

CURRITUCK COUNTY  
NORTH CAROLINA  
APRIL 18, 2005

The Currituck County Board of Commissioners met at 6:30 p.m. prior to the regular meeting to meet with the Committee to Build the Bridge.

The Currituck County Board of Commissioners met on Monday, April 18, 2005, 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 Martin, and Commissioners Bowden, Miller and Etheridge. Commissioner O'Neal was absent.

### **Invocation and Pledge of Allegiance**

Bob Henley, was present to give the invocation.

### **Approval of Agenda**

Commissioner Etheridge moved to amend the agenda and add a closed session to discuss personnel. Commissioner Bowden 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.***
- Item 3           Barbara Snowden, presentation on the Civil War Trails.
- Item 4           Public Hearing and Action PB 05-12 Corolla Light Town Center, LLC Special Use Permit to operate a skateboard park at the Corolla Light Town Center located on Ocean Trail just north of Austin Street; Tax Map 115B, Lot 2P2B, Fruitville Outer Banks Township.
- Item 5           Public Hearing and Action PB 05-13 Kitty Hawk Watersports, Inc. Renewal of Special Use Permit to operate privately owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area. Tax Map 116D Lot 9, Fruitville Outer Banks Township.
- Item 6           Action on PB 02-12 Shingle Landing (AKA Winslow Farms) Preliminary Plat approval for 82 lots.
- Item 7           Discussion on Business License
- Item 8           Consideration of bids for water main improvements Harbinger.
- Item 9           Consent Agenda:  
Budget Amendments  
Approval of March 7, Minutes  
Approval of Resolution for the Build the Bridge Committee.  
Resolution authorizing local government execution of a public access grant
- Item 10          Commissioner's Report
- Item 11          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 Martin opened the public comment period.

Barbara Snowden, stated that April was National Preservation month and there would be a public meeting on Preservation April 25, 2005.

Ruth Dillard, Grandy, representing the Historic Jarvisburg Colored School committee, invited the Board to a membership committee meeting and Bar-B-Q dinner on May 21, 2005. The public is invited.

David Palmer, Chairman of the Land Use Plan Committee, updated the Board on completion of the plan which will be presented to the Board on May 2, 2005.

Jim Allman, Chesapeake, VA, representing Dozier Acres, requested the Board to re-consider their application that was denied at the last meeting. The Board will consult with the Attorney.

Marion Dannert, President of the Arts Council, presented the Board with art donated by local artists to hang in the meeting room permanently.

Commissioner Bowden, stated that the county should file a protest against the flood maps that have been presented for the County. They will have a major impact on economic development.

Commissioner Etheridge moved to support appeal of the flood maps for the entire County. Commissioner Bowden seconded the motion. Motion carried.

Commissioner Martin stated that CAMA has denied the permit for extension of the pier at the Whalehead Club for the Corolla Ferry. The Board will appeal the decision.

Commissioner Etheridge commended all of the staff that volunteered April 16, 2005, to clean up the roadway.

There being no further comments, Chairman Martin closed the public comment period.

**Barbara Snowden, presentation on the Civil War Trails.**

Barbara Snowden, presented the Board with a guide that highlights a historic and scenic driving tour of the North Carolina portion of General William Sherman's 1865 Campaign and directs visitors to the significant Civil War sites in Currituck County and across North Carolina.

**Public Hearing and Action PB 05-12 Corolla Light Town Center, LLC Special Use Permit to operate a skateboard park at the Corolla Light Town Center located on Ocean Trail just north of Austin Street; Tax Map 115B, Lot 2P2B, Poplar Branch Township.**

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

**ANALYSIS FOR THE BOARD OF COMMISSIONERS  
MEETING DATE: APRIL 18, 2005**

**ITEM: PB 05-12 SKATEBOARD PARK, SPECIAL USE PERMIT**

**OWNER/APPLICANT:**

Corolla Light Town Center, LLC  
C/o Todd Ottenstein  
P.O. Box 303  
Corolla, NC 27927

**QUESTION(S) BEFORE THE BOARD:**

- (1) Is the application complete?
- (2) Does the proposal comply with the provisions in the UDO?
- (3) Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit?

**CRITERIA TO OBTAIN A SPECIAL USE PERMIT:**

- (a) will not endanger the public health or safety;
- (b) will not injure the value of adjoining or abutting property;
- (c) will be in harmony with the area in which it is located
- (d) will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board; or,
- (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.

