

CURRITUCK COUNTY  
NORTH CAROLINA  
July 17, 2006

The Board of Commissioners met prior to their regular meeting at 5:00 to discuss redistricting. The Board met with the Department of Transportation at 6:00 p.m. to discuss the Fiscal 2006 Secondary Road Program.

Wilma Burton, Woodard Acres, stated that they have been trying for over 30 years to get this road paved and wanted to know what could be done.

Chairman O'Neal requested that she meet with the Department of Transportation for assistance.

Gene Gregory, commented on the paving of Indiantown Road.

John Snowden, requested assistance with drainage of a ditch in Maple.

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

**RESOLUTION  
IN SUPPORT OF IMPROVEMENTS TO SURVEY ROAD**

**WHEREAS**, in 2001, Moyock Middle School was constructed at 216 Survey Road (State Road 1215), Moyock, North Carolina; and

**WHEREAS**, Survey Road is the only access road from NC Highway 168, Caratoke Highway, for school traffic; and

**WHEREAS**, Survey Road has proven to be too narrow for bus and other vehicular traffic to travel safely; and

**WHEREAS**, increased traffic from NC 168 necessitates the installation of a turn lane on NC 168; and

**WHEREAS**, the Currituck County Board of Education has requested of the NC Department of Transportation that Survey Road be widened and a turn lane be constructed at the intersection of NC 168 and Survey Road to allow for safe turning from NC 168 and passage of vehicular traffic on Survey Road;

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners strongly supports the request that the NC Department of Transportation widen Survey Road (SR 1215) and construct a turn lane at the intersection of NC 168 and Survey Road; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Lyndo Tippet, Secretary of the Department of Transportation, Senator Marc Basnight, Representative Bill Owens, and Stan White, Board of Transportation Member.

RESOLUTION  
SECONDARY ROAD CONSTRUCTION

Project listing for Currituck County  
Fiscal Year 2006

NOW, THEREFORE BE IT RESOLVED, that during their regular Board meeting held on July 17, 2006 upon motion by Commissioner Martin and seconded by Commissioner Miller and unanimously voted upon, the Currituck County Board of Commissioners hereby support the Proposed Secondary Road Improvement Program for fiscal year 2006 as presented by the North Carolina Department of Transportation (estimated allocation of \$446,450.00).

The Board of Commissioners met on Monday, July 17, 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 O'Neal, Vice Chair Martin, Commissioners Bowden, Miller and Etheridge.

**Invocation and Pledge of Allegiance**

The Reverend Charles Gregory was present to give the invocation.

**Approval of Agenda**

Commissioner Etheridge moved to amend the agenda by deleting Item 9 & 14 and add to consent agenda a budget amendment. Commissioner Martin seconded the motion. Motion carried.

**Diane Bray, Senior Center, update on senior programs**

- Item 1            **Recognition of John Forbes**
- Item 2            **Public Hearing and Action on PB 06-26 BURRUS/R&E DEVELOPMENT** Rezone approximately 49 acres from Agricultural (A) to General Business (GB) on property located on Caratoke Highway approximately 890 feet south of The Pointe Golf Club Drive. Tax map 124, Parcel 105, Poplar Branch Township.
- Item 3            **Action on PB 98-12 FREEDOM BUSINESS PARK, PHASE III** Amended Preliminary Plat for 8 lots on property located no the north side of Freedom Ave approximately 1600' east of Caratoke Hwy. Tax Map 124, Parcels 27B and 41A, Poplar Branch Township.
- Item 4            **Public Hearing and Action PB 06-27 VILLAGE SQUARE AT CURRITUCK** Sketch Plan/Special Use Permit for a 10 lot Commercial Subdivision on property located on NC 168 across from the Currituck County Governmental Center. Tax map 50, Parcel 113F, Crawford Township.
- Item 5            **Public Hearing and Action PB 06-29 SNOW GOOSE LANDING** Sketch Plan/Special Use Permit for a 16 lot residential subdivision on property located off Bells Island Rd., approximately 1500 feet east of Caratoke Highway. Tax map 58, Parcel 27, Crawford Township.

- Item 6            **Public Hearing and Action on County Park Rules and Regulations**
- Item 7            **Action on PB 06-15 VILLAS OF KILMARLIC- MULTI FAMILY OVERLAY** Residential I Multi-Family Overlay Zone on 12.2 acres. The five properties are located adjacent to the entrance to the Kilmarlic Club. Tax Map, 124 Parcels 54, 55, 56, 57A, and 57F, Poplar Branch Township
- Item 8            **Public Hearing and Action on PB 06-25 WGH&L, LLC MULTI FAMILY OVERLAY** Residential Multi-Family Overlay zone on 10.31 acres located adjacent to the entrance of the Kilmarlic Club on North Side Lane at the site of the Kilmarlic Racquet and Swim Club. Tax Map 124, Parcel 57B, Poplar Branch Township.
- Item 9            **Public Hearing and Action on PB 06-21 GLEN ESTES, JR.** Rezone two parcels totaling approximately 1.3 acres from mixed Residential (RA) to General Business (GB) on property located to the south of the intersection of Caratoke Highway and East Ridge Rd. Tax map 41, Parcel 47 and Tax Map 47, Parcel 46C, Crawford Township.
- Item 10           **Public Hearing and Action on PB 06-28 WRIGHT/EPCO** Rezone approximately 11.49 acres from Agricultural (A) to General Business (GB) on property located on Summer Woods Rd. south of Grandy, approximately 450 feet from Caratoke Highway. Tax Map 108, Parcel 62JC, Poplar Branch Township.
- Item 11           **Public Hearing and Action on PB 06-24 LAUREL WOODS ESTATES** Sketch Plan/Special Use Permit for a 160 lot Conservation Subdivision on property located at on the west side of Caratoke Highway, ½ mile north of the intersection with Bells Island Rd. Tax Map 50, Lots 70A, 70B, Crawford Township.
- Item 12           **Appointment to Recreation Advisory Board** Recommend Appointment of Sam Casey to replace Mike Wilson
- Item 13           **Consent Agenda:**  
Budget amendment  
Approval of June 19, 2006, Minutes  
Social Services request Currituck County as a Standard County for the Work first Program  
Request DOT to add Freedom Ave. to the State System  
Lease Agreement for Corolla Schoolhouse
- Item 14           Commissioner's Report
- Item 15           County Manager's Report
- Item 16           **Closed Session According to GS 143-318.11(5) to discuss land acquisition**
- Item 17           Adjourn

## Public Comment

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

Chairman O'Neal opened the public comment period.

Eric Ewell, Quail Run, requested the Board for an ordinance to stop riding of ATV's and dirt bikes on private property due to noise and safety.

Phyllis Rogerson, Quail Run, also commented on the ATV's and dirt bikes on private property.

Chairman O'Neal requested the County Attorney to research what could be done by the county.

Dan Scanlon, County Manager again reviewed the water demand and update on upgrade of water system.

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

**Diane Bray, Senior Center, update on senior programs**

Diane Bray, Senior Citizen Coordinator, stated that the purpose of the Senior Center is to promote the physical, emotional and mental well-being of older adults and to encourage their participation in the community. Ms. Bray reviewed the programs offered by the Senior Center.

