

CURRITUCK COUNTY
NORTH CAROLINA
DECEMBER 18, 2006

The Board of Commissioners met at 6:00 p.m. to discuss working together.

The Board of Commissioners met on Monday, December 18, 2006, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Gregory, Bowden, Taylor and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley was present to give the invocation and pledge of allegiance.

Approval of Agenda

Chairman Nelms moved to amend the agenda by deleting Item 7 and 13 and adding Item 21 A-Appointment to Albemarle Mental Health. Commissioner Gregory seconded the motion. Motion carried.

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| 6:00 | Work Session on Commissioners working together |
| 7:00 p.m. | Invocation
Pledge of Allegiance |
| Item 1 | Approval of Agenda |
| Item 2 | Public Comment
<i>Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.</i> |
| Item 3 | Mary Ellen Maxwell, Recognition of Outstanding Volunteers |
| Item 4 | Barbara Snowden, Resolution on 60th Anniversary of Ruritan Clubs in Currituck County |
| Item 5 | Discussion on Knotts Island Fire Department |
| Item 6 | Public Hearing and Action on PB 06-45 Currituck Crossing Sketch Plan/Special Use Permit for a 106 lot Conservation Subdivision on Aydlett Road, Poplar Branch Township. |
| Item 7 | Public Hearing and Action on PB 06-49 J&B Outer Banks, Rezoning request to create a 16.09 acre Residential Multi-Family Overlay Zone on two properties located northwest of intersection of West Mobile Road, Poplar Branch Township. |
| Item 8 | Public Hearing and Action on PB 06-50 Cecil and Elsie Simpson Rezone approximately .20 of an acre from Agricultural to General Business located at 135 Dot Sears Drive in Grandy, |
| Item 9 | Public Hearing and Action on Brumsey Woods request to extend the time for preliminary Plat submittal. |
| Item 10 | Public Hearing and Action on PB 06-53 Robert Glidden Special Use Permit for outdoor sales and storage in a Light Manufacturing Zone |

- Item 11 Public Hearing and Action on an Ordinance Creating a new Article IV, "Cross Connection Control"
- Item 12 Discussion on Carova Beach Park
- Item 13 Consideration of Currituck Chamber of Commerce proposal for July 4th celebration.
- Item 14 Approval of Nextel Lease Agreement for Corolla Communication Tower
- Item 15 Appointment of Commissioner to Recreation Board
- Item 16 Appointment of Commissioner to Social Services Board
- Item 17 Appointment of Commissioner to CDBG Committee
- Item 18 Appointment of Commissioner to Airport Board
- Item 19 Appointment of Commissioner to Economic Development
- Item 20 Appointment of Commissioner to Albemarle Solid Waste Authority.
- Item 21 Appointment of a Commissioner to Traffic Solutions Committee for the Outer Banks Transportation Task Force.
- Item 22 Appointment to Land Transfer Tax Appeals Board
- Item 23 Discussion and action on Board of Commissioners' meeting schedule
- Item 24 Discussion on Corolla Incorporation
- Item 25 Consent Agenda:
 - A. Approval of Agreement with Board of Education for sales tax refunds.
 - B. Resolution of support for Development of a Comprehensive Transportation Plan
 - C. Resolution Surplus Property
 - D. Budget Amendments
- Item 26 Commissioner's Report
- Item 27 County Manager's Report
- Item 28 Adjourn

Public Comment

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

Chairman Nelms opened the public comment period.

John Snowden, Maple, commented on appointment to Airport Board and no community representation on this board.

John Regal, supports Library in Moyock.

Bob Kohler, expressed concerns with turning over the tourism back to the Chamber of Commerce and priority of capital funding projects.

Barbara Snowden, Historical Society, commented on Christmas tree at the Ferry Dock made out of crab pots.

Diane Ferebee, supports a library in Moyock.

Pat Stretar, supports a library in Moyock.

Juanita Krause, supports a library in Moyock.

Wende Shannon, supports a library in Moyock.

Jennifer Lancaster, supports this Board's new ideas but would like Board to consider the last Board's projects.

Commissioner Taylor stated that she does support library and would like more time to study these projects.

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

Mary Ellen Maxwell, Recognition of Outstanding Volunteers

Ms. Maxwell recognized the following Outstanding Volunteers;

Animal Lovers Assistance League, Inc., Marshall Cherry, Kim Grosskopf, Debbie Lawson and Dana Painter.

Ms. Maxwell recognized Marshall Cherry as the winner of the Medallion Award.

Barbara Snowden, Resolution on 60th Anniversary of Ruritan Clubs in Currituck County

Barbara Snowden, presented the following resolution honoring the Ruritan Clubs in Currituck County.

Commissioner Gregory moved to adopt. Commissioner Etheridge seconded the motion. Motion carried.