**PURPOSE OF REQUEST**

The applicant requests Special Use Permit (SUP) approval for a change in use to allow a skateboard park to be located at the Corolla Light Town Center commercial area. The authority to approve SUP changed in October 2002 with the Board of Commissioners (BOC) taking over the responsibility from the Board of Adjustment (BOA). The skateboard Park will be a 4,600 square foot unenclosed concrete structure. It will contain a 4 foot and a 6 foot inter-connecting bowls with various ramps and jumps on the upper level of the skateboard park. There will be an 8 foot chain link fence with locking gate and no trespass signs around the perimeter of the skateboard park. There are existing public handicapped accessible restrooms approximately 20 feet away located at

building # 7 which are available during the hours of operation. The owner of the Corolla Light Town Center has an application in for review of an Amended Site Plan for three additional buildings and site improvements: Building # 12 - 17,044 square feet w/ 4,000 in restaurant with balance retail space; building 4 - 3,000 sq. ft. with 6 two bedroom apartments; building 8 - 4,000 sq. ft. retail space. The owners of the development and operator of the Skateboard Park are requesting this SUP at the present time so they will be ready to start construction as soon as the Amended Site Plan is granted approval.

#### **LOCATION OF PROPERTY**

The property is located on the east side of NC 12 centered within the Corolla Light Town Center formerly known as the Corolla Light Village Shops commercial area.

#### **EXISTING CONDITIONS**

The site is located in the middle of several commercial buildings that have existing public restrooms and parking areas. The Skateboard Park will not be visible from any public roads. Property has an existing parking lot located on the site. Current zoning of the 6.83 acre commercial area is GB (General Business).

#### **STAFF FINDINGS:**

**Criteria:** (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

**Findings:** The applicant requests Special Use Permit approval for a privately owned skateboard park (USE # 6.230) within the Corolla Light Town Center commercial area. This use is allowed in GB (General Business) zone upon obtaining a Special Use Permit.

Applicant is proposing to construct an approximate 4,589 square foot open concrete structure with bowls and jumps and ramps.

The proposed 16 parking spaces are within the guidelines of the UDO. (Parking Standards are 1 space per 300 square feet of gross floor area -  $4,600/300 = 15.3$  spaces)

Appropriate setbacks will be maintained.

**Criteria:** (b) Will the proposed use materially endanger the public health or safety?

**Findings:** According to County Tax Maps, the nearest single family residential dwelling to the proposed use is approximately 260 feet to the southeast located across an open space area and pond. There are 26 two bedroom apartments located on the commercial

site within 200 feet of the proposed skateboard park.

**Criteria:** (c) Will the proposed use substantially injure the value of adjoining or abutting property?

**Findings:** The site is surrounded by the following land uses:

**North:** Waste Water Treatment Plant  
**South:** Austin Street  
**East:** Residential/Single Family Dwellings  
**West:** NC 12 - Ocean Trail

**Criteria:** (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

**Findings:** See the findings listed under Criteria "a", "b" and "c" above.

**Criteria:** (e) Will the proposed use is in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

**Findings:** The 1990 Land Use Plan classifies this land as being in the "Limited Transition" classification area. The Limited Transition class is to provide for development in areas that 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.

The proposed site is located along a two-lane Major Collector Road according to the 1988 Thoroughfare Plan.

The proposed use conforms to both the current Land Use Plan and the 1988 Thoroughfare Plan.

**Criteria:** (f) Will the proposed use 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 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.

**Findings:** Approval of this request should have only a slight, if any, impact upon public facilities.

**STAFF COMMENTS**

1. Ocean Atlantic Rentals has an existing rental shop in Building #3 and is proposed to be the operator of the Skateboard Park.
2. Skateboarding is a popular sport for kids and adults of all ages.