Doris Balance, Waterlily Road, commended the Commissioners for their support of the Senior Center.

**Recognition of John Forbes**

The Board recognized Mr. John Forbes by adopting the following resolution.

**RESOLUTION  
HONORING  
JOHN W. FORBES, JR.**

**WHEREAS**, John W. Forbes, Jr. , was honored as the 2005 "Volunteer of the Year" by Dominion Power, for his outstanding community service efforts, and

**WHEREAS**, John Forbes has demonstrated an overwhelming commitment to volunteerism by contributing over 1,000 hours a year to the citizens of Currituck County, and

**WHEREAS**, John Forbes has demonstrated this spirit of service by donating his time, expertise, and resources to the Crawford Volunteer Fire Department and the Currituck Ruritan Club, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Currituck County Board of Commissioners hereby honors John Forbes for his many years of extraordinary contributions to Currituck County and his inspiration to others;

**BE IT FURTHER RESOLVED**, that this resolution be spread upon the minutes of the Currituck County Board of Commissioners as a permanent record of the contributions of one of Currituck County's finest citizens, and that the original be presented to John Forbes with sincere appreciation.

**Public Hearing and Action on PB 06-26 BURRUS/R&E DEVELOPMENT**

Rezone approximately 49 acres from Agricultural (A) to General Business (GB) on property located on Caratoke Highway approximately 890 feet south of The Pointe Golf Club Drive. Tax map 124, Parcel 105, Poplar Branch Township.

Sarah Keifer, Planning Director, presented the request.

**TYPE OF REQUEST:** Rezone approximately 49 acres from Agricultural (A) to General Business (GB).

**LOCATION:** The property is located on Caratoke Hwy., 890 feet south of Pointe Golf Club Drive, Tax Map 124, Parcel 105, Poplar Branch Township, Currituck Co.

**TAX ID:** Tax Map 124, Parcel 105  
(0124-000-0105-0000)

**OWNER:** William and Allen Burrus  
PO Box 27  
Hatteras, NC 27943

**APPLICANT:** R&E Developments. LLC  
821 Ocean Trail  
Corolla, NC 27927

**AGENT/ ENGINEER:** Quible & Associates, P.C.  
PO Drawer 870  
Kitty Hawk, NC 27949

<b>ZONING:</b>	<b><u>Current Zoning</u></b> Split Zoned- 8 acres General Business (GB) 49 acres Agricultural (A)	<b><u>Proposed Zoning</u></b> General Business (GB)
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**ZONING HISTORY:** Since 1989 this property has been split zoned as Agricultural and General Business.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Golf Course and Residential	GB and A
<b>SOUTH</b>	Mix of Residential and Commercial (Storage)	GB and A
<b>EAST:</b>	Vacant	A
<b>WEST:</b>	Across Caratoke Highway: Mix of Commercial and Residential Uses	GB, HM, LM

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** No specific use is indicated.

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

**GENERAL BUSINESS 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:**

The 1990 Land Use Plan classifies this property as **Limited Transition** and **Rural**.

The purpose of the limited transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes.

The purpose of the Rural classification is to “provide for agricultural, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region.” The Rural areas are designated for low density dispersed single family housing at a density of one unit per acre.

The Land Use Plan classification boundary generally follows the General Business zoning line in this area.

The uses allowed within the General Business district are consistent with the Limited Transition class but not consistent with the Rural class.

**PUBLIC SERVICES AND UTILITIES:**

Crawford 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 Caratoke Highway.

**FLOOD ZONE:**

The property is located in Flood Zones AE (6) and X. Approximately 40 acres are in a flood zone.

**SOILS:**

The Currituck County Soil Suitability map indicates the parcel contains soils that are both Marginal and Non-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. There are currently over 400 acres of vacant land zoned general Business in the Harbinger/Point Harbor area.

It does not appear that this request meets the criteria for satisfying a public need or demand. Therefore, staff maintains that the proposed rezoning does not satisfy the standard for rezoning articulated in the ordinance and recommends **denial**.

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.

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#### **PLANNING BOARD DISCUSSION**

Eddie Valdivieso, Quible & Associates, appeared before the board.

Mr. Keel asked what the acreage is.

Mr. Valdivieso said that the total is 57, part of the property is already zoned GB.

Mr. Valdivieso gave the board an aerial photo of the property and the Land Classification Map and described the location of the property and the surrounding areas. He said that the staff is recommending denial based on the 1990 land use plan.

Ms. Keifer pointed out that the Land Classification Map has not been adopted, in addition this is not the current copy of the proposed map that has been sent to the State for approval.

Mr. Valdivieso rebutted the second reason that the staff gave for denial.

Ms. Keifer clarified the section being quoted from the UDO.

Ms. Turner made the statement that there is no ‘need’ for public use.

Mr. West cited section 2406 regarding ‘health, safety, and welfare’. He said that traffic could be a safety issue.

Mr. Valdivieso argued that this is a mixed use and could potentially keep the homeowners off the road because the conveniences would be there.

Mr. Keith Hall owner of The Point Golf Club, spoke regarding the application. He asked about the use according to the Land Use Plan.

Ms. Keifer stated that the 1990 plan recommends low density, rural uses.

Mr. Hall stated that someone else had previously requested a light industrial use in this area. He is concerned about the use that will eventually be approved for this property, as it may affect his investment.

Renita Prince, adjoining property owner, stated her opposition to the application. She is interested in keeping it a residential area.

Mr. Eric Avery, applicant, stated that he is interested in a Golf Villa style design and keeping it comparable with the high end resort type area.

**PLANNING BOARD ACTION**

Mr. Kovacs motion denial. Ms. Turner seconded the motion. Motion passed 6-2 with Mr. West and Mr. Bell voting no.

Chairman O'Neal opened the public hearing.

Nellie Heely, Broker for owner, supports the request.

Ken Griggs, supports the request.

Hank Griffin, Manteo, supports the request.

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

Chairman O'Neal moved to approve. Commissioner Bowden seconded the motion. Motion carried.

**Action on PB 98-12 FREEDOM BUSINESS PARK, PHASE III** Amended Preliminary Plat for 8 lots on property located on the north side of Freedom Ave approximately 1600' east of Caratoke Hwy. Tax Map 124, Parcels 27B and 41A, Poplar Branch Township.

Sarah Keifer, Planning Director, reviewed the request.

**ITEM: PB 98-12 FREEDOM BUSINESS PARK PHASE III, AMENDED PRELIMINARY PLAT FOR 8 LIGHT MANUFACTURING LOTS**

**LOCATION:** On the north side of Freedom Ave. approximately 1,600' east of the intersection with Caratoke Highway, Poplar Branch Township.