RESOLUTION

WHEREAS, founded on May 21, 1928 in Holland, Virginia, Ruritan has grown throughout these United States of America and, in doing so, has become "One of America's Leading Community Service Organizations"; and

WHEREAS, Ruritan objectives are: (1) To promote fellowship and goodwill among its members and the citizens of the

community, and to inspire each other to higher efforts, (2) To unify the efforts of individuals, organizations and institutions in the community toward making it an ideal place in which to live, (3) To work with those agencies that serve the community and contribute directly to its progress, (4) To encourage and foster the ideal of Service as the basis of all worthy enterprise, and (5) To create greater understanding between rural and urban people on the problems of each as well as on their mutual problems; and

WHEREAS, the Currituck County Ruritan Clubs (Coinjock, Currituck, Knotts Island, Moyock, Shawboro) and all clubs, under the Ruritan motto, "Fellowship, Goodwill and Community Services," have made substantial contributions to the well-being of the citizens of this county, and of the nation.

NOW, THEREFORE BE IT RESOLVED, that the Currituck County Board of Commissioners recognize the 60th Anniversary of Ruritan Clubs in Currituck County. .

Discussion on Knotts Island Fire Department

Commissioner Bowden reviewed the status of the Knotts Island Fire Department. The County has a deed for 4.2 acres and it will go to the Planning Board on January 9 and come to the Board for action on February 4.

Terry King, President of Fire Department, was present to answer any questions.

Richard McFetters, stated that 80% of the residents did not want a volunteer fire department and that it would be of no benefit.

Public Hearing and Action on PB 06-45 Currituck Crossing Sketch Plan/Special Use Permit for a 106 lot Conservation Subdivision on Aydlett Road, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

Board of Commissioners

CC: Daniel F. Scanlon, County Manager
Gregory Schwarga, Assistant County Manager
Katherine McKenzie, County Attorney

From: Sarah E. Keifer, AICP, Director, Planning and Inspections

RE: PB-06-45 Currituck Crossing Sketch Plan

Date: November 22, 2006

The hearing for PB-06-45 Currituck Crossing Sketch Plan was originally conducted at the October 2, 2006 Board of Commissioners meeting. During the hearing a number of concerns were raised regarding archaeological resources on the site. Consequently the Commissioners chose to continue the hearing until an archaeological study was completed and reviewed by the North Carolina Department of Cultural Resources. The completed study and the comments from Cultural Resources are enclosed for your review.

Should you have any questions regarding the application, please do not hesitate to contact me directly.

ITEM: PB 06-45 Currituck Crossing Sketch Plan/ Special Use Permit for a 106 lot Conservation Subdivision.

LOCATION: The property is located on Aydlett Road, Approximately 400ft north of intersection with Caroon Rd., Poplar Branch Township. The property has approximately 1,680 feet of frontage on the Currituck Sound.

TAX ID: Tax Map 93, Parcels 1 and 95

ZONING DISTRICT: Residential and Agricultural

OWNER:
Currituck Crossing, LLC
8150 Leesburg Pike, Suite 810
Vienna, VA 22182

ENGINEER:
Albemarle and Associates
PO Box 3989
Kill Devil Hills, NC 27948

LAND USE PLAN DESIGNATION: The 1990 Land Use Plan classifies this property Community (Poplar Branch community). The purpose of this class is to provide for clustered, mixed use land uses at low densities to help meet the housing, shopping, employment and other needs in rural areas.

The proposed subdivision is in keeping with the Land Use designation.

PRESENT USE: Agricultural

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Agricultural	Zoned R
SOUTH:	Residential and agricultural	Zoned R
EAST:	Currituck Sound	No zone
WEST:	Vacant wetlands	Zoned A

SCHOOL DISTRICT: Poplar Branch (Griggs)

SIZE OF SITE: 166.9 Acres

NUMBER OF LOTS: 106

DENSITY: 0.64 unit/ acre

MINIMUM LOT SIZE: 20,000 square feet

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

WATER: This development will be served by county water.

FIRE: This development is located within the jurisdiction of the Lower Currituck Volunteer Fire Department. Fire hydrants will be required for this development.

WASTEWATER: Individual, on-site septic systems are proposed. Eleven (10%) of the lots have been evaluated as provisionally suitable for on-site septic systems in compliance with the Ordinance.

SOILS: The Currituck County Soils Map indicates the property contains suitable and not-suitable soils for on-site septic systems.

OPEN SPACE: A conservation subdivision requires 45% of the total tract area to be open space after deducting the Primary Conservation areas and road rights of way. This site requires approximately 43.65 (26% of total) acres of upland and secondary conservation area open space after the deduction of 62.10 acres of wetlands and 7.8 acres of roads. The sketch plan proposes 45.84 (27.5% of total) of upland and secondary conservation area open space.

DRAINAGE: The applicant is proposing roadside ditches and property line swales to drain into on-site ponds and wetlands.

