale would be utilized for drainage. However, the project's engineer has acknowledged that the roadside swale is "quite shallow and is incapable of storing a significant volume of storm water."

Pat McDowell, County Engineer and Mike Doxey, Soil and Water Conservation have expressed strong reservations for how drainage is planned to be addressed for this subdivision. They have requested the applicant provide a topographic map of the property and drainage calculations showing that the storm water run-off is being adequately addressed. The applicant feels that this information is unnecessary and has not been willing to provide this information.

Other concerns expressed during Technical Review revolved around the location of existing septic systems and a well point on lots 4 and 8. Staff has requested that the measurements from these items to the side property lines be provided to ensure adequate setbacks will be met. The plans were revised to reflect these distances "per Joe Houska." Staff

would prefer to see these measurements provided by a survey of the property to ensure accuracy.

STAFF RECOMMENDATION:

Staff is recommending denial of this request on the basis that adequate information has not been provided to ensure that drainage is suitably addressed. Given the extensive flooding and drainage problems the County has recently experienced, it is staff's position that all subdivisions should provide the necessary information to ensure that public health and safety concerns are met in regards to storm water run-off and septic/property line separation.

PLANNING BOARD RECOMMENDATION:

On Tuesday, April 13, 2004 the Planning Board reviewed this request and recommended denial (7-0).

Pat McDowell, Engineer, stated that a drainage plan needed to be established along with other information needed.

Joe Houska, property owner, stated that he has provided all information requested by staff.

Commissioner Miller moved to continue until staff meets with Mr. Houska and all information requested has been satisfied. Commissioner Martin seconded the motion. Motion carried

**Public Hearing and Action PB 04-23 Currituck County:
Special Use Permit to allow the construction of a Fire/EMS
Station located in Waterlily at 412 Waterlily Road, Tax 70,
Lot 5B, Poplar Branch Township.**

Sworn testimony was taken before making comments.

Gary Ferguson, Planning Director, reviewed the request

Chairman O'Neal opened the public hearing.

Gail Twiddy, requested the Board to look at another site instead of placing fire station next to her home.

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

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

Public Hearing and Action PB 02-42 WINDCHASER: Amended Sketch Plan/Special Use Permit to add two lots to a commercial/industrial subdivision (32 total lots) located in Moyock at 1382 Caratoke Highway, Tax Map 23, Lot 68C, Moyock 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: MAY 3, 2004**

ITEM: PB 2-42 WINDCHASER, AMENDED SKETCH PLAN/SPECIAL USE PERMIT FOR 32 COMMERCIAL/HEAVY MANUFACTURING LOTS

LOCATION: On the southwest side of NC168, directly south of Currituck Auto Parts, Inc., Moyock Township.

ZONING DISTRICT: General Business & Heavy Manufacturing

OWNER/APPLICANT: Coy Tillet
Windchaser, LLC
P.O. Box 68
Nags Head, NC 27959
(252)441-7441

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Auto Salvage Yard & Currituck Motor Cross - zoned HM
SOUTH: Vacant & Residential - zoned A
EAST: Vacant & Residential - zoned A
WEST: Vacant - zoned A

NARRATIVE OF REQUEST:

Windchaser, LLC is seeking Amended Sketch Plan/Special Use Permit approval for 5 commercial and 27 heavy manufacturing lots. The total acreage of the entire development is approximately 138.9 acres and lot sizes range from 40,000 sq. ft. to 248,769 sq. ft.

The front 300' of frontage that adjoins NC168 is zoned General Business (GB) and the remaining property is zoned Heavy Manufacturing (HM). The minimum lot size in both the GB and HM districts is 40,000 sf. Since the development is commercial/industrial in nature, no open space is required.

According to the applicant, the changes from the previously approved Sketch Plan include:

1. One commercial lot has been added along NC168. This change enables the applicant to utilize existing farm ditches for drainage purposes;
2. Lots 6 & 7 have been reconfigured, with lot 7 becoming a flag lot. The purpose of this change is that a stormwater detention pond that was originally proposed to be located on what is now lot 7 must be located on lot 6. The reconfiguration enables lot 6 to have an adequate development area despite the stormwater pond to the rear; and
3. The original plan had two 10-plus acre exempt lots (in the area where lots 18, 19, 31 & 32 are shown). It was initially believed that there may be Corps of Engineers jurisdictional wetlands on those lots; therefore, they were oversized. The Corps of Engineers has since made a determination of no jurisdiction in these areas, which provided the applicant the opportunity to develop 5+ acre lots in those areas. This results in an increase of two developable lots.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All streets will be built to NCDOT Design and Construction Standards. The developer expects these streets will be dedicated for maintenance to the NCDOT.