**STAFF RECOMMENDATION**

Staff recommends for **approval** subject the following conditions and Staff Findings of Fact:

- 1) That the structure shall be constructed in accordance with the state building code;
- 2) That applicant will not erect any temporary signage for the proposed use;
- 3) That no building signage has been reviewed or approved as a part of this application;
- 4) That the Skateboard Park will be enclosed with an 8 foot high aesthetically pleasing privacy fence with locking gate and no trespass signs;
- 5) That there will be a low voltage security light but no night skating;
- 6) That the Skateboard Park will be open no earlier than 9 AM and close no later than sunset from Memorial Day to Labor Day and **allowed to open part time during the off-season as approved by the County;**
- 7) That the Skateboard Park be staffed by a CPR/First Aid certified employee during all hours of operation;
- 8) That no person shall operate or cause to be operated any source of sound in such manner as to create a sound level which at its peak exceeds the limits for this use as set forth in the Noise Control Ordinance of Currituck County, (60 db);
- 9) That no retail food or drink sales shall be allowed at the skateboard park;
- 10) That no person on anything other than skateboards (non-motorized) shall be operated at the skateboard park;
- 11) That no cursing or other inappropriate behavior be allowed at the park;
- 12) That all skaters shall be required to wear full pads and helmets;
- 13) That all skaters shall be required to sign injury waiver form/statement;

- 14) That park owners/operators shall have a general liability insurance policy with a minimum of one million dollars;
- 15) That owner/operator shall have all rules and regulations on behavior and usage of park posted at the entrance on a sign not to exceed 3 square feet;
- 16) That no alcohol and no smoking shall be allowed at the skateboard park;
- 17) That the users of the skateboard park be allowed to use the existing public rest room facilities located in the adjacent building # 7;
- 18) The applicant meet all requirements of the county's Unified Development Ordinance, including but not limited to, parking spaces, landscaping, shading, not exceeding maximum building height, lighting, etc;
- 19) 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; and
- 20) 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 DISCUSSION AND RECOMMENDATIONS FROM THEIR MEETING HELD ON APRIL 12, 2005:**

Mr. Hawley asked how close the apartments are to the proposed park.

Mr. Bissell said that there are rental units apartments are as close as 25 feet away. There have been noise controls proposed.

Mr. Bell asked about proposed hours.

Mr. Bissell said that the hours are 9 a.m. to sunset.

Mr. Bell asked if the parking met the UDO standards.

Mr. Ferguson said yes.

Mr. Kovacs asked if there are standards, such as building codes, established for a skate park.

Mr. Bissell said that Mr. Honeycutt has been very involved in the facility at Nags Head, but he doesn't know of any building standards written.

Mr. Kovacs asked if there were changing facilities.

Mr. Bissell said that the users would go to Ocean Atlantic Rentals and sign waivers and pay a fee to use the park.

Mr. Etheridge said that he assumes that the skaters would come ready to skate and there would be no need to change.

Mr. Bissell said there will be an occupancy for about 20 skaters.

Mr. Hawley asked if there would be a time limit for skaters to allow use for more people.

Mr. Honeycutt said that the park would open at 10 and there would be approximately 2 hour sessions and then a 20 minute cleaning session/break for the attendant. He said that he would like to add an allowance for inline skates to be used at the park.

Mr. Keel asked if there would be competitions held.

Mr. Honeycutt said he hoped to.

Mr. Keel motioned to the request as presented. Mr. Winter seconded the request. Motion passed 6-3 with Mr. Hawley, Mr. Riley, and Mr. Kovacs voting no.

Mr. Hawley said that his concern is that there would be problems down the road. He would like a two year probation on the Special Use Permit and have the skate park come back for a renewal of the permit at that time.

Chairman Martin opened the public hearing.

Jim Smith, Corolla, opposes the skateboard park.

Mary Morris, Richmond Virginia, expressed concerns with traffic and increased development.

Greg Honeycutt, Business Owner, supports request.

Todd Ottenstein, developer, requests the Boards support.

Buck Thornton, supports the request.

Mark Bissell, Engineer, supports request.

John Herlig, Corolla, supports request.

Matt Broughton, Corolla, supports request.

Pat Lewis, Corolla, supports request.

There being no further comments, Chairman Martin closed the public hearing.

Commissioner Bowden moved to approve the request with a 5 year permit. Commissioner Etheridge seconded the motion. Motion carried.

**Public Hearing and Action PB 05-13 Kitty Hawk Watersports, Inc. Renewal of Special Use Permit to operate a privately owned water related recreational rental activity business located at Buck Island, TimBuck II Commercial Area. Tax Map 116D Lot 9, Fruitville Outer Banks Township.**

Sworn testimony was given prior to making comments.

Gary Ferguson, Planning Director, reviewed the request.