SCHOOL CAPACITIES:

Using national averages for school age student generation, one can expect .4243 elementary students, .084 middle school students and .1568 high school students per dwelling unit. Based on these pupil generation figures, from this development Currituck can expect:

35 elementary school students; 7 middle school students; and 13 high school students.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if Currituck Crossing is approved
K- 5	865 (Poplar Branch)	703	127
Middle	1,142	1,066	69
High	1,456	1,413	30

NARRATIVE OF REQUEST:

- Currituck Crossing, LLC is requesting Sketch Plan/ Special Use Permit approval of a 106 lot residential development.
- According to the Development Impact Statement submitted June 27, 2006:
 - The development is expected to have single family home sites with 1,800 SF to 2,800 SF dwellings.
 - The development is designed with a mix of more expensive waterfront lots and less expensive lots to the west of Aydlett road.
 - The projected value of lots with homes will range between \$300,000-\$850,000.
 - The annual tax ad velorum tax revenue is projected to be \$165,257 annually.
 - The proposed recreational amenities for the site include:
 - A community access beach.
 - Two small lakes with walking trails.
 - A community park and picnic area.
- A revised Yield Plan reviewed September 20, 2006 indicated 101 lots are possible with a conventional layout. Therefore, the allowed number of lots with the density bonus of 5% for a Conservation Subdivision is 106 lots. The applicant is proposing 106 lots. The formula for calculating the allow density is (Yield Plan Lots) x (Density Bonus) = (Number of Additional Lots). The number of additional lots is then added to the number of lots from the yield plan. (Sections 929 and 930).
- Staff notes that the Baum Site 31CK9- National Register of Historic Places Archeology site is part of this property. This is a Native American archeology site.

TECHNICAL REVIEW STAFF:

On June 21, 2006, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved with the following comment: Please identify existing ditches throughout site.
2. **Currituck Soil & Water Conservation** - Approved with the following comment: Please identify existing ditches throughout site.
3. **Currituck County Fire Services**– Approved with the following comment: Cul de sacs should be 96' in diameter all weather driving surface capable of withstanding 75,000lbs.
4. **Currituck County Water Department**- I'm unable to commit to any new water services until peak demand data is collected and availability of supply is determined.
5. **Currituck County Planning and Inspections, Inspections Section**- Approved as is.
6. **Albemarle Regional Health Services** – No comments received.
7. **Currituck County GIS** - Approved with no comment.
8. **County Parks & Recreation Department** - No comments received.
9. **Currituck County Emergency Management** – No comments received.
10. **NC Department of Transportation**: Approved with the following comment: At Preliminary Plat provide drainage plans and apply for a driveway permit.
11. **US Army Corps of Engineers**: No comments received.
12. **NC Department of Natural Resources, Division of Coastal Management** – Approved with the following comment: DCM Field Representative Frank Jennings met with the applicant's representative on-site to discuss the project. The two gazebos on the Currituck Sound and any work within the 75' Estuarine Shoreline Area of Environmental Concern (AEC) will require a CAMA Major Permit.
13. **NC Department of Natural Resources, Division of Water Quality**–No comments received.
14. **NC Department of Natural Resources, Division of Land Resources** – No comments received.
15. **Currituck County Superintendent of Schools**- No comments received.
16. **N C Dominion Power** - No comments received.
17. **Sprint Telephone** – Approved as is.

SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning regulation. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

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 plan generally complies with the provisions of the UDO. However, all of the property designated 404 wetlands are not shown to be Primary Conservation Areas, as required by Section 931.

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 stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;

(b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, dispersed single family dwellings.

(c) *Will be in harmony with the area in which it is located.*

The proposed subdivision will consist of residential 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 Community classification and with the Thoroughfare 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.*

The Commissioners will need to determine if adequate public facilities, including schools and county water, exist or will exist to meet the demands generated by this subdivision.

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments, subject to a finding that adequate public facilities exist, and subject to the following conditions:

Code Requirements:

1. At the Preliminary Plat stage, the applicant will be required to submit septic evaluations, a North Carolina Stormwater Management Permit, a North Carolina Sedimentation and Erosion Control Permit, and a CAMA Major Permit along with the plans required by the UDO.
2. The Preliminary Plat shall indicate the exact locations of existing structures and improvements.(Appendix 9-A)
3. A 5' non-access easement shall be indicated on the Final Plat for all lots that have frontage along Aydlett Road. (Section 914)
4. No lot shall include any 404 wetland areas as shown on the wetland delineation approved 1/31/2006 by USACOE and the wetland survey dated 6/23/2006. All 404 wetlands shall be placed into Primary Conservation areas and shall not be used in the calculation of required open space (Sections 931 and 932). The UDO states:

Section 931 Location and Definition of Open Space

1. The location of open space conserved through compact residential development shall be consistent with the policies contained in these provisions and other long range documents adopted by the Currituck County Board of Commissioners.

Open Space shall be comprised of two (2) types of land:

- (a) *Primary Conservation Areas consisting of CAMA and 404 adjacent wetlands. These environmentally sensitive resources form the core of the open space that is required to be protected;*

Secondary Conservation Areas consisting of the following: isolated 404 wetlands, soils unsuitable for septic systems as identified by onsite analysis or by using the USDA Soil Conservation Survey for Currituck County; mature woodlands; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; significant views into and out from the site; and aquifers and their recharge areas.