WATER: This development will be served by County water.

FIRE: This development will be located within the jurisdiction of the Moyock Volunteer Fire Department. Hydrants will be installed throughout the subdivision at a maximum distance of 1,000 feet.

WASTEWATER: On-site septic systems are proposed. The property primarily contains primarily Roanoke fine sandy loam with a band of Cape Fear Loam in the vicinity of lots 18 & 32. The Roanoke series consists of poorly drained soils that have slow permeability. Cape Fear Loam is also poorly drained with slowly permeable soils.

SCHOOL CAPACITIES: This subdivision is commercial/industrial in nature and should have no impact on school capacities.

OPEN SPACE: No open space is required for commercial/industrial subdivisions.

DRAINAGE: Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office. Four stormwater retention basins are proposed within the development.

FLOOD ZONES: This development is within flood hazard zone C (not within the 100 year flood area).

CAMA CLASS: According to the 1990 Land use Plan this area is designated Limited Transition. The purpose of the Limited Transition class is to "provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities. This application is consistent with the Limited Transition class.

STAFF COMMENTS:

- The Amended Sketch Plan was reviewed by the Technical Review Committee (TRC) on April 8, 2004. The Plan has been revised in accordance with comments made by TRC staff.

- A major concern noted during the previous Sketch Plan review was the significant amounts of water that many industrial and commercial uses require for daily operations. Staff had concerns regarding the impact the development would have on the County's water system.

The previously approved Sketch Plan reflects a 100 by 100 foot area for the future erection of an elevated water tank on this site. The requirements for water tanks have since changed, and the water department now needs a 270 by 270 foot piece of property to accommodate a "fall zone" for a 135' elevated tank. As a result, instead of a 10,000 sq. ft. area, the County will need a 1.67 acre area for construction of an elevated tank.

The applicant has stated that Windchaser, LLC will consider making 1.67 acres needed within the development available to the County, but they would like the County to consider the provision of water distribution lines and impact fees to the development as compensation.

- Notice of the public hearing for this item was published on 4/23/04 and 5/2/04. A sign was posted on the property and adjoining property owner notifications were mailed on 4/22/04.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?* Based on staff review all required information has been submitted for review.
2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?* The application appears to meet the standards within the UDO for Amended Sketch Plan approval.
3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*
 - (a) *Will not endanger the public health or safety.* Public health and safety issues including fire protection, stormwater management, wastewater disposal have been adequately addressed within this proposal;
 - (b) *Will not injure the value of adjoining or abutting property.* The proposed commercial/light manufacturing subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located. The subdivision would consist of commercial/light manufacturing properties that would be in harmony with the surrounding area;*
- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board. The proposal will be consistent with the CAMA Land Use Plan Rural classification. The Sketch appears to be consistent with the Thoroughfare Plan and the US 158 and NC 168 Corridor Plan;*
- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015. This proposal is commercial/industrial in nature and should have no negative impact on the county's ability to provide adequate facilities.*

STAFF RECOMMENDATION:

In consideration of the suggested Findings of Fact, staff recommends approval with the following conditions:

1. A 10' wide non-ingress/egress easement shall be established between the commercial lots (1-5) and NC 168;
2. The approximate location of wetlands shall be reflected on the Amended Sketch Plan or a note added stating that there are no wetlands on this property; and
3. Water and wastewater commitments shall be provided with all supporting documents at the preliminary plat stage;

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

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

Public Hearing and Action on Creating the Northwest Watershed Improvement Advisory Board.

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

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

Melvin Evans, Richard Williams, Cynthia Sawyer, Lloyd Parker, Calvin Powers.

Appointment to Nursing Home Advisory Board.

Commissioner Miller moved to appoint Jean Dunlap and reappoint Diane Bray. Commissioner Martin seconded the motion. Motion carried.

Consent Agenda:

Budget Amendments

Approval of April 5 Minutes

Resolution to declare surplus property

Resolution Authorizing upset bid process.

Change Orders for SOBW system

Change Orders for Law Enforcement Center.