**TAX ID:** Tax Map 124 Parcels 27B and 41A  
**ZONING DISTRICT:** Light Manufacturing

**OWNER:**  
Michael & Gay Kuntz  
326 N. Spot Road  
Powells Point, NC 27966

**APPLICANT/AGENT**  
The Spectra Group  
563 Central Drive  
Virginia Beach, VA 27966

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

**NORTH:** Low Density Residential - zoned A  
**SOUTH:** Light Manufacturing & Business Uses – zoned GB & LM  
**EAST:** Low Density Residential - zoned A  
**WEST:** Low Density Residential - zoned A & R

**SCHOOL DISTRICT:** Poplar Branch

**FIRE DISTRICT:** Lower Currituck V.F.D.

**SIZE OF SITE:** 21.08 Acres

**NUMBER OF LOTS:** 8 for this approval, 27 total in Phase 3,  
51 Total for the Park

**DENSITY:** 0.9 unit / acre

**MINIMUM LOT SIZE:** 40,000 SF

**STREETS:** The streets will be built to NCDOT Design and Construction standards. The developer expects the street 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 and will be served by fire hydrants.

**WASTEWATER:** Individual, on-site septic systems are proposed.

**SOILS:** The Currituck County Soil Suitability Map classifies this site as both provisionally suitable and Albemarle Regional Health classified the 8 lots as provisionally suitable on March 15, 2006.

**SCHOOL CAPACITIES:** The School Capacity for this development was approved when the Amended Sketch Plan was granted December 2, 2002.

**OPEN SPACE:** No open space is required or provided.

**DRAINAGE:** Stormwater permit SW7 050207 for Phases II and III was issued May 31, 2005. This high density permit required 2 of the lots to be used for stormwater retention areas. The design complies with this permit.

**NARRATIVE OF REQUEST:**

The Kuntzs are seeking Amended Preliminary approval for the 8 lots that originally did not receive septic approval. Corrections to the plan were made following the Technical Review Committee meeting May 17, 2006.

The subdivision has one point of entry from Caratoke Highway. The lots will require individual septic systems and the developer will connect to the county's water system and install a waterline and fire hydrants.

The original four lots of this development were approved as a Private Access Subdivision. In March 2001 sketch plan approval was granted for a 27 lot commercial and light manufacturing subdivision. On January 7, 2002 preliminary plat approval was granted for 25 of the lots, a two lot reduction from the originally approved sketch plan. Final Plat approval for 24 lots was granted in April of 2002. Due to an on-site stormwater retention requirements, there was the loss of one lot in Phase II.

In June 2002, the Board of Commissioners approved a rezoning of 29.27 acres from A (Agricultural) to LM (Light Manufacturing) for the purpose of allowing the continued expansion of this commercial & light manufacturing subdivision. In December 2002, amended sketch plan approval was granted for Phase III and an additional 28 lots for a total of 52 lots within the development. Two of the lots were required to be stormwater retention area by NC Division of Water Quality on May 31, 2005. The current total of lots is 51.

The following TRC approvals have been made:

- (a) County Engineer/ Soil & Water Conservation - conditionally approved pending pad elevations on the lots.  
NOTE: The grading, drainage plans were previously at the September 6, 2005 Board of Commissioners meeting.
- (b) Fire Marshal – The cul-de-sac on Peace Court shall be improved to a 95' diameter of hard surface capable of supporting a 75,000 pound fire apparatus prior to Final Plat submission. Gravel or any other loose aggregate material does not constitute an all weather driving surface as specified in the plan.

- (c) Albemarle Regional Health Services –Classified the 8 lots as provisionally suitable on March 15, 2006 that were previously not approved. All of the lots in Phase III are now approved for on-site septic.
- (d) County Water Department – provide the average ditch depths in front of each lot; provide weekly progress report of events during construction of water system.
- (e) County Mapper – approved as is
- (f) Lower Currituck Volunteer Fire Department – no comments received
- (g) Emergency Management Services - reviewed with no comments
- (h) Recreation Department – reviewed with no comments
- (i) NCDENR, Water Quality – Stormwater Permit – High density stormwater permit issued
- (j) NCDENR, Land Quality Section – Erosion & Sedimentation control permit issued.
- (k) NCDOT – driveway permit not required
- (l) Phone Company – there is a 400 pair telephone cable buried on the south side of Freedom Avenue.
- (m) Superintendent of Schools - reviewed with no comments
- (n) Power –reviewed with no comments
- (o) CAMA – outside of the permitting jurisdiction
- (p) USACOE – outside of the permitting jurisdiction

**STAFF RECOMMENDATION:**

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

**CODE REQUIREMENTS:**

1. Street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval;
2. The drainage improvements shall be installed, as-built and certified prior to submission for final plat approval;
3. The cul-de-sac on Peace Court shall be improved to a 95' diameter of hard surface capable of supporting a 75,000 pound fire apparatus prior to Final Plat submission. Gravel or any other loose aggregate material does not constitute an all weather driving surface as specified in the plan.
4. A recombination plat shall be filed adjacent to the Scott property (Tax Map 123, Parcels 89B and 89C) and the preliminary plat shall be corrected to indicate the recordation of the plat or the Preliminary Plat shall show the property in its current configuration. This recordation is required prior to Final Plat submission.
5. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions.

The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval;

6. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.

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## **PLANNING BOARD DISCUSSION**

Chris Taylor, The Spectra Group, appeared before the board.

Mr. Taylor said that he had concerns with requirements #3, but the owner has since paved the shoulder and there are no objections with any requirements.

Mr. Kovacs asked if the shoulder would support the fire apparatus.

Mr. Webb stated that the owner was working with the fire marshal to approve the development.

## **PLANNING BOARD ACTION**

Mr. Keel motioned to approve the request as presented. Ms. Turner seconded the motion. Motioned passed unanimously.

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

## **Public Hearing and Action PB 06-27 VILLAGE SQUARE AT CURRITUCK**

Sketch Plan/Special Use Permit for a 10 lot Commercial Subdivision on property located on NC 168 across from the Currituck County Governmental Center. Tax map 50, Parcel 113F, Crawford Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

<b>ITEM:</b>	PB 06-27 Village Square at Currituck- Sketch Plan/ Special Use Permit for a 10 lot Commercial Subdivision
<b>LOCATION:</b>	The property is located on NC 168 across from the Currituck County Governmental Center
<b>TAX ID:</b>	Tax Map 50, Parcel 113F
<b>ZONING DISTRICT:</b>	General Business (GB)
<b>PRESENT USE:</b>	Vacant woodlands

**OWNER:** Village Square at Currituck, LLC.  
 PO Box 100  
 Currituck, NC 27929

**APPLICANT:** William Brumsey, III  
 PO Box 100  
 Currituck, NC 27929

**ENGINEER:** Bissell Professional Group  
 PO Box 1068  
 Kitty Hawk, NC 27949

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Vacant Woodlands	GB
<b>SOUTH</b>	Residential and Vacant Woodlands	GB
<b>EAST:</b>	County Governmental Center	R
<b>WEST:</b>	Agricultural and woodlands (Currituck Fields Sketch Plan Approved for 26 lots on adjacent parcel)	RA

**SCHOOL DISTRICT:** Crawford

**FIRE DISTRICT:** Crawford V.F.D.

**SIZE OF SITE:** 10.80 Acres

**NUMBER OF LOTS:** 10

**DENSITY:** 0.92 unit / acre

**MINIMUM LOT SIZE:** 40,000 Square Feet

**AVERAGE LOT SIZE:** 41,013 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:** The site will be served by County water. The proposed water use is 13,700 gallons per day according to the impact statement.