AND ALSO:

931-2. *General Location Standards: Subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space.*

- (a) *Both Primary and Secondary Conservation Areas required to be preserved for open space **shall be placed in undivided preserves**, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.*
 - (b) *Undivided open space shall be directly accessible and interconnected to the largest practicable number of lots within an open space development. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than three acres in area, except such areas that are specifically designed as village greens, ball fields, upland buffers to wetlands, water bodies or watercourses, or designed as trail links.*
5. A revised open space calculation shall be shown on the Preliminary Plat with any 404 wetlands removed.
 6. Section 931 requires that no parts of the open space contain less than 3 acres. Please show a schedule of open space areas or a label of open space areas in order to verify the areas being designated as open space.
 7. The cemetery would qualify as a Secondary Conservation area and should not be used in calculations of Primary Conservation areas. The cemetery should be placed in open space with reasonable access. (Section 931)
 8. The open space is restricted from further subdivision and will be required to be placed in a permanent conservation easement. (Section 931)
 9. A minimum of 2000 SF per lot is required to be improved for active recreation. For 106 units that is 212,000 SF. Provide a table indicating the recreation areas and the calculation of improved recreation spaces. The details of the recreational improvements shall also be show on the sketch plan. (Section 932)
 10. Section 914 (9) requires sidewalks to be installed along one side of the street. This may require a wider right of way with the design of the sidewalks and ditches to be approved by DOT. The Home Owners Association will need to assume maintenance of the sidewalks.
 11. Any areas of historical or archeological significance shall be preserved as Primary Conservation Areas.
 12. On any flag lot, indicate the net usable area that will exceed 20,000 SF with the stem deducted. (Section 201)
 13. Streetlights are required at every major entrance. (Section 918)

14. The proposed street names list shall be submitted and approved and the street names indicated on the plan. (Section 317)
15. The state route number of ROW width shall be indicated for Aydlett road. (Appendix 9-A)
16. A deceleration lane will be required for both sides of Aydlett Road. (Section 914(2))
17. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.

RECOMMENDATIONS:

1. Staff recommends a connection be provided to the Forbes property to the north. (UDO Sections 306- Coordination to Surrounding Streets and 914- Streets (for subdivisions))
2. Staff recommends a system of paved walking trails that connects all of the open space areas. This system of trails should coordinate with the sidewalks to provide pedestrian access to all lots.
3. Staff also recommends that in order to develop a complete pedestrian circulation system in the development ~~sidewalks be installed on both sides of the street~~ (revised after Planning Board) all parcels should have direct access to a sidewalk or pedestrian trail.
4. Staff recommends community picnic shelters be constructed at the community parks.
5. For safety, staff recommends a 3' separation between the sidewalk and the road.
6. The North Carolina Department of Cultural Resources shall review and approve the plan prior to Preliminary Plat approval to ensure that no National Register Archeology sites are disturbed by development.
7. The applicant shall submit the National Register of Historic Places documentation for the Baum Site 31CK9 (Archaeology) for review.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION

John Delucia appeared before the board.

Ms. Keifer presented the following case analysis to the board.

Mr. West asked if these are 20000 square foot lots.

Ms. Keifer said yes.

Mr. Delucia said that there are no issues with the staff recommendations except #3, but doesn't feel that sidewalks on both sides of the streets and along the back sides of the lots are absolutely necessary in all cases because of lot coverage and runoff. He would like to work with staff for a compromise.

Mr. West asked why they chose a conservation subdivision.

Mr. Delucia said that the ordinance required it over 40lots. He also stated that the areas proposed for ponds are the areas where the water collected after the last storm.

Ms. Keifer asked if the engineer could have something to show the Board of Commissioners regarding sidewalks.

Mr. Delucia said that he worked on the plans today and described the walkway. The UDO requires sidewalks on one side of the street, he isn't sure that two sides is necessary.

Mr. West asked which street Mr. Delucia was referring to.

Mr. Delucia said that he was referring to the streets in the subdivision.

Ms. Keifer asked for clarification on the comment on subdividing wetlands.

Mr. Delucia said that for the wetland areas along the Sound the required amount of open space has been 'put away' on this project. Staff said that all wetlands should be conserved. He does not agree. Why make an open space restriction on a sound front lot. It would also hurt the tax base.

Mr. West said that it will either be deeded to the property owner or not. It may seem to be the property owner's property, but either the HOA or the owner would pay the taxes.

Mr. West asked what he projected the lot to sell for as waterfront.

Mr. Delucia said \$350-400 with waterfront, \$250-275 without the waterfront.

Mr. West asked if the homeowner would have to have a CAMA permit to build a pier over the wetland.

Ms. Keifer is concerned with integrity of wetlands when owned by individual property owners. To split up 404 wetlands runs contrary to the conservation subdivision regulations.

Ms. Turner asked if there were wetlands on the other lots.

Ms. Keifer said yes.

Ms. Turner said that she is in conflict over that. She asked if there was a permit to fill the area.

Ms. Keifer said that is very difficult.

Mr. West asked which staff recommendation this referred to.

Mr. Delucia said #7.

Ms. Keifer said that the intent of the Conservation Subdivision was to take these areas out of play prior to subdividing.

Ms. Turner asked if there is specific language on sound front property.

Ms Keifer said that the intent isn't to cut off access to the sound. It is in favor of public access rather than split it into a few individual lots.

Ms. Turner said that there is a good amount of area with access to the sound. She said that it is common to have wetlands on sound front property.

Mr. West recommended approval with the exception of #7.