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10410-502000	Salaries - Regular	232	
10410-505000	FICA	108	
10410-507000	Retirement	20	
10415-502000	Salaries - Regular	111	
10415-505000	FICA	38	
10415-507000	Retirement	10	
10430-502000	Salaries - Regular	312	
10430-507000	Retirement	30	
10440-505000	FICA	503	
10441-502000	Salaries - Regular	74	
10441-507000	Retirement	5	
10445-502000	Salaries - Regular	177	
10445-505000	FICA	19	
10445-507000	Retirement	16	
10480-502000	Salaries - Regular	1,972	
10480-505000	FICA	212	
10480-507000	Retirement	189	
10512-502000	Salaries - Regular	597	
10512-505000	FICA	4	
10512-507000	Retirement	57	
10541-502000	Salaries - Regular	3,415	
10541-505000	FICA	66	
10541-506000	Insurance Expense	145	
10541-507000	Retirement	332	
10606-502000	Salaries - Regular	961	
10606-505000	FICA	38	
10606-507000	Retirement	92	
10650-502000	Salaries - Regular	345	
10650-505000	FICA	148	
10650-507000	Retirement	33	
10790-502000	Salaries - Regular	1,050	
10390-499900	Fund Balance Appropriated		11,311
		\$ 11,311	\$ 11,311

EXPLANATION: To appropriated funds for longevity and certification increases throughout this fiscal year.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$11,311.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10750-513000	Utilities	1,500	
10750-514000	Travel		1,500
		\$ 1,500	\$ 1,500

EXPLANATION: Social Services Administration (750) – Transfer budgeted funds from travel to utilities for higher than anticipated utility charges.

NET BUDGET EFFECT: Operating Fund (10) – No change.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10511-502100	Salaries - Overtime	15,000	
10511-505000	FICA	1,148	
10511-507000	Retirement	1,467	
10511-514500	Training & Education	10,000	
10511-545000	Contract Services	15,000	
10511-590000	Capital Outlay	5,000	
10511-513000	Utilities		32,615
10511-547000	Meals		15,000
		\$ 47,615	\$ 47,615

EXPLANATION: Jail (511) – Increase overtime and training for additional training on new policies and procedures to be implemented in the jail. Also, increase contract services for additional detainees being housed in other facilities and to increase capital outlay to purchase a base station radio and handheld radios for the detention officers.

NET BUDGET EFFECT: Operating Fund (10) – No change.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10510-532002	Supplies - NC Safe Kids	2,000	
10330-449900	Miscellaneous Grants		2,000
		\$ 2,000	\$ 2,000

EXPLANATION: Sheriff (510) – To record NC Safe Kids Buckle Up for Safety grant to purchase child car seats.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$2,000.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10795-578000	Recreation Projects	8,761	
10350-464000	Rents		8,761
		\$ 8,761	\$ 8,761

EXPLANATION: Recreation (795) – Increase budgeted line items to purchase fence to surround park at Walnut Island.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$8,761.

R E S O L U T I O N

WHEREAS, Currituck County obtained title to parcel 110B-002-0025-0000 located in the Poplar Branch Township through a property tax foreclosure; and

WHEREAS, this parcel is not currently serving a governmental use or purpose; and

WHEREAS, this parcel holds only a nominal value to Currituck County, and the County would be better served if this parcel was returned to the County tax roll.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on May 3, 2004, authorized that parcel 110B-002-0025-0000 located in Poplar Branch Township, recorded in Deed Book 354, page 474 is declared as surplus property, pursuant to North Carolina General Statute Section 160A-265.

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, The County of Currituck owns certain property, PIN 110B-002-0025-0000, 135 Albemarle Street, Lot 25, Albemarle Sound Beach Estates, Jarvisburg, NC, located within Poplar Branch Township; and

WHEREAS, North Carolina General Statute 160-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$1,000.00, submitted by Kristin L. Lammers, Powells Point, NC.

WHEREAS, Kristin L. Lammers has paid the required five percent (5%) deposit on this offer;

THEREFORE, THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY RESOLVE THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has

- passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
 7. The terms of the final sale are that
 - the County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - The buyer must pay with cash at the time of closing.
 8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Kristin L. Lammers.

Commissioner's Report**Up-coming Board appointments****County Manager's Report****Closed Session to discuss legal issues.**

Commissioner Bowden moved to go into closed session to discuss legal issues. Commissioner Gregory seconded the motion. Motion carried.

Adjourn

There being no further business, the meeting adjourned.