

CURRITUCK COUNTY
NORTH CAROLINA
FEBURARY 7, 2005

The Currituck County Board of Commissioners met on Monday, February 7, 2005, at 6:30 p.m. prior to their regular meeting with the Walnut Island Property Owners.

The Currituck County Board of Commissioners met on Monday, February 7, 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 due to illness.

Invocation and Pledge of Allegiance

Bob Henley, was present to give the invocation.

Approval of Agenda

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 A. Public Hearing and action on awarding CDBG Contract to Albemarle Commission.
 B. Appointment of Citizen Advisory Board.
- Item 4 Public Hearing and Action on PB 04-61 AKE Properties LLC/FORBES HEIRS Rezone 143 acres from Agricultural (A) to Residential (R) on property located on the west side of Harbinger Ridge Rd. approximately 800' S. of W. Mobile Rd. Tax Map 125, Lot 31, Poplar Branch Township.
- Item 5 Public Hearing and Action on PB 94-49 Currituck Club Retail Center Preliminary Plat for 8.2 acres on property located in the Currituck Club PUD, on Currituck Clubhouse Drive in the area East of the Amenity Site and Golf Clubhouse. Tax Map 126, Lot 3. Poplar Branch Outer Banks Township.
- Item 6 Public Hearing and Action on PB 04-73 Henry Ward Rezone 2.4 acres from Agricultural (A) to Light Manufacturing (LM) on property located on the west side of Caratoke Highway approximately .8 mile South of Macedonia Church Road. Tax Map 94, Lot 77A, Poplar Branch Township.
- Item 7 Update on 2005 Currituck County Land Use Plan.
- Item 8 Discussion on reducing speed limit on Aydlett Road and placing "no littering" signs.
- Item 9 Appointment to ABC Board
- Item 10 Appointment to Airport Board
- Item 11 Appointment to Workforce Investment Consortium
- Item 12 Appointment to Wild Horse Advisory Board.
- Item 13 Consent Agenda:
 Budget amendments
 Approval of January 18 Minutes
 Resolution proposed legislation Medicaid.
 Social Services Amendment to Job Classification Schedule.
- Item 14 Commissioner's Report
- Item 15 County Manager's Report
- Item 16 Closed Session to discuss personnel.
 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. There being no comments, he closed the public comment period.

A. Public Hearing and action on awarding CDBG Contract to Albemarle Commission.

Dick George reviewed the CDBG contract with the Albemarle Commission. Funds for Currituck County will be \$400,000 and \$48,000 will be the cost to manage the contract.

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

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

B. Appointment of Citizen Advisory Board.

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

Public Hearing and Action on PB 04-61 AKE Properties LLC/FORBES HEIRS Rezone 143 acres from Agricultural (A) to Residential (R) on property located on the west side of Harbinger Ridge Rd. approximately 800' S. of W. Mobile Rd. Tax Map 125, Lot 31, Poplar Branch Township.

Deleted

Public Hearing and Action on PB 94-49 Currituck Club Retail Center Preliminary Plat for 8.2 acres on property located in the Currituck Club PUD, on Currituck Clubhouse Drive in the area East of the Amenity Site and Golf Clubhouse. Tax Map 126, Lot 3. Poplar Branch Outer Banks Township.

Gary Ferguson, Planning Director, reviewed the request.

ANALYSIS OF ITEMS FOR BOARD OF COMMISSIONERS

**ITEM: PB 94-49 THE CURRITUCK CLUB, PUD PHASE 10
Retail Center - Preliminary Plat/Site Plan.**

OWNER:
Curr. Assoc./Res. Partnership
P. O. Box 229
Kitty Hawk, NC 27949
(252) 261-2131

APPLICANT:
Crosland Development Co., LLC
125 Scaleybark Road
Charlotte, NC 28209
(704)561-5210

PURPOSE OF REQUEST:

Applicant is seeking Preliminary Plat/Site Plan approval for a commercial development on 8.21 acres in Phase 10. The commercial buildings will be a 48,756 square feet grocery store and 8,400 square feet of retail shops.

PROJECT DESCRIPTION:

Property is shown on Tax Map 126; Parcel A, Poplar Branch-OB Township. The 8.21 acre site is on the west side of NC 12, north of Clubhouse Drive. The proposed retail center will have two (2) access points onto Clubhouse Drive.

Wastewater treatment and disposal will be handled by a joint system that was constructed in conjunction with Pine Island PUD and is permitted for 600,000 gals/day. Water will be provided by Carolina Water Service who operates the Currituck Club water system. Reverse osmosis water treatment technology has been installed and will be utilized when chloride levels reach 250 mg/l or greater. All roads will be built to state standards and the applicant will be responsible for the maintenance and upkeep of all the "private" streets.