Mr. John Snowden stated the issues of preserving the open space. The wetlands serve as a buffer. The land use plan provides for buffers for the sound. He also noted that Division of Cultural Resources did not sign off on this project. He described the pond area east of Aydlett Rd. He said that there is an Indian Burial Ground south of the pine tree line.

Mr. West asked Mr. Delucia if he was aware of this site.

Mr. Delucia said that he is aware. He described the significant erosion on the site. The original burial dig is out in the sound now. Division of Coastal Management is aware. The gazebo permit through CAMA will go to the Division of Cultural Resources.

Mr. West asked if there was a small cemetery removed.

Mr. Delucia said that it is in the report. The archaeologist report said that they could not find anything else and a grave was removed.

Mr. West asked if every effort has been made to determine whether there are remains on the site.

Mr. Delucia said that there have been excavations done to be sure.

Mr. Midgette asked if that information should have been included in the packet.

Ms. Keifer apologized that it was not.

Mr. Keel said that he has a problem with the open space.

Mr. West withdrew his motion.

PLANNING BOARD MOTION

Mr. Keel motioned to approve as presented and add a large gazebo/park. Mr. Riley seconded the motion.

Mr. Kovacs asked about the two proposed gazebos and stated that there is no where to park and people would have to cross Aydlett rd to get to the amenities. He thinks that there should be more open space instead.

Mr. Delucia said that it would be nice to have a large gazebo instead.

Mr. Kovacs said a community parking would be helpful

Mr. Delucia said that the property isn't big enough.

Ms. Keifer clarified recommendation #3 being modified prior to BOC meeting.

PLANNING BOARD ACTION

Motion passed unanimously.

Chairman Nelms opened the public hearing.

John Gallop, questioned drainage on his property.

John Dulucia, Engineer, stated that storm water will be addressed.

Greg Cox, stated he was willing to phase his project.

Barbara Snowden, commented on the Indian burial site.

Loretta Lauzenheiser, reviewed the archaeological survey and limited testing on this site.

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

Chairman Nelms moved to approve with phasing as follows. Commissioner Bowden seconded the motion. Motion carried.

First year 25%, second year 25%, 15%, 15% and 20%.

Commissioner Etheridge asked for clarification on school capacity.

Public Hearing and Action on PB 06-49 J&B Outer Banks, Rezoning request to create a 16.09 acre Residential Multi-Family Overlay Zone on two properties located northwest of intersection of West Mobile Road, Poplar Branch Township.

deleted

Public Hearing and Action on PB 06-50 Cecil and Elsie Simpson Rezone approximately .20 of an acre from Agricultural to General Business located at 135 Dot Sears Drive in Grandy.

Sarah Keifer, Planning Director, reviewed the request.

TYPE OF REQUEST: Rezone approximately .20 of an acre from Agricultural (A) to General Business (GB).

LOCATION: The property is located at 135 Dot Sears Drive in Grandy, approximately 300 feet from the intersection with Caratoke Highway.

TAX ID: Tax Map 94 B, Parcel 3 (094B00000030001)

OWNER: Cecil and Elsie Simpson
1917 Landing Road
Virginia Beach, VA 23457

ZONING: Current Zoning Agricultural (A) Proposed Zoning General Business (GB)

ZONING HISTORY: This property has been split zoned Agricultural and General Business since 1989.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Office building	GB
SOUTH	vacant	GB and A
EAST:	vacant	A
WEST:	Grandy Greenhouse and Market	GB

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Family Business

GENERAL BUSINESS USES:

There are well over 100 uses allowed in the General Business zoning district. The General Business zoning district contains the following sample of uses:

- | | |
|--------------------------------|--------------------|
| Single Family Residence | Automotive Repair |
| Banks | Convenience Stores |
| Sales | Restaurants |
| Outdoor or Indoor Mini Storage | Hotels |
| Motor Vehicle and Boat Sales | Office |
| Multi-Family Overlay Zone | Apartments |

LAND USE PLAN CLASSIFICATION:

This property is in the **Full Service Area** and Grandy sub-area of the 2006 Land Use Plan. With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.

The uses allowed within the General Business district are consistent with the 2006 Land Use Plan along the Caratoke Highway corridor in the Grandy.

PUBLIC SERVICES AND UTILITIES:

Lower Currituck Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

TRANSPORTATION:

The property is accessed by Dot Sears Road.

FLOOD ZONE:

The property is located in Flood Zone X, outside of the 100 year flood plain

SOILS:

The Currituck County Soil Suitability map indicates the property contains soils that are Suitable for on-site septic.

STAFF RECOMMENDATION:

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is whether the proposed amendment

advances the public health, safety or welfare” of the county and further directs that “the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.”

In addition, section 2407 of the Ordinance states that “[a]reas zoned for non-residential purposes along the county’s major arterials have been carefully selected, taking into account existing needs and uses. Additional areas along these major arterials shall not be rezoned to non-residential districts except upon an extraordinary showing of public need or demand.

Staff recommends **approval** of the request for the following reasons:

- 1) The property is split zoned with a majority of the property already being General Business.
- 2) The rezoning would be an extension of an existing General Business zoning district.
- 3) The request **complies** with the 2006 Land Use Plan designation of Full Service.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION 11-14-2006

Ms. Simpson stated that she hates to have a split lot and would like it rezoned so it can be used in the future as General Business should they wish. They have no plans for the property at this time.