Mr. Ralph Buxton, President  
Kitty Hawk Sports, Inc.  
3933 South Croatan Highway  
Nags Head, NC 27959

**PURPOSE OF REQUEST:**

The applicant requests Special Use Permit (SUP) approval for the operation of a privately owned water related recreation activity. Applicant proposes a family oriented water sports operation which would include water sports lessons, rentals and boating tours which includes utilizing kayaks, sailboats, and jet skis. All activities will be conducted from a building located adjacent to the pier on Lot 16 within the TimBuck II commercial area. All equipment will be stored and docked at the pier overnight. Existing parking and water and sewer are already provided on-site.

**EXISTING CONDITIONS:**

**Currently located on the parcel are commercial buildings.**

**QUESTION(S) BEFORE THE BOARD:**

- (1) Is the application complete?
- (2) Does the proposal comply with the provisions in the UDO?
- (3) Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit?

**CRITERIA TO OBTAIN A SPECIAL USE PERMIT:**

- (a) will not endanger the public health or safety;
- (b) will not injure the value of adjoining or abutting property;
- (c) will be in harmony with the area in which it is located;
- (d) will be in conformity with the Land Use Plan,

- Thoroughfare Plan or other plans officially adopted by the Board; or,
- (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.

**STAFF FINDINGS:**

**Criteria:** (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

**Findings:** The applicant proposes water sports activities which is a permitted use (#6.220) in a PUD zoned area with a Special Use Permit. This is a renewal of the existing SUP issued in April 2000.

**Criteria:** (b) Will the proposed use materially endanger the public health or safety?

**Findings:** According to County Tax Maps, the nearest residential dwelling to the tract is over 1000' in all directions.

Applicant will be required to obtain all necessary state and local permits in order to use the property as proposed.

**Criteria:** (c) Will the proposed use substantially injure the value of abutting property?

**Findings:** The property is surrounded by the following land uses:

- North: Monterey Shores PUD (Wastewater Treatment Plant) - zoned PUD
- South: Ocean Sands PUD, Sections X & Y - zoned PUD
- East: Buck Island - zoned PUD
- West: Currituck Sound

**Criteria:** (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

**Findings:** See the findings listed under Criteria "a", "b" and "c" above.

**Criteria:** (e) Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

**Findings:** The 1990 Land Use Plan classifies this land as being in the "Limited Transition" classification area. The Limited Transition class is to provide for development in areas that 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.

The proposed site is located along a two-lane Major Collector Road according to the 1988 Thoroughfare Plan.

The proposed use is in conformance with the 1990 Land Use and Thoroughfare Plans.

**STAFF COMMENTS**

1. When this case was approved on April 17, 2000, it was done with a finding that the permit would be valid for 5 years.
2. Kitty Hawk Sports was granted the original special use permit in April 1997 then given a five year permit renewal in April 2000 for the operation of water sports lessons, rental (kayaks, sailboats, wave runners, parasailing) and boating tours. The special use permit is set to expire in April 2005 and the applicant is requesting a renewal. Nothing has changed from the previous request so I have incorporated those recommendations within the attached staff analysis

**STAFF RECOMMENDATION:**

Staff recommends for **approval** subject the following conditions and Staff Findings of Fact:

1. Hours of operation shall be from 9 am to dusk daily.
2. Equipment shall be allowed to be stored and docked at the pier overnight.
3. Jet ski operations shall not be allowed between November 1<sup>st</sup> and April 1<sup>st</sup>.
4. Operations will not be permitted during the 4 day duck & geese hunting period in October.
5. Jet skis shall only be operated in a buoyed area north of the pier.
6. No temporary or permanent signage, except with an

approved sign permit, shall be permitted with this use;  
and

- 7. This Special Use Permit shall only be valid for a period of five years and shall expire on April 17, 2010.

Chairman Martin opened the public hearing.

Joe Staten, supports the request.

There being no further comments, the public hearing was closed.

Commissioner Etheridge moved to approve a 5 year permit with findings of fact and staff recommendations. Commissioner Bowden seconded the motion. Motion carried.

**Action on PB 02-12 Shingle Landing (AKA Winslow Farms) Preliminary Plat approval for 82 lots.**

Gary Ferguson, Planning Director, reviewed the request.

**LOCATION:** Located in Moyock on the east side of Caratoke Hwy. approximately 1,300' north of intersection with Tulls Creek Road, Moyock Township.