HISTORY OF DEVELOPMENT:

1. Applicant received original Sketch Plan/Special Use Permit approval on February 20, 1995.
2. On July 17, 1995, applicant received Amended Sketch Plan approval for the creation of 430 lots for single-family dwellings, 70 patio homes, 104 golf villas, 4 Club Cottages, 20 Center Court home sites, a 100 room hotel with restaurant, an 18-hole golf course with clubhouse, 2 commercial areas containing a total of 22.7 acres and a parcel to be donated to the county (located at the north end).
3. On June 1, 1998 applicant received Amended Sketch Plan approval which:
 - a. Revised the Governmental site area located at the north property line (increased acreage from 8.1 ac. to 12.1 ac.);
 - b. Revised "404" wetland delineation which allowed for more efficient layout of lots within Phases 5 and 6;
 - c. To increase the total density from 628 units to 636 units (increase of 8 units); and,
 - d. Reduced the total LF of streets to be paved and reduced the number of cul-de-sacs previously approved.
4. On October 4, 1999 applicant received Amended Sketch Plan approval to increase the number of ingress/egress points along NC 12 from two to three.
5. On August 21, 2001 applicant received Amended Sketch Plan approval from the BOC to allow :
 - a. Phase 5 to develop as 15 SF lots and 72 Patio Home sites (increase in density of 35 units). Total proposed density within the development increased from 636 units to 673 units (1.13 units/ac. to 1.21 units/ac.); and;
 - b. Increase commercial lots from the existing 5 lots to 6 lots with lot #1 being further subdivided into 4 condominium lots. Total commercial lots within the Ocean Club Centre after the approval was 10 lots.
6. On December 3, 2001, Amended Sketch Plan approval was granted for the following changes;
 - a. The deletion of 7 single family lots within Phase 6 (density decrease from 51 to 44 lots);
 - b. The deletion of single-family lot 411;

- c. Transferred decreased density units (8 in total) to Centre Court Home site (increased total number of sites from 20 to 28); and,
 - d. Commercial area was established at 4% (7% allowed) and the overall density was set at 1.20 units/acre (3.0 units/acre allowed).
7. On March 8, 2004, Amended Sketch Plan approval to depict a two lot subdivision and a site specific layout of the proposed Currituck Club Retail Center for Phases 9 & 10. Phase 10 was previously designated to have 28 center court homes and was amended to a commercial designation.

ADJACENT LAND USE:

North: Golf Club and Condominiums - zoned RO1/PUD

South: Hotel Site and Cottages – zoned RO1/PUD

East: Ocean Sands Sections E&F - zoned RO1/PUD

West: Golf Club and Property Owner's Assoc. Amenities

TECHNICAL REVIEW STAFF:

On December 9, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concerns were with the Fire Marshall. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff.

- (a) County Engineer - reviewed & approved
- (b) Soil & Water Conservation - reviewed & approved
- (c) Fire Marshal – reviewed & approved after changes were made to include pavement markings around the buildings, fire hydrant adjacent to parking space 287 was shifted 15 feet to the east. A note was added to the Utility Plan that the final location for the fire system Siamese connection shall be reviewed and approved by the County Fire Marshall.
- (d) County Water Department – not within their regulatory jurisdiction.
- (e) County Health Department - not within their regulatory jurisdiction.
- (f) NCDOT – reviewed and approved.
- (g) NCDEHNR, Div. of Water Quality – reviewed and approved expansion of the wastewater treatment system..
- (h) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued.
- (i) NCDEHNR, Water Quality – reviewed and approved a High Density Stormwater Permit.
- (j) NCDEHNR, Public Water Supply Section – reviewed and issued Authorization to Construct the waterlines,

STAFF COMMENTS:

- The property is classified as "Limited Transition" in the Count's 1990 Land Use Plan. Planned Unit Developments are appropriate in the transitional land use class designated in the 1990 Land Use Plan.
- The proposed retail center will **not** have direct access to NC12. Two driveways are proposed along Currituck Clubhouse Drive.

- The BOC on March 8, 2004 approved an amended sketch plan/special use permit for this proposed retail center.
- Based upon staff's review, the applicant has met the standards and requirements within the UDO for Preliminary Plat Approval.