PLANNING BOARD ACTION

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

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

Commissioner Gregory moved to approve and it is in compliance with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on Brumsey Woods request to extend the time for Preliminary Plat submittal.

Sarah Keifer, Planning Director, reviewed the request.

Re: Brumsey Woods Residential Subdivision

The Sketch Plan for the 17 lot Brumsey Woods development was granted on January 18, 2006. A condition of the Sketch Plan/ Special Use Permit was a Preliminary Plat would be submitted within 2 years. A request to extend the time for Preliminary Plat submittal is attached for the Board’s consideration. The UDO states:

Section 2018 Expiration of Permits.

4. The permit issuing authority may extend one time for a period up to one (1) year the date when a Permit would otherwise expire pursuant to Subsections 1(a) or (b) and 3(a), (b) or (c) if it concludes that (i) the Permit has not yet expired, (ii) the Permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new Permit.

The applicant indicates the delay is because the Corps of Engineers has not approved the 404 wetlands delineation of the property. Staff recommends **approval** of the request to extend the expiration of the permit for 1 year because it appears to meet the criteria required by section 2018(4).

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

Commissioner Etheridge moved to extend time for 1 year. Commissioner Gregory seconded the motion. Motion carried.

Public Hearing and Action on PB 06-53 Robert Glidden Special Use Permit for outdoor sales and storage in a Light Manufacturing Zone

Sworn testimony was given prior to making comments.

Sarah Keifer, Planning Director, reviewed the request.

ITEM: PB 06-53 Robert Glidden, Special Use Permit for outdoor sales and storage in a Light Manufacturing Zone

LOCATION: 4544 Caratoke Highway

ZONING DISTRICT: Light Manufacturing (LM)

TAX ID: Map 71, Parcels 1 and 2

CURRENT USE: Retail Sale and Outdoor Storage of Landscape Goods

PROPOSED USE: Expansion of Retail Sale and Outdoor Storage of Landscape Goods

OWNER:

Robert Glidden
 PO Box 233
 Coinjock, NC 27923-0233
 (252) 453-9903

ENGINEER:

The Vision Group
 Ken Sisk, PE
 2337 Mount Pleasant Road
 Chesapeake, VA 23322
 (757) 410-5740

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

	Land Use	Zoning
NORTH:	Manufactured Homes Sales and Storage	GB
SOUTH	Vacant/ Wetlands	A
EAST:	Barber Shop (across highway)	GB
WEST:	Vacant/ Wetlands	A

FIRE DISTRICT: Crawford V.F.D.

SIZE OF SITE: 10.67 Acres

WATER: The site is served by an on-site well.

WASTEWATER: An on-site septic system is being proposed.

DRAINAGE: The site is being proposed to drain to the NCDOT roadside ditches and the wetlands in the rear of the property.

FLOOD ZONES: The property is in Flood Zone AE (5), Base Flood Elevation of 5.9' and Shaded X on 0.6 acre.

NARRATIVE:

The subject site is currently being used for retail sales and outdoor storage of landscape goods without the required Special Use Permit. Because the site exceeds five (5) acres in area, the UDO required Special Use Permit approval for any outdoor sales and storage. The applicant is proposing to bring the site into compliance and at the same time expand the existing warehouse from 2,115 square feet to 5,526 square feet.

TRC REVIEW

A Technical Review Meeting was held on September 20, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** Approved as is. Landscaping shall not be permitted inside the site triangle.
2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** The plan was approved with the following comments:
Drainage narrative was received and approved as is.
3. **CURRITUCK COUNTY WATER DEPARTMENT:**
The property does not have a water service, and a private well will be required and shall be shown on the plan.
4. **CURRITUCK COUNTY FIRE SERVICES:**
The site plan shall indicate the fire apparatus area including the turnaround area. Once approved, no display will be allowed in this area. The area shall not cause any backing over 150 feet of all portions of the structure. The surface of the fire apparatus area shall be of an all weather driving surface capable of withstanding 75,000 lbs.
5. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was reviewed with no comment
6. **ALBEMARLE REGIONAL HEALTH SERVICES:**
No comments received.
7. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
8. **CURRITUCK COUNTY GIS/ TAX MAPPING:** The plan was reviewed with no comment.

QUESTION(S) BEFORE THE BOARD:**Special Use Permit Criteria and Staff Findings:**

(The Board must find that the applicant meets all criteria in order for a Special Use Permit to be approved.)

In granting a Special Use Permit, the Board may attach to the Permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

- (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 plan officially adopted by the Board of Commissioners; and,
- (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.

Following is the staff Suggested Findings for each criteria (as is required by the UDO).

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

- (a) The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

The site is being used for retail sale of non-hazardous landscape materials such as sand, gravel, mulch and topsoil.

- (b) The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

The use is compatible with the adjacent uses.

- (c) The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

The use is compatible with other retail uses in the area. However staff is recommending additional vegetative screening in order to minimize the impact on the surrounding area.

- (d) The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.