**TAX ID:** Tax Map 9 Parcel 29K

**ZONING DISTRICT:** Residential

<b>OWNER:</b>	<b>APPLICANT/AGENT</b>
CTX, Inc.	Hyman & Robey, PC
1669 Tulls Creek Road	150-A US Hwy 158 East
Moyock, NC 27958	Camden, NC 27921

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

- NORTH:** Vacant Industrial & Woodland - zoned LM & A
- SOUTH:** Farmland & Two Proposed Subdivisions - zoned R & A
- EAST:** Vacant Residential - zoned R
- WEST:** Vacant Commercial - zoned GB

**NARRATIVE OF REQUEST:**

CTX, Inc. is requesting Preliminary Plat approval for 82 single family lots to be developed as a conservation subdivision. The proposed development will be located on 145 acres on the east side of Caratoke Highway, approximately 1,300 feet north of the intersection with Tulls Creek Road. Approximately 19 acres of the site consists of 404 and CAMA wetlands.

To meet the open space requirements, 73 acres, or 50% of the site, will be dedicated open space. The applicant has been working with the Wildlife Resource Commission (WRC) on developing Parcel E as a public boat ramp. This 3.74 acre site is included in the 73 acres of open space. An additional feature of the recreational facilities is a trail system interconnecting the open space areas with the development.

The subdivision will have one point of entry from Caratoke Highway. The access to Caratoke Highway demands the crossing of the existing railroad line. The railroad crossing will be gated. The site offers opportunities for future street connections along the northern and southern boundaries in Parcels C & D.

Lot sizes range from 25,000 sf to 52,300 sf with an average lot size of approximately 31,100 sf. The lots will be serviced by County water and individual on-site septic systems. The developer will be installing a waterline and fire hydrants.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** The streets will be built to NCDOT Design and Construction standards. The streets will be dedicated to NCDOT for maintenance. A deceleration lane will be installed on Caratoke Highway. Sidewalks will be installed along one side of the streets.
- WATER:** This development will be served by county water. The watermain from this development will be extended to the south to service the adjacent Millers Way development.
- FIRE:** This development is located within the jurisdiction of the Moyock Volunteer Fire Department.
- WASTEWATER:** Individual on-site conventional septic systems have been approved for all lots.
- OPEN SPACE:** 73 acres of open space (50% of the gross tract area) is provided within the development. Included in the open space calculations is an offer a dedication of approximately 30 acres to Currituck County, which includes the 3.74 acres public boat ramp site and a 25.81 acre dedication to Currituck County, Parcel D.

- DRAINAGE:** Roadside swales/ditches tying into the existing lead ditches will be used to address the drainage for this property.
- FLOOD ZONES:** The property is located within a 100 year floodplain with a base flood elevation of 6' (Flood Zone A3).
- LAND USE PLAN:** The 1990 Land Use Plan classifies this site as "Rural". The Rural classification described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately 1 unit per acre are appropriate." The proposed density for the 82 lot subdivision is approximately 0.6 units per gross acre. This proposal is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- Sketch Plan/Special Use Permit approval for this development was granted by the Board of Commissioners on July 6, 2004 for an 82 lot conservation subdivision.
- The developer is proposing to offer a dedication of approximately 30 acres to Currituck County, which includes a public boat ramp site.
- On October 14, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concerns were with the drainage plan, lack of pad elevations, need for additional drainage calculations, and the requirement to state the responsible party for the drainage system maintenance. The Preliminary Plat has been revised to address the major concerns expressed by the Technical Review staff. The drainage plan has been approved by the Soil & Water Conservation office and County Engineer.
  - (a) Planning Staff - additional corrections are required on the preliminary plat.
  - (b) County Engineer - reviewed & approved
  - (c) Soil & Water Conservation - reviewed & approved
  - (d) Fire Marshal - reviewed & approved
  - (e) Health Services - reviewed & approved all lot for conventional on-site septic systems
  - (f) County Water Department - reviewed and approved
  - (g) County Mapper - reviewed and approved
  - (h) Moyock VFD Fire Chief - approved with the following comment: Ample width for the passing of fire apparatus; ample turning radius in cul-de-sacs; and adequate fire hydrants for the subdivision flow rate and distance
  - (i) Emergency Management Services - reviewed and approved as is
  - (j) Recreation Department - reviewed with no comments
  - (k) NCDENR, Water Quality - reviewed and approved a Low Density Stormwater Permit