STAFF RECOMMENDATION:

Staff recommends **approval** with the following conditions:

- That the applicant submit letters of service availability for both water and wastewater treatment;
- That required improvements be installed and accepted prior to submission for final plat approval;
- That applicant meet all requirements of the County's Unified Development Ordinance, including, but not limited to parking spaces, landscaping, shading, etc.;
- That the applicant shall complete the development strictly in accordance with the plans submitted to, and approved by, the Board of Commissioners; and
- 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 RECOMMENDATION: On January 11, 2005, the Planning Board reviewed this request and recommended approval with a vote of 8 to 0.

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

Commissioner Bowden moved to approve with staff findings of fact. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 04-73 Henry Ward Rezone 2.4 acres from Agricultural (A) to Light Manufacturing (LM) on property located on the west side of Caratoke Highway approximately .8 mile South of Macedonia Church Road. Tax Map 94, Lot 77A, Poplar Branch Township.

Gary Ferguson, Planning Director, reviewed the request.

**Zoning Staff Report: PB 04-73
Henry B. Ward - Rezoning**

TYPE OF REQUEST: Request for rezoning a 2.5 acre lot from Agricultural (A) to Light Manufacturing (LM).

LOCATION: This site is located in Poplar Branch along the west side of Caratoke Highway (US 158) between Danruth lane and Alfred Court both private access drives.

TAX ID: 0094-000-077A-0000

PROPERTY OWNER: JS and P, LLC – Joseph W. Lubrecht

APPLICANT: Henry B. Ward

ZONING: Current Zoning Agricultural Proposed Zoning Light Manufacturing

ZONING HISTORY: Property has been zoned Agricultural since 1989.

SURROUNDING ZONING/LAND USE:	<u>Zoning</u>	<u>Land Use</u>
NORTH:	Agricultural	Residential
SOUTH:	Agricultural	Residential
EAST:	Agricultural	Residential
WEST:	Agricultural	Residential

EXISTING LAND USE: Vacant/Open Field

PROPOSED LAND USE: The applicant has stated that the reasons for the request is to construct, display and sell small storage buildings, mini-barns, horse run-ins. Construction and completion of the products to be accomplished inside an approved building.

LAND USE PLAN: The 1990 Land Use Plan shows this property as Limited Transition. The purpose of this 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/are geographically remote from existing towns and municipalities”. This class is intended for residential developments with densities of three units per acre or less. This class also contains nonresidential areas along major transportation routes. This rezoning request **is** consistent with the Land Use designation.

PUBLIC SERVICES AND UTILITIES: Lower Currituck South Volunteer Fire Department provides fire protection for this area. County water, electric, telephone and cable are currently available at this location.

- TRANSPORTATION:** Property has about 320 feet of frontage on Caratoke Highway, (US 158) classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan. The Average Daily Traffic (ADT) Count according to NCDOT in 2002 along this section of Caratoke Highway was approximately 15,000 ADT. The property also has 315 feet of frontage on Danruth Lane a private access drive.
- FLOOD ZONE:** According to FEMA maps, the property is located outside of the 100 year floodplain (Flood Zone C).
- SOILS:** According to the Currituck County Soil Survey, the property consists of Portsmouth fine sandy loam which consists of poorly drained soils that are unfavorable for septic systems due to wetness. On-lot septic system permits are being issued for the surrounding new home construction.

STAFF COMMENTS:

- This proposed rezoning is a corner lot on Danruth Lane and Caratoke Highway. The lot was one of four lots created in the Lubrecht Subdivision. The lot is sandwiched on three sides (south, west & north) with residential development. Two recently approved private access subdivisions (Lubrecht Subdivision - 4 lots along Danruth Lane approved 8/12/99 and Everett Acres - 5 lots along Alfred Lane approved 7/14/03) are currently undergoing new home development. All the contiguous land is zoned as Agricultural including east, across Caratoke Highway.
- Even though the lot has 365 feet of frontage on Caratoke Highway (US 158) access will be restricted to the existing Danruth Lane a private access drive. The UDO Article 3, Section 304 restricts driveway spacing to 300 foot intervals or greater. Alfred Lane is adjacent to the south line of this lot.
- The proposed rezoning is consistent with the Land Use Plan, but is 3.3 miles from the closest Light Manufacturing (LM) Zone to the South and 5.7 miles from the closest LM Zone to the North.

STAFF RECOMMENDATION:

Staff recommends denial of this application on the basis of spot zoning for the following reasons:

- Proposed rezoning is not compatible with surrounding land use.
- Parcel to be rezoned has only 2.5 acres and could be considered spot zoning.

Chairman Martin opened the public hearing.

Wendy Ward, applicant, requested the Board's approval of her business. She presented several letters from surrounding property owners supporting her business.