Suggested Findings:

1. The 2006 Land Use Plan classifies this property as **Full Service**. In this classification, nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.
 2. This use complies with a **Full Service** classification.
- (e) The proposed use **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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family 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.

Suggested Findings:

The private water and wastewater systems will not required public services. This use will not exceed the county's ability to provide public services.

STAFF RECOMMENDATION

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

Code and TRC Requirements:

1. A recombination plat shall be recorded for the two properties prior to a building permit being issued to prevent property lines passing through the middle of the new building. (Section 204, Setbacks)
2. The warehouse expansion shall receive approval of Albemarle Regional Health Services for wastewater disposal prior to a building permit being issued. (Section 603)
3. The required type C bufferyard shall be extended along the right side to the woods line. (Section 503-506)
4. The sight plan must show a fire apparatus area and turnaround. (Fire Prevention Code)

Staff Recommendations:

1. Staff recommends that all exterior lighting comply with the standards set for buildings greater than 20,000 SF (Art. 6, Part IV) to not excessively illuminate the neighboring properties.
2. Staff recommends a Type A bufferyard installation to screen all areas with outdoor storage and a type B bufferyard along US 158.

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

Commissioner Gregory moved to approve with findings of fact and Planning Board's recommendation. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on an Ordinance Creating a new Article IV, "Cross Connection Control"

Dan Scanlon, County Manager, reviewed the fee schedule for violation of this ordinance.

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

Discussion on Carova Beach Park

Commissioner Bowden questioned when design would be on this park.

Kate McKenzie, County Attorney, stated that a grant application will be submitted for a public access park early in 2007.

Commissioner Bowden requested that a boat ramp and dock was needed for this park. Staff will contact WRC.

Consideration of Currituck Chamber of Commerce proposal for July 4th celebration.

deleted

Approval of Nextel Lease Agreement for Corolla Communication Tower

Kate McKenzie, County Attorney, reviewed the lease agreement.

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

Appointment of Commissioner to Recreation Board

Commissioner Gregory was nominated to Recreation Board.

Appointment of Commissioner to Social Services Board

Commissioner Taylor was nominated to the Social Services Board.

Appointment of Commissioner to CDBG Committee

Commissioner Gregory was nominated to CDBG Committee.

Appointment of Commissioner to Airport Board

Commissioner Gregory was nominated to Airport Board.

Appointment of Commissioner to Economic Development

Chairman Nelms was nominated to ED Board.

Appointment of Commissioner to Albemarle Solid Waste Authority.

Commissioner Etheridge was nominated to Solid Waste Authority.

Appointment of a Commissioner to Traffic Solutions Committee for the Outer Banks Transportation Task Force.

Chairman Nelms was nominated to OB Traffic Solutions.

Albemarle Mental Health

Commissioner Etheridge was nominated to the Mental Health Board.

Commissioner Gregory closed the above nominations. Commissioner Bowden seconded the motion. All nominations were approved by acclamation.

Appointment to Land Transfer Tax Appeals Board

Commissioner Gregory appointed Gary Barco and Mike Painter. Commissioner Bowden seconded the motion. Motion carried.

Discussion and action on Board of Commissioners' meeting schedule

Dan Scanlon, County Manager, stated that the Board would like to make their meetings more accessible and encourage all citizens of the county to attend.

Commissioner Etheridge stated that he would like to have a public hearing on this.

Commissioner Taylor agreed.

Chairman Nelms stated that there was no intention by the Board to make their meetings secret.

Thomas Roddy, opposes day meeting.

Alex, high school student, opposes day meetings.

Kevin Burwell, opposes day meetings.

Jennifer Lancaster, opposes day meetings.

Wende Shannon, opposes day meetings.

Juanita Krause, opposes day meetings.

John Snowden, opposes day meetings.

Mario Asaro, was not aware of changing the districts.

Commissioner Taylor moved to hold a public hearing at the next meeting. Commissioner Etheridge seconded the motion. Motion carried.

Discussion on Corolla Incorporation

Gary McGee presented the Board with a petition of 197 signatures supporting incorporation. Mr. McGee reviewed the procedure they would take to incorporate. He also stated that they did not need the support of Commissioners.

Jack Burke, supports incorporation and the right to vote on incorporation.

Herb Robbins, supports incorporation.

Commissioner Bowden stated that this item was not advertised for action.

Commissioner Etheridge agreed that should be advertised for action.

Commissioner Gregory supported bringing back to Board.

Chairman Nelms stated that the citizens of Corolla are only asking for support to have residents to vote on incorporation.

Commissioner Bowden moved to table. Commissioner Etheridge seconded the motion. Motion carried with Chairman Nelms voting no.