- (l) NCDENR, Land Quality Section - reviewed and issued erosion & sedimentation control permit
  - (m) NCDENR, Public Water Supply Section - approved construction of the waterlines
  - (n) CAMA - reviewed with no comments
  - (o) NCDOT - driveway and encroachment permits granted. Requires extending the stacking area in the right turn lane an additional 25'.
  - (p) Phone Company - no comments received
  
  - (q) Superintendent of Schools - reviewed with no comments
  - (r) N C Power - no comments received
  - (s) USACOE - reviewed and approved the wetland delineation.
- The following corrections shall be made to the plans:
    1. Certificate of Survey needs to be finished
    2. Engineer Certification of Stormwater Improvements needs to be corrected
    3. Need to state who the responsible party is for the maintenance of the stormwater facilities.
    4. Road entrance detail does not agree with deceleration lane detail on Sheet 8
    5. Show the sidewalk in the street cross section. NCDOT requires a 5' separation from the street paving. Clarify the dimensions pertaining to the watermain.
    6. Show the locations and types of street signs.
    7. Add the trail to the legend and call out in the plans showing the width.
    8. Call out the entry signs
    9. Show the location of the street light at the entrance to the subdivision.
    10. Show the railroad gate crossing.
    11. Show lot line swales and flow arrows.
    12. Show flow arrows on existing ditches.
    13. Show the building pad and first floor elevations.
  
  - Since the Planning Board meeting a revised set of plans submitted. The following corrections shall be made to plans:
    1. Certificate of Survey needs to be finished
    2. Engineer Certification of Stormwater Improvements needs to be corrected
    3. Need to state who the responsible party is for the maintenance of the stormwater facilities.
    4. Road entrance detail does not agree with deceleration lane detail on Sheet 8
    5. Note #5 on Sheet C - Show the upland area.

6. Street cross sections on Sheets 4 and 6 - Correct the shoulder with the sidewalk to a dimension of 11'.
7. Sheet 1 note #5 - correct the open space area to agree with Sheet C. Show the upland area.
8. Sheet 1 and 2 - put back in the half tone pavement delineation.
9. Designate Parcel D as being dedicated to the County.
10. Trail symbol on plan and legend need to agree. Correct the legend.
11. Sheet 3 - Show and call out the railroad crossing gate.
12. Add the building pad elevation symbol to the legend.
13. Show the first floor elevations.

**STAFF RECOMMENDATION:**

Staff recommends **approval** subject to the following conditions:

1. That an exempt subdivision plat separating the 145 residential acres from the remaining agricultural portion of the site be recorded prior to the Final Plat;
2. That the following corrections be made to the plans:
  - (a) Certificate of Survey needs to be finished
  - (b) Engineer Certification of Stormwater Improvements need to be corrected
  - (c) Need to state who the responsible party is for the maintenance of the stormwater facilities.
  - (d) Road entrance detail does not agree with deceleration lane detail on Sheet 8
  - (e) Note #5 on Sheet C - Show the upland area.
  - (f) Street cross sections on Sheets 4 and 6 - Correct the shoulder with the sidewalk to a dimension of 11'.
  - (g) Sheet 1 note #5 - correct the open space area to agree with Sheet C. Show the upland area.
  - (h) Sheet 1 and 2 - put back in the half tone pavement delineation.
  - (i) Designate Parcel D as being dedicated to the County.
  - (j) Trail symbol on plan and legend need to agree. Correct the legend.
  - (k) Sheet 3 - Show and call out the railroad crossing gate.
  - (l) Add the building pad elevation symbol to the legend.

(m) Show the first floor elevations

3. ***That the corrected Preliminary Plat be submitted and approved by the Planning Department prior to the commencement of any construction work;***
4. That the required Railroad permits and approvals be secured prior to submittal of the Final Plat;
5. At the time of Final Plat, the boat ramp site ( Parcel E) and the 25.81 ac Open Space Parcel D shall be dedicated to Currituck County.
6. That street trees shall be installed (or bonded) prior to submittal for final plat approval;
7. That required improvements be installed and accepted prior to submission for final plat approval;
8. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners;
9. That applicant meet all requirements of the county's Unified Development Ordinance; and
10. That should any conditions within this permit conflict with any other permit(s) issued for this activity, then the more restrictive condition shall prevail

**PLANNING BOARD DISCUSSION:**

Mr. Hawley asked who would be responsible for maintenance and repair of boat ramp when it is turned over to Currituck County and then to Fish and Wildlife.