**WASTEWATER:** On-site septic systems are proposed. The areas proposed for lots are suitable, marginal and non-suitable soil types according to the Currituck County Septic Suitability Map.

**OPEN SPACE:** No open space is required or provided.

**DRAINAGE:** The preliminary drainage plan indicates infiltration and collector swales.

**FLOOD ZONES:** The property is out of the 100 year flood zone (Zone X).

**LAND USE PLAN  
CLASSIFICATION:**

The 1990 Land Use Plan classifies this property Community (Currituck 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 others needs in rural areas.

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

**NARRATIVE OF REQUEST:**

The applicant is seeking approval of a 10 lot commercial subdivision. The applicant is proposing "a development of well coordinated buildings on approximately 11 acres along NC 168."(Village Square at Currituck Development Impact Statement, April 28, 2006)

This project adjoins the property where the Currituck Fields 26 lot residential subdivision is proposed. Currituck Fields received Sketch Plan approval December 5, 2005.

**APPLICATION HISTORY:**

The Sketch Plan application was submitted on April 28, 2006 as a 10 lot commercial subdivision.

A re-submission was made May 24, 2006 following the TRC meeting.

**TRC REVIEW**

A Technical Review Meeting was held on May 17, 2006 and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was approved with the following comments:
  - a. A deceleration lane may be needed.
2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** Approved with the following comments:
  - a. Please identify what type of waterline is to be installed.
  - b. Please be advised that a stormwater management plan and DWQ SW permit will be required at Preliminary Plat stage.
3. **CURRITUCK COUNTY WATER DEPARTMENT:** Submit waterline plans for review, showing the lines within the road R/W's. The water line to Currituck Fields that will connect to Currituck Fields should not be placed on any lots.
4. **CURRITUCK COUNTY FIRE SERVICES:** The plan was approved with the following comments:
  - a. It is unclear if this indicating a cul-de-sac of 96' all weather driving surface capable of with standing 75,000 lbs

5. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
6. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comments:
  - a. Submit street name form for review and approval.
7. **CURRITUCK COUNTY SCHOOLS:** The plan was reviewed with no comment.
8. **CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was approved with no comment.
9. **N.C. DIVISION OF COASTAL MANAGEMENT:** The property is outside of an Area of Environmental Concern.
10. **ALBEMARLE REGIONAL HEALTH SERVICES:** The Health Department did not submit comments nor attend the Technical Review Committee Meeting.

#### **SCHOOL**

**CAPACITIES:** No school capacity will be allocated because this is a commercial subdivision.

#### **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.
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 commercial subdivision should have no negative impact on adjoining property because the adjoining properties are low density residential, governmental, or agricultural.

- (c) *Will be in harmony with the area in which it is located.*  
This low density commercial subdivision will be in harmony with the mixed business and residential character of the area.
- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The 1990 Land Use Plan classifies this property as Community. This development will be in conformity with the Land Use 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 exist or will exist to meet the demands generated by this subdivision.**

#### **PLANNING STAFF RECOMMENDATION:**

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **approval** of the application 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 and a North Carolina Sedimentation and Erosion Control Permit along with the plans required by the UDO.
2. At the Preliminary Plat stage the applicant will have to indicate minimum lot setbacks to demonstrate that all lots will support the proposed commercial structures.
3. A site landscaping plan for the subdivision shall be submitted at the Preliminary Plat stage.

##### **Recommendations:**

Recently a number of concerns have been expressed regarding the character of development along Caratoke Highway. The Highway is the gateway to Currituck and it is in the public interest to treat the corridor with special consideration. With that in mind, staff suggests the following architectural and site design criteria are attached as conditions of the Special Use Permit approval for the subdivision:

General

1. Building elevations shall be submitted along with site plans to the Technical Review Committee to determine compliance with the following standards.
2. The standards are to be administered by the permit issuing authority identified in the UDO.

Building Facade

1. The principal building façade of proposed buildings shall be oriented toward the primary street frontage and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner or dual frontage properties shall reflect a public façade on both streets.
2. Facades shall be designed to reduce the massive scale and the one dimensional appearance of large retail buildings and to provide visual interest.
3. Large expanses of blank walls are to be avoided. The public facade shall incorporate windows and primary doorway entrances along the street frontage as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines, and overhangs.
4. The corridor elevation along Caratoke Highway shall incorporate functioning windows into the overall design concept. Functioning windows shall be defined as those windows which let light into the interior of the structure and are integrated and related to the interior layout of the space.
5. In addition to functioning windows, the corridor elevations shall contain at least two of the following elements:
  - a. A primary entrance door or doors (except for loading doors).
  - b. A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.
  - c. Landscaping integrated into the building design concept.
  - d. Architectural or urban design elements, which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
  - e. Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines.
6. Screening. The following items shall be located so as to minimize visibility from the roadway, adjacent properties and other public areas and shall be screened from public view:
  - i. Service bays;
  - ii. Loading docks and platforms;
  - iii. Rooftop utilities;
  - iv. Satellite dishes;
  - v. Dumpsters; and
  - vi. Storage areas.

Building Materials

Building materials shall include brick, wood, fiber-cement siding, stone textured split face block, tinted and textured concrete masonry, or synthetic stucco. Metal building materials shall only be permitted on elevations not visible from the public right-of-way.

### Parking

No parking lot shall be designed to be closer than 50' from the Caratoke Highway right of way. No lot shall have direct access to Caratoke Highway. Access to the parking lot shall be from the approved subdivision street.

Parking lots shall be arranged in such a manner so that not more than twenty (20) parking spaces in a row shall be permitted without a landscaped island. Parking lot landscape islands shall be a minimum of ten (10) feet wide.

Parking lot screening adjacent to public right-of-way - Low profile screening shall be required when parking spaces would result in vehicles facing onto the roadway in addition to the requirements of Article 5, Bufferyard and Shading Requirements. Screening may consist of a low wall, evergreen hedge with minimum height of two (2) feet at time of planting planted three (3) feet apart on center and a maximum height of three (3) feet at maturity, or earth berm. Should a low wall be used, such wall shall be accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten (10) feet apart on center.

A minimum of five (5) percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.

### General Landscaping

Prior to Final Plat approval, a Type "C" landscape buffer shall be installed along the Caratoke Highway right-of-way and along the rear property lines that border properties zoned RA. Existing trees on the Highway shall be preserved where possible. This shall be shown as part of the Preliminary Plat Landscaping Plan.