Consent Agenda:

A. Approval of Agreement with Board of Education for sales tax refunds.

B. Resolution of support for Development of a Comprehensive Transportation Plan

C. Resolution Surplus Property

D. Budget Amendments

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

Request of Early Support for Development of a Comprehensive Transportation Plan Covering Currituck County of Currituck

WHEREAS, the North Carolina Department of Transportation (NCDOT) has determined that all counties and municipalities in North Carolina need updated Comprehensive Transportation Plans (CTP's); and

WHEREAS, CTP's are intended to replace outdated Thoroughfare Plans developed by and for NCDOT to identify transportation projects that meet needs in the State of NC and provide information for the State's Transportation Improvement Plan (TIP); and

WHEREAS, Currituck County has approved a recent Land Use Plan; and

WHEREAS, the Albemarle Rural Transportation Planning Organization (RPO) has been asked by NCDOT to prioritize the counties and municipalities contained in its ten-county membership area for future funding of CTP's (Currituck County belongs to this RPO); and

WHEREAS, the Outer Banks Transportation Task Force (OBTTF)- with members from Dare and Currituck Counties – has already been working for three years to develop plans for future road and intersection improvements, a network of bicycle and pedestrian pathways, and new public transportation service – all elements of a CTP.

NOW, THEREFORE, the OBTTF, Currituck County request high priority and assistance from NCDOT as soon as possible for development of usable Comprehensive Transportation Plan for the County.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-514500	Training & Education	\$ 500	
10380-482000	Miscellaneous		\$ 500
		\$ 500	\$ 500

Explanation: Emergency Services (10530) - Increase budgeted line items to reflect a \$500 donation to Currituck EMS from a resident. The department would like to use this donation for additional training & education.

Net Budget Effect: Operating Fund (10) - Increased by \$500.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-502100	Salaries - Overtime	\$ 106,000	
10530-503500	Salaries - Temp Services	\$ 175,000	
10530-502000	Salaries		\$ 281,000
		\$ 281,000	\$ 281,000

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
10430-514801	Fees Paid to Precinct Officials	\$	2,624		
10430-503000	Salaries - Part time			\$	2,624
			<u>\$ 2,624</u>		<u>\$ 2,624</u>

Explanation: Elections (430) - Transfer funds from Salaries - Part time to Fees Paid to Precinct Officials for 20 additional high school student assistants and other workers to make sure that each precinct did not have long lines.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
10490-516000	Maintenance & repair	\$	4,200		
10490-516003	Maintenance & repair - court facilities	\$	15,700		
10490-545000	Contract Services	\$	1,000		
10490-545003	Contract Services - court facilities	\$	2,500		
10330-422000	Court Facility Fees			\$	2,500
10380-467000	Sale of Materials			\$	1,000
10380-484001	Insurance Recovery			\$	19,900
			<u>\$ 23,400</u>		<u>\$ 23,400</u>

Explanation: Court Facility Fees (490) - Increase maintenance and repair to repair water damage in August and during Tropical Storm Ernesto. These repairs have been reimbursed by property insurance. Also, increase contract services for increase in the lawncare/landscaping contract for the Judicial building.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-532000	Supplies Emergency Management	\$ 700	
10330-445000	Grants		\$ 700
		<u>\$ 700</u>	<u>\$ 700</u>

Explanation: Emergency Management (531) - To record Emergency Management Grant from the Surry Nuclear Plant. Funds will be used for upgrades to the satellite system on the Emergency Management vehicle.

Net Budget Effect: Operating Fund (10) - increased by \$700.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10950-510000	Project Graduation	\$ 3,000	
10330-416000	Gasoline Tax Refunds		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

Explanation: Agency Appropriations (950) - Increase in budget appropriation for project graduation. This year the project graduation committee anticipates the senior class to exceed 260 students, which is over 100 more seniors than last year.

Net Budget Effect: Operating Fund (10) - increased by \$3,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50550-592003	1500' Runway Ext & Env Assessment	\$ 327,552	
50380-481000	Investment Earnings		\$ 327,552
		<u>\$ 327,552</u>	<u>\$ 327,552</u>

Explanation: Airport Construction (50550) - Increase budgeted line items to reflect Barnhill Contracting Company change orders for the runway expansion and environmental assessment at the airport: 1 - \$83,132.00, Clearing and disposal, cable trenchwork, obstruction lights; 2 - \$258,490.00, Wetland clearing, silt fencing and seeding; 3 - (\$14,070.41), final contract adjustments for project.

Net Budget Effect: Governmental Facilities Fund (50) - Increased by \$327,552.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50511-596100	Professional Services	\$ 10,000	
50511-588000	Contingency		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: Jail Kitchen (50511) - Transfer funds from contingency for additional professional services for construction of the jail kitchen.

Net Budget Effect: Governmental Facilities Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-576003	Youth Flag Football	\$ 500	
10795-576015	Tackle Football	\$ 105	
10795-590000	Capital Outlay	\$ 800	
10350-469001	Flag Football		\$ 500
10350-469015	Tackle Football		\$ 105
10380-484001	Insurance Recovery		\$ 800
		\$ 1,405	\$ 1,405

Explanation: Recreation (10795) - Increase community recreation activities due to increased participation and increased capital outlay to replace stolen picnic tables from Sound Park.

Net Budget Effect: Operating Fund (10) - Increased by \$1,405.

Commissioner's Report

Commissioner Gregory stated that the trolley is still at the studying stage, no towns in Dare have approved the trolley.

The Board agreed to have a work session to discuss redistricting.

County Manager's Report

Dan Scanlon, County Manager, stated that the new Extension building is on schedule.

Adjourn

There being no further business, the meeting adjourned.