Mr. Ferguson said Fish and Wildlife Agency would be responsible for liability and maintenance.

Mr. Kear asked what kind of surface would be used on the interior trail.

Mr. Robey said mulch.

Mr. Bell asked what kind of barrier would be used to keep the mulch in place.

Mr. Robey said there are no such plans.

Mr. Hawley asked if that would be the responsibility of the homeowner's association.

Mr. Robey said yes.

Mr. Bell asked if there would be roadside swales in addition to sidewalks.

Mr. Robey said yes.

Mr. Hawley asked if Mr. Robey would address property lines, swales, and sidewalks.

Mr. Robey explained how he planned to keep the sidewalks adjacent to the shoulder of the road to prevent homeowner's from being liable due to the walk being on their property.

Mr. Robey described the dimensions of the sidewalks and ditches.

Mr. Keel asked who maintains swales.

Mr. Robey said developer places bonds until DOT takes over.

He assumes that the property owner's association would have to maintain them.

Mr. Hawley said the board would like to see a sidewalk project to keep people off the streets and hopefully it would be an example to the rest of the developers.

Mr. Kovacs asked if there would be parking in the 5 foot right of way.

Mr. Robey said no.

Mr. Kovacs asked how many parking spaces are anticipated per home.

Mr. Robey said four would be a tight fit.

Mr. Bell said that the boat ramp having public access could be a problem and he thinks that the final plat should state that the ramp has public access to alert the potential property owners prior to their purchasing of property.

Mr. Robey said that a note will be placed on the final plat and included into restrictive covenants.

Mr. Kovacs asked about lighting throughout development.

Mr. Robey said the only street light required is at the entrance and there are currently no plans to incorporate lighting throughout.

Mr. Kovacs asked if there could be cluster mailbox locations throughout the development instead of in the right of way.

Mr. Hawley indicated there are open spaces available close to the intersections.

Mr. Robey asked if there was a precedent for such a request.

Mr. Riley said each section of Ocean Sands has boxes such as these.

Mr. Ferguson asked if the developer would come back with a plan to address mailboxes and pavement issues.

Mr. Ferguson asked who the boat ramp property would be dedicated to.

Mr. Robey said that it is being given to the County and that he has heard that there would be grants from National Fish and Wildlife.

Mr. Ferguson asked where boats would park to get to the ramp.

Mr. Robey said that he has sample layouts with 40 forty foot parking spaces on the property but he doesn't anticipate any storage on this property.

Mr. Hawley asked if there would be any other buffers.

Mr. Robey said that the grants would be used for such projects.

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

**PLANNING BOARD RECOMMENDATION:** On February 8, 2005 the Planning Board reviewed this request and recommended approval.

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

**Discussion on Business License**

Commissioner Miller stated that the Chamber of Commerce and Economic Development Board support a business license.

County Manager Scanlon, stated it would be a fee of \$20 and collected through the Tax Department. This would be a way for the county to have a master list of all the businesses.

Chairman Martin stated that this should be considered.

Commissioner Bowden stated he was opposed to any business license.

**Consideration of bids for water main improvements Harbinger.**

Pat McDowell, Engineer, stated that two bids were received. The low bidder was George Raper & Son at \$393,725.00, and the other bid was \$535,485.00.

Mr. McDowell requested the following recommendations:

1. The contract be awarded to George Raper & Son for their low bid of \$393,725.00
2. The contingencies be set at 10% or \$39,373.00
3. The design and contract administration be set at 8% or \$31,498.00
4. The construction inspection be set at 2% or \$7,875.00
5. The total budget for this waterline distribution project be established at \$472,471.00

Commissioner Etheridge moved to award the bid to George Raper & Son and approve the total budget for the project in the amount of \$472,471.00. Commissioner Miller seconded the motion. Motion carried.

**Consent Agenda:**

**Budget Amendments**

**Approval of March 7, Minutes**

**Approval of Resolution for the Build the Bridge Committee.**

**Resolution authorizing local government execution of a public access grant**

Commissioner Etheridge moved to approve. Commissioner Miller seconded the motion. Motion carried with Commissioner Bowden voting no on the Corolla Village Road access site grant.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10750-557700	Crisis Intervention	\$ 2,384	\$
10330-431600	Crisis Intervention		2,384
10750-513000	Utilities	1,000	
10750-516000	Repairs & Maintenance		1,000
		\$ 3,384	\$ 3,384

**EXPLANATION:** Social Services (750) – To increase budgeted funds due to increase in State funding for Crisis Intervention. Also, to transfer budgeted funds to utilities due to increased utility costs.