Henry Ward, supported request for rezoning.

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

Commissioner Miller moved to approve. Commissioner Bowden seconded the motion. Motion failed with Chairman Martin and Commissioner Etheridge voting no.

Update on 2005 Currituck County Land Use Plan.

Gary Ferguson, Planning Director, stated that meetings with the Land Use Plan committee and the public would begin on February 14, 2005. Staff commented on the good work of the committee.

Discussion on reducing speed limit on Aydlett Road and placing "no littering" signs.

Commissioner Bowden moved to table. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to ABC Board

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

Appointment to Airport Board

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

Appointment to Workforce Investment Consortium

Chairman Martin moved to appoint Commissioner Etheridge. Commissioner Bowden seconded the motion. Motion carried.

Appointment to Wild Horse Advisory Board.

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

Consent Agenda:

Budget amendments

Approval of January 18 Minutes

Resolution proposed legislation Medicaid.

Social Services Amendment to Job Classification Schedule.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
63838-545002	Contract Services-Disposal	546,235	
63390-499900	Fund Balance Appropriated		546,235
		\$ 546,235	\$ 546,235

EXPLANATION: Solid Waste (838) – To appropriate fund balance from prior years to pay Albemarle Regional Solid Waste Authority (ARSWA) for credits collected directly by ARSWA and applied to Currituck County’s account in error. These credits should have been applied to Dare County; however, due to a computer software error the credits were applied to Currituck from March 2001 through June 2003.

NET BUDGET EFFECT: Solid Waste Fund (63) – Increased by \$546,235.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10441-545000	Contract Services	1,087	
10441-590000	Capital Outlay	7,134	
10441-503000	Salaries - Part time		7,637
10441-505000	FICA		584
		\$ 8,221	\$ 8,221

EXPLANATION: Information Technology Systems (441) – Transfer budgeted funds to capital outlay to purchase a computer server needed for software upgrade and more efficient networking and to increase contract services to contract for computer troubleshooting and repairs. There are available funds in the part-time salaries because this position has been vacant this year.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10535-503500	Temporary Services	10,857	
10535-502000	Salaries		10,857
		\$ 10,857	\$ 10,857

EXPLANATION: Communications (535) – Transfer budgeted funds from salaries to temporary services to cover positions that have been vacant since July 2004, which have now been filled.

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

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
15446 502000	Salaries	22,704	
15446 505000	FICA	1,737	
15446 506000	Health Insurance	2,800	
15446 507000	Retirement	2,221	
15446-511000	Telephone & Postage	400	
15446-514000	Travel	2,250	
15446 526000	Advertising	2,200	
15446-532000	Supplies	3,500	
15446-545000	Contract Services	2,500	
15446-590000	Capital Outlay	4,500	
15320-415000	Occupancy Tax (3%)		44,812
		\$ 44,812	\$ 44,812

EXPLANATION: Public Information (446) – Increase budgeted line items for salaries, office supplies and equipment needed for start-up costs to hire an Information and Communications Officer and a Marketing Coordinator to promote Currituck County. These two positions will be advertised with anticipation of filling by March 1, 2005. Travel includes travel to Governor’s Conference on Tourism. Contracted services includes graphic design, branding and internet access. Capital outlay includes computer hardware and software for new employees.

NET BUDGET EFFECT: Occupancy Tax fund (15) – increased by \$44,812.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10531-514000	Travel	\$ 3,750	\$
10531-514500	Training & Education	1,050	
10531-532000	Supplies	1,367	
10531-590000	Capital Outlay	4,500	
10330-445000	Emergency Management Grant		10,667
		\$ 10,667	\$ 10,667

EXPLANATION: Emergency Management (531) – Increase budgeted line items to record additional funds received from the Emergency Management Program Grant. The travel will be used to attend the 2005 National Hurricane Conference, the capital outlay will be used to purchase a laptop computer and projector for EOC operations and the supplies will purchase supplies for the projector and sleeping mats for the EOC.

NET BUDGET EFFECT: Operating fund (10) – Increased by \$10,667.

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
10531-590000	Capital Outlay	\$ 2,060	\$
10330-445000	Emergency Management Grant		2,060
		\$ 2,060	\$ 2,060

EXPLANATION: Emergency Management (531) – Increase budgeted line items to carry-forward balance of 2002 Department of Homeland Security Program Grant to purchase a generator to help facilitate the use of the decontamination tent.

NET BUDGET EFFECT: Operating fund (10) – Increased by \$2,060.

Commissioner's Report

County Manager's Report

Closed Session to discuss personnel.

Commissioner Bowden 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.