Landscaping for all other lots will be according to UDO Article 5, Bufferyard and Shading Requirements

### Outdoor Display Areas,

1. All outdoor display areas, including garden centers and any seasonal sales, shall be enclosed on all sides with high-quality fencing such as fencing resembling wrought iron, (chain link fencing is prohibited).
2. All outdoor display areas shall be designated on the site plan and must not extend into parking areas.
3. Vending machines shall not be visible from public pedestrian areas outside the business structure, including garden areas.
4. Mechanical or HVAC equipment shall not be installed at ground level along any portion of a building facing a state or city maintained street or road or internal street or way unless such location is necessitated by the nature and design of the building it serves. Roof top installation may be allowed provided that such equipment is concealed behind a parapet wall.
5. A solid fence or wall and native plants shall screen any ground level equipment. Block or brick enclosures, if used, may include decorative openings within the block or brick pattern.

6. Shrubs shall be at least ten (10) gallons in size, and trees must be at least two (2) inches in caliper at planting.

**Other Recommendations**

1. The pedestrian access and waterline easement should be placed into open space as a separate parcel and not encumber the lot area of any of the 10 lots.
2. The pedestrian access shall be improved so it is clearly an access and not a part of a lot. The improvements shall be made prior to Final Plat, with the design of the improvements shown on the Preliminary Plat.

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**

Mr. Kovacs asked if Mr. Kingston agrees with the architectural standards.

Mr. Kingston said that he would like an exception to the parking within 50 feet of the highway.

Mr. West stated that there is no indication of what is happening to the signage on the site.

Mr. Bissell said that he believes the sign would come down, but cannot be sure at this time.

Mr. West speculated that the lease agreement on the sign could be ten years or more, and if the lease isn't bought out the development could lose those lots. He also asked if there is any thought on connectivity to another subdivision.

Mr. Kingston said that the owner is also owner of the development adjoining this property.

Mr. Bissell stated that the owner is opposed to residents of the residential area using the commercial development to access their property.

Ms. Turner asked if this is a type of development that would require a deceleration lane.

Ms. Keifer said that NCDOT comments indicated that a deceleration lane may be required.

Ms. Keifer said that there may not be an objection to parking exceptions on a site by site basis, but requests that the requirement is not eliminated altogether in order to give the staff more control over where the parking spaces are.

Ms. Keifer asked if the staff and the developer could compromise and agree that there would be no parking parallel to 168.

Mr. Kingston said that would be acceptable.

Ms. Turner asked if the person who purchases the lot with the sign would be able to develop the lot before the sign is removed.

Ms. Keifer said that approval could be conditioned with language about the sign.

**PLANNING BOARD ACTION**

Mr. Kovacs motioned to approve the request with recommendation that the sign on the property be removed prior to development and the parking requirements for the development be changed to prohibit parking parallel to the highway. Mr. Riley seconded the motion. Motion passed unanimously.

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

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

**Public Hearing and Action PB 06-29 SNOW GOOSE LANDING** Sketch Plan/Special Use Permit for a 16 lot residential subdivision on property located off Bells Island Rd., approximately 1500 feet east of Caratoke Highway. Tax map 58, Parcel 27, Crawford Township.

Sworn testimony was given prior to making comments.

Sarah Keifer, Planning Director, reviewed the request.

- ITEM:** PB 06-29 Snow Goose Landing- Sketch Plan/ Special Use Permit for a 16 lot Open Space Subdivision
- LOCATION:** The property is located off of Bells Island Road, approximately 1500 feet east of Caratoke Highway.
- TAX ID:** Tax Map 58, Lot 27
- ZONING DISTRICT:** Mixed Residential (RA)
- PRESENT USE:** Agriculture
- OWNERS:** Gwyn Sanderlin  
PO Box 1150  
Mt. Pleasant, SC 29465
- APPLICANT:** Edward A. Brumsey, Jr.  
3121 Caratoke Highway  
Currituck, NC 27949
- ENGINEER:** Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Residential and Agriculture	RA and R
<b>SOUTH</b>	Residential and Vacant Woodlands	RA
<b>EAST:</b>	Residential	R
<b>WEST:</b>	Residential	RA

**SCHOOL DISTRICT:** Crawford

**FIRE DISTRICT:** Crawford V.F.D.

**SIZE OF SITE:** 39.69

**NUMBER OF LOTS:** 16

**DENSITY:** 0.40 units / acre

**MINIMUM LOT SIZE:** Permitted minimum: 20,000 Square Feet (Open Space Subdivision)  
Proposed minimum: 35,000 Square Feet

**AVERAGE LOT SIZE:** 1.31 Acres

**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:** The site will be served by County water. The proposed water use is 1,920 gallons per day (120 GPD per home).

**WASTEWATER:** On-site septic systems are proposed. The areas proposed for lots are suitable and marginal soil types according to the Currituck County Septic Suitability Map

**OPEN SPACE:** 2.47 acres provided (1.18 acres upland)  
Open space is required to reduce the lots below 40,000 square feet. There is no additional open space requirement for subdivisions of less than 20 lots. Seven (7) lots are being reduced to 35,000 SF for an open space requirement of 35,000. The upland open space provided is 51, 400 SF (1.18 AC).

**DRAINAGE:** The preliminary drainage plan indicates infiltration and collector swales. Stormwater is indicated to flow to the wetlands and man made canal on the western areas of the property.

**FLOOD ZONES:** The property contains flood zones AE (4), Shaded X and X. All of the home sites are indicated to be out of the 100 year flood zone.

**LAND USE PLAN  
CLASSIFICATION:**

The 1990 Land Use Plan classifies this property as Rural with Services. The Rural with Services Class indicates low density residential uses that are served by county water are appropriate. Both of these classes support densities that are 1 unit per acre as proposed.

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

**NARRATIVE OF REQUEST:**

The applicant is seeking approval of a 16 lot Open Space Subdivision. Twenty-one (21) acres of the parcel will be used for lots. The remaining 18.69 acres are wetland areas or open space.

**APPLICATION HISTORY:**

A Pre-Application conference was held on April 19, 2006. At that time Bissell Professional Group presented the staff with a 15 lot conventional subdivision plan. The Sketch Plan application was submitted on April 28, 2006 as a 15 lot conventional subdivision under the name "The Creek at Parker's Ridge". A re-submission was made May 24, 2006 as a 16 lot Open Space subdivision following the TRC meeting under the name "Snow Goose Landing."

**TRC REVIEW**

A Technical Review Meeting was held on May 17, 2006, and the reviewing agencies had the following comments:

1. **NCDOT:** The plan was approved with the following comments:
  - a. A DOT Driveway permit will be required at the Preliminary Plat stage;
  - b. Need to show a typical street section with next phase;
  - c. Need to review a drainage plan prior to final plat approval;
2. **CURRITUCK COUNTY PUBLIC WORKS/ CURRITUCK COUNTY SOIL AND WATER:** Approved as is.
3. **CURRITUCK COUNTY WATER DEPARTMENT:** Submit waterline plans for review, showing an 8" line along the south side of Bell's Island Rd. to the east side of the sub-div entrance, thence under Bell's Isl. Rd. connecting to the existing 6" waterline located to the north.
4. **CURRITUCK COUNTY FIRE SERVICES:** The plan was approved with the following comments:
  - a. It is unclear if this indicating a cul-de-sac of 96' all weather driving surface capable of with standing 75,000 lbs
5. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
6. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comments:

- a. Submit street name form for review and approval.
- 7. **CURRITUCK COUNTY SCHOOLS:** The plan was reviewed with no comment.
- 8. **CURRITUCK COUNTY DEPARTMENT OF PLANNING AND INSPECTIONS, INSPECTIONS DIVISION:** The plan was approved with no comment.
- 9. **N.C. DIVISION OF COASTAL MANAGEMENT:** A 75' Estuarine Shoreline Area of Environmental Concern (AEC) is located along the existing man-made ditch/canal which runs between the wooded wetland area and proposed lots and into Coinjock Bay. The AEC appears to fall within Section 404 wetlands. Permits and/or authorization from the Division of Coastal Management (DCM) are needed for work within the AEC.
- 10. **ALBEMARLE REGIONAL HEALTH SERVICES:** The Health Department did not submit comments nor attend the Technical Review Committee Meeting.
- 11. **PLANNING AND INSPECTIONS, PLANNING DIVISION:** At the technical review meeting, the planning staff noted the Cul-De-Sac is over 1000' feet long in violation of Section 914, Streets. Staff suggested a loop road to meet the requirements of the UDO.