*NET BUDGET EFFECT:* Operating Fund (10) – Increased by \$2,384.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10660-516000	Maintenance & Repairs	\$ 2,390	\$
10660-590000	Capital Outlay		2,390
		\$ 2,390	\$ 2,390

**EXPLANATION:** Planning & Inspections (660) – Transfer budgeted funds to repair leaking roof in one vehicle, replace brakes on another vehicle and other routine maintenance.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10790-514500	Training and Education	\$ 700	\$
10790-526000	Advertising	900	
10790-557800	Library Programs	300	
10790-516000	Maintenance & Repair		700
10790-545000	Contract Services		300
10790-590000	Capital Outlay		900
		\$ 1,900	\$ 1,900

**EXPLANATION:** Library (790) – Transfer budgeted funds to training and education to attend a cataloguing course in June and to provide additional library programs. Also, the Library Board has requested to reclassify the part-time Library Associate position to a full-time position, which would be effective July 1, 2005 upon the retirement of the current part-time Library Associate. The transfer of \$900 into advertising is requested to allow time to advertise for this position prior to the new fiscal year so there will be an employee in place July 1 for the Corolla office.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
61818-561000	Professional Services	\$ 31,498	\$
61818-590002	Line Expansion	440,973	
61360-470000	Utilities Charges		185,471
61360-471000	Tap & Connection Charges		287,000
		\$ 472,471	\$ 472,471

**EXPLANATION:** Mainland Water (61818) – Increase budgeted line items for water extension at Harbinger Ridge Road. The budget for this project is:

George Raper & Son, Inc	\$393,725
Design & Contract Administration	31,498
Construction inspection	7,875
Contingencies	39,373
Total	\$472,471

**NET BUDGET EFFECT:** Mainland Water Fund (61) – Increased by \$472,471.

**RESOLUTION IN SUPPORT OF GRANT REQUEST FOR TWO MILLION DOLLARS OF FEDERAL HIGHWAY TRANSPORTATION FUNDS TO CONDUCT A FEASIBILITY STUDY FOR THE MID-CURRITUCK SOUND BRIDGE**

**WHEREAS**, the Mid Currituck Sound Bridge has been proposed for a number of years to, among other things, alleviate the traffic problems that have plagued the Currituck County Beaches, Southern Currituck County, Northern Dare County and the Northern Dare County Beaches; and

**WHEREAS**, the traffic congestion and other traffic related problems in the aforementioned areas have increased each year and will continue to increase as the Outer Banks grows; and

**WHEREAS**, the Currituck County Commissioners recognize the need for the expeditious construction of the Mid Currituck Sound Bridge and to facilitate such construction supports the Build the Bridge Coalition's January 13, 2005 grant request for two million dollars in federal highway transportation funds to conduct the necessary feasibility study for the Mid Currituck Sound Bridge.

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners at its April 18, 2005 regular meeting, voted to adopt this resolution supporting the Build the Bridge Coalition's January 13, 2005, grant request for two million dollars in federal highway transportation funds to conduct the necessary feasibility study for the Mid Currituck Sound Bridge.

**Commissioner's Report**

Commissioner Bowden, again questioned the status of the Carova Beach Park. He also commended the Ruritan Club of Knotts Island for their roadside trash clean up.

Commissioner Miller stated that he has been working with Mike Doxey, SCS, on drainage issues and they have been successful.

Chairman Martin commended staff for volunteering to clean up trash on roadways.

Commissioner Etheridge commended Diane Sawyer, Public Information Director, for her work on the Litter Sweep project.

**County Manager's Report**

County Manager Scanlon commended staff on Litter Sweep project.

Stan White, DOT Board Member, met with staff to review the DOT funding.

Commissioner Miller moved to request a letter to DOT regarding the Shingle Landing Bridge. Commissioner Etheridge

seconded the motion. Motion carried.

**Closed Session to discuss personnel.**

Commissioner Miller moved to go into closed session to discuss personnel. Commissioner Etheridge seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.