The revised plan shows a fire truck turn-around equal to a 96' diameter in an attempt to satisfy the requirement that no cul-de-sac street shall be over 1000' in length. This is not in conformity with the UDO.

**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:

6 elementary students; 1 middle student; and 2 high school students.

Projected School Capacities

School Level	Projected Capacity for 2008/09	Total Projected Students- Previous Sketch Plans	Remaining Capacity if <u>Snow Goose Landing</u> is approved
K- 5	2,004 (Moyock/ Crawford)	1,606	392
Middle	1,142	1062	79
High	1,456	1406	48

**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.
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 because the adjoining properties are low density residential or agricultural. The NCDOT did not comment on any traffic impacts the site will have.

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

This low density residential subdivision will be in harmony with the mixed agricultural and residential character of the area.

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The 1990 Land Use Plan classifies this property as Rural with Services. This development will be in conformity with the Land Use 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 school facilities exist or will exist to meet the demands generated by this subdivision.**

**PLANNING STAFF RECOMMENDATION:**

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **approval** of the application subject to the following conditions:

**Code Requirements:**

1. The applicant shall identify the zoning of each adjacent property.
2. At the Preliminary Plat stage, the applicant will be required to submit septic evaluations, a North Carolina Stormwater Management Permit and a North Carolina Sedimentation and Erosion Control Permit along with the plans required by the UDO.
3. At the Preliminary Plat stage the applicant will have to indicate minimum lot setbacks to demonstrate that all lots will support the proposed residences.
4. At the Preliminary Plat stage the applicant will have to demonstrate the proposed road will not create any structure setback non-conformities on adjacent lots.
5. At the Preliminary Plat stage the exact location of the 404 wetlands line shall be determined with a note indicating when the delineation was accepted by the US Army Corps of Engineers.
6. At the preliminary plat stage, any tree over 18" in diameter should be indicated. The existing trees over 18" shall be protected as indicated on the plan, according to section 514.
7. The Cul-de-sac shall not be over 1000' feet long unless approved by the Board of Commissioners as designed.
8. Indicate sight triangles at street intersections.

**Recommendations:**

1. The developer shall perform preliminary archeology to determine the full extent of the graveyard prior to preliminary plat submittal.
2. A fence or vegetative buffer should be installed to indicate the boundary of the open space from adjoining lots.
3. Lots 13 – 16 should have selective clearing only.
4. Indicate the proposed improvements to the open space and picnic area.
5. Indicate the ownership of the cemetery and who will be responsible for maintenance.

6. Staff recommends the road be re-designed to be a loop for better emergency vehicle access, traffic and pedestrian circulation. The current road layout with a cul-de-sac is over 1000' feet long with a 96' diameter fire truck turn-around at 750 feet.

The Board of Commissioners may approve the Sketch Plan as submitted under the following UDO provision, if there is a finding that the current road design will result in an equal or better performance.

#### Section 904 General Provisions

8. Modification or Waiving Subdivision Requirements: In approving a Sketch Plan (Amended 11/1/04) the Board of Commissioners may at its own discretion, or upon request from the subdivider, modify any standard or requirement of this Article where it is determined that an equal or better performance will result. In modifying any standard or requirement, the evaluation shall be made with regard to the overall performance in carrying out the purposes of these regulations. In approving a modification, the Board of Commissioners may attach additional conditions or requirements that will, in its judgement, secure the objectives, standards, or requirements so varied or modified. Modifications shall not include varying zoning provisions. Any modifications or waivers shall require a finding of fact issued by the Board of Commissioners.

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.

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#### **PLANNING BOARD DISCUSSION**

Mr. Kovacs stated that the cul de sac exceeds the county standards.

Ms. Keifer said that the cul de sac does exceed by a few hundred feet. The staff is looking to the Board to grant a waiver of the requirement. Connectivity on this site is not possible.

Mr. Kovacs stated concern with the picnic area and asked if this is the total recreational facility for the development.

Mr. Bissell said that there is access to the canal for recreation purposes. However, there is no physical improvement planned to the canal.

Mr. West asked where the existing drainage ditch would be relocated.

Mr. Bissell said it would be re routed to a property line.

Mr. Bissell spoke in response to the staff recommendations.

**PLANNING BOARD ACTION**

Mr. Kovacs motioned to approve the request as presented and with recommendation that a fee be designated in lieu of the picnic area. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman O’Neal opened the public hearing.

Clyde Moss, Currituck Landing, expressed concern with drainage on his property.

Matt Vaughan, Vaughan Lane, questioned the road and drainage.

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

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

**Public Hearing and Action on County Park Rules and Regulations**

**Deleted**

**Public Hearing and Action on PB 06-15 VILLAS OF KILMARLIC- MULTI FAMILY OVERLAY** Residential I Multi-Family Overlay Zone on 12.2 acres. The five properties are located adjacent to the entrance to the Kilmarlic Club. Tax Map, 124 Parcels 54, 55, 56, 57A, and 57F, Poplar Branch Township

Sarah Keifer, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Create a 12.2 acre Residential Multi-Family Overlay Zone on six properties

**LOCATION:** The six properties are located adjacent to the entrance to the Kilmarlic Club and north of West Side Lane.

**TAX ID:** Map 124, Parcels 57A, 54, 55, 56, and 57F

**OWNER:** Fortune Bay Commercial, LLC  
PO Box 279  
Harbinger, NC 27941

**ENGINEER:** Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

<b>ZONING:</b>	<b><u>Current Zoning</u></b> General Business	<b><u>Proposed Zoning</u></b> Residential Multi-Family Overlay
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**ZONING HISTORY:** Parcel 57F was split zoned GB and A on the April 2, 1989 zoning atlas and rezoned to be all GB on May 1, 2006.

Parcels 54, 56 and 57A were split zoned GB and A on the April 2, 1989 zoning atlas and were rezoned to GB on January 6, 2003.

The zoning of parcel 55 was GB on the April 2, 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Vacant	GB
<b>SOUTH</b>	Residential	HM
<b>EAST:</b>	Residential	A
<b>WEST:</b>	Vacant	GB

**EXISTING LAND USE:** Wooded and vacant. To the south and across the highway to the east are residential uses. To the west are the Kilmarnic Health and Racquet Club and vacant land. To the north is vacant. A Lower Currituck Fire Department station lies between parcels 55 and 56 on Caratoke Highway.

**PROPOSED LAND USE:** The applicant is proposing an upscale multi-family condominium development on the tract.

**LAND USE PLAN CLASSIFICATION:**

The 1990 Land Use Plan classifies this property as **Limited Transition**. The purpose of the limited transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes. However, the Limited Transition classification contemplates a maximum density of three (3) units per acre rather than the four (4) units per acre permitted by the RMF Overlay Zone.

**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 US 158 and West Side Lane.

**FLOOD ZONE:**

A portion of the property is located in flood zone AE (7). The remainder of the property is located outside of the flood zone (Zone X).

**SOILS:**

The Currituck County Soil Suitability map indicates this property contains soils that are Suitable.

**STAFF**

**RECOMMENDATION:**

The Residential Multi-Family Overlay District was created by the Board of Commissioners to provide for medium density residential development in close proximity to major thoroughfares and commercial zones. The district is designed to have insignificant impacts on surrounding single family residential development.

The maximum density for the subject site would be 4 units/acre or a total of 49 units. The site is served by public water and has access to Caratoke Highway. It appears that the subject site meets the criteria for the RMF overlay and would not negatively impact surrounding residential properties.

While the proposed overlay would not be considered consistent with the Land Use Plan, given that the subject site is currently zoned for General Business (an arguably more intensive use than residential); the small scale of the proposed project; the zoning classifications in the surrounding area; and the existing development in the immediate area, creation of the overlay district appears reasonable. Therefore, staff recommends **approval** of the request.

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.

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**PLANNING BOARD DISCUSSION**

Mr. Bobby Outten appeared before the board.

Mr. Outten restated the surrounding zoning and read the definition of the overlay district.

Mr. Kovacs asked if the soils are suitable for 40 units.

Ms. Keifer said that they appear to be. They will not be individual on-site units, she assumes they will be an engineered system.

Mr. Outten said that the ordinance controls what will happen on this site.

**PLANNING BOARD ACTION**

Ms. Turner motioned to approve this request as presented. Mr. Keel seconded the motion. Motion passed unanimously.

Chairman O'Neal opened the public hearing.

David Ryan, Bissell Engineering, was present to answer questions.

Bryan Sullivan, partner of development, supports the request.

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

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

**Public Hearing and Action on PB 06-25 WGH&L, LLC MULTI FAMILY OVERLAY** Residential Multi-Family Overlay zone on 10.31 acres located adjacent to the entrance of the Kilmarlic Club on North Side Lane at the site of the Kilmarlic Racquet and Swim Club. Tax Map 124, Parcel 57B, Poplar Branch Township.

Sarah Keifer, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Create a 10.31 acre Residential Multi-Family Overlay Zone

**LOCATION:** The property is located adjacent to the entrance to the Kilmarlic Club at 101 Wimbledon Court

**TAX ID:** Map 124, Parcels 57B, 54 and 56

**OWNER:** WGH & L Investments, LLC  
4112 North Croatan Highway  
Killy Hawk, NC 27949

**ENGINEER:** Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

<b>ZONING:</b>	<u><b>Current Zoning</b></u> General Business	<u><b>Proposed Zoning</b></u> Residential Multi-Family Overlay
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**ZONING HISTORY:** Parcels 54, 56 and 57A were split zoned GB and A on the April 2, 1989 zoning atlas and were rezoned to GB on January 6, 2003.

Parcel 57B was created as a separate lot from 57A on February 13, 2003 by the "Kilmarlic Health and Racquet Club" Private Access Subdivision.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Vacant	GB
<b>SOUTH:</b>	Residential	HM
<b>EAST:</b>	Residential	A
<b>WEST:</b>	Vacant	GB

<b>EXISTING LAND USE:</b>	Kilmarlic Health and Racquet Club
<b>PROPOSED LAND USE:</b>	The applicant is proposing an upscale multi-family condominium development on the tract.
<b>LAND USE PLAN CLASSIFICATION:</b>	The 1990 Land Use Plan classifies this property as <b>Limited Transition</b> . The purpose of the limited transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote. Areas classified limited transition will provide controlled development with services. This class can contain nonresidential areas along major transportation routes. However, the Limited Transition classification contemplates a maximum density of three (3) units per acre rather than the four (4) units per acre permitted by the RMF Overlay Zone.
<b>PUBLIC SERVICES AND UTILITIES:</b>	Lower Currituck Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.
<b>TRANSPORTATION:</b>	The property is accessed by Wimbledon Court, adjacent to the entrance of the Kilmarlic Club.
<b>FLOOD ZONE:</b>	Most of the property is located in flood zone zone AE (7). The remainder of the property is located outside of the flood zone (Zone X).
<b>SOILS:</b>	The Currituck County Soil Suitability map indicates this property contains soils that are <u>Marginal</u> and <u>Un-Suitable</u> .
<b>STAFF RECOMMENDATION:</b>	<p>The Residential Multi-Family Overlay District was created by the Board of Commissioners to provide for medium density residential development in close proximity to major thoroughfares and commercial zones. The district is designed to have insignificant impacts on surrounding single family residential development.</p> <p>The maximum density for the subject site would be 4 units/acre or a total of 41 units. The site is served by public water and has access to Caratoke Highway. It appears that the subject site meets the criteria for the RMF overlay and would not negatively impact surrounding residential properties.</p> <p>While the proposed overlay would not be considered consistent with the Land Use Plan, given that the subject site is currently zoned for General Business (an arguably more intensive use than residential); the small scale of the</p>

proposed project; the zoning classifications in the surrounding area; and the existing development in the immediate area, creation of the overlay district appears reasonable. Therefore, staff recommends **approval** of the request.

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.

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### **PLANNING BOARD DISCUSSION**

David Ryan, Bissell Professional Group, appeared before the board.

Mr. West asked if these were similar to the previous request and observed that according to staff comments the soil is not suitable.

Ms. Keifer said that this is a rezoning, after that the overlay district will be created.

Mr. Ryan said that the site currently has a health type facility. A soil scientist has been retained to determine the soil suitability for this area.

Mr. Kovacs asked if all 10 acres will be usable for the multi family units.

Mr. Ryan said that is correct, but that there are other facilities on the property.

Mr. Kovacs asked what acreage is usable.

Mr. Ryan stated approximately 25% of the area will be usable.

Mr. Kovacs said that the number of units may be limited to 12.

Mr. Ryan said no, based on staff analysis that equates to 40 units.

Mr. Kovacs stated that there is not actually 10 acres of open space.

Mr. Ryan said they are applying for an overlay for the upland section of the land. However, based on the language, 10.3 acres is used for calculation and they can develop 30-36 units.

Mr. Rob Lawson, co-owner of the health club, stated that the open areas and amenities are part of the project.

Mr. Kovacs stated that they are still trying to put 36 units on 2.5 acres.

Mr. Lawson showed a preliminary sketch of the proposed development and indicated that the numbers on the sketch are preliminary.

Mr. Midgette cautioned the board that this is a rezoning and that the questions being asked should be saved for the next meeting when this project comes forward as a sketch plan.

**PLANNING BOARD ACTION**

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

Chairman O'Neal opened the public hearing.

Gerald Cartwright, adjacent property owner, supports the project.

David Ryan, Bissell Engineering, represented the developer.

Crouse Gray, Attorney for Developer, reviewed the plan.

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

Chairman O'Neal moved to deny the request. Commissioner Martin seconded the motion. Motion carried.

**Public Hearing and Action on PB 06-21 GLEN ESTES, JR.** Rezone two parcels totaling approximately 1.3 acres from mixed Residential (RA) to General Business (GB) on property located to the south of the intersection of Caratoke Highway and East Ridge Rd. Tax map 41, Parcel 47 and Tax Map 47, Parcel 46C, Crawford Township.

Sarah Keifer, Planning Director, reviewed the request,

**TYPE OF REQUEST:** Rezone approximately 2 acres from Mixed Residential (RA) to General Business (GB).

**LOCATION:** The property is located on Caratoke Hwy., to the east of the intersection with East Ridge Road, Tax Map 41, Parcels 47 and 46C, Crawford Township, Currituck Co.

**TAX ID:** Tax Map 41, Parcels 47 and 46C  
(0041-000-0047-0000)  
(0041-000-046C-0000)

**OWNERS:** Parcel 47  
Glen Estes, Jr.  
2198 Caratoke Hwy.  
Moyock, NC 27958

Parcel 46C  
 Charles Vincent Payne  
 137 East Ridge Road  
 Moyock, NC 27958

**AGENT:** Debbie Carr  
 William E. Wood Realty  
 101 Commerce Dr.  
 Moyock, NC 27958

**ZONING:** Current Zoning Mixed Residential (RA) Proposed Zoning General Business (GB)

**ZONING HISTORY:** This property was zoned Mixed Residential (RA) on the April 2, 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Caratoke Highway 135', Across the road is a NCDOT Wetlands Mitigation Area	RA
<b>SOUTH</b>	Residential	RA
<b>EAST:</b>	Vacant woodlands	RA
<b>WEST:</b>	East Ridge Road with a 120' Right of Way Across the road are vacant wetlands and a billboard	GB

**EXISTING LAND USE:** Parcel 47- Residential  
 Parcel 46C- Vacant

**PROPOSED LAND USE:** No specific use is indicated.

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

<b>GENERAL BUSINESS USES:</b>	Single Family Residence	Automotive Repair
	Banks	Convenience Stores
	Sales	Restaurants
	Outdoor or Indoor Mini Storage	Hotels
	Motor Vehicle and Boat Sales	Office

**LAND USE PLAN CLASSIFICATION:**

The 1990 Land Use Plan designates this property as **Rural with Services**. The purpose of the Rural with Services class is to provide for low density land uses, including residential, where limited water services are provided. Development within this class should be low intensity to maintain a rural character. The Plan states that although limited services are available, this fact "should not serve as a catalyst for future higher intensity development" (1990 LUP, page 102)

Therefore, the request is not in compliance with the Land Use Plan.

**PUBLIC SERVICES AND UTILITIES:**

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

**TRANSPORTATION:**

The properties are accessed by Caratoke Highway (NC 168) and East Ridge Road.

**FLOOD ZONE:**

The property is located in Flood Zone AE (5).

**SOILS:**

The Currituck County Soil Suitability map indicates Parcel 41/46C contains soils that are Suitable adjacent to Caratoke Highway and Marginal and Not Suitable on the remainder of the 2 parcels.

**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.

Upon evaluating the application, staff maintains that the proposed rezoning does not satisfy the above-referenced criteria for the reasons listed below and therefore recommends denial.

- 1) The 1990 Land Use Classification of Rural with Services indicates the uses in the General Business zoning district uses are not compatible with the classification, which calls for low intensity uses to maintain a rural character.
- 2) The area surrounding the subject site is currently zoned RA (Mixed Residential) and is used for both residential and agricultural purposes. These areas would likely be negatively impacted by the subsequent commercial development of the site.

- 3) The 1994 US Highway 158 & N.C. Highway 168 Corridor Plan supports nodal development of business areas and there is such an area to the west along Shawboro Road and Caratoke Highway, however this location was not identified by the plan for commercial development. This plan was adopted by the Highway Corridor Advisory Committee, (Eldon Miller, Jr. Chairman) as an official document to use in land use planning.
- 4) There is a significant amount of undeveloped land that is already zoned General Business in the Sligo area of NC 168. There appears to be ample vacant General Business zoned land to support the need for non-residential development in this immediate area of Currituck County. This request does not appear to meet a public need for additional land zoned General Business in this area.
- 5) There are no conditions that have changed on the property or in the surrounding area that would make this request necessary.
- 6) This rezoning could begin a pattern of requests for commercial rezoning in areas that are low density residential on secondary roads that currently feed Caratoke Highway. East Ridge Road has been a historic boundary between the Sligo General Business area and Residential Uses.

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.

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### **PLANNING BOARD DISCUSSION**

Glenn Estes and Tina Clements appeared before the board.

Mr. Estes described the adjoining property and stated that the nearest General Business is only 15 feet from his property.

Mr. West asked what size the property is.

Ms. Clements says that she calculates 1.7.

**PLANNING BOARD ACTION**

Mr. West motioned approval. Mr. Keel seconded the motion. Motion passed 7-1 with Mr. Keel voting no.

Chairman O'Neal opened the public hearing.

Glen Estes, supports the request.

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

Commissioner Martin approved the request. Commissioner Etheridge seconded the motion. Motion carried.

**Public Hearing and Action on PB 06-28 WRIGHT/EEPCO** Rezone approximately 11.49 acres from Agricultural (A) to General Business (GB) on property located on Summer Woods Rd. south of Grandy, approximately 450 feet from Caratoke Highway. Tax Map 108, Parcel 62JC, Poplar Branch Township.

Sarah Keifer, Planning Director, reviewed the request.

- TYPE OF REQUEST:** Rezone approximately 11.49 acres from Agricultural (A) to General Business (GB).
- LOCATION:** The property is located at 156 Summer Woods Rd south of Grandy, approximately 450 feet from Caratoke Hwy
- TAX ID:** Tax Map 108, Parcel 62JC
- OWNER:** Steve Wright  
PO Box 186  
Grandy, NC 27939
- APPLICANT:** EEPCO, LLC  
PO Box 519  
Manteo, NC 27954
- AGENT/ ENGINEER:** Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949
- ZONING:**

<u><b>Current Zoning</b></u> Agricultural (A)	<u><b>Proposed Zoning</b></u> General Business (GB)
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- ZONING HISTORY:** Since 1975 this property has been zoned as Agricultural, either A-20, A-30, A-40 or A.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Caratoke Highway 135', Across the road is a NCDOT Wetlands Mitigation Area	RA
<b>SOUTH</b>	Residential	RA
<b>EAST:</b>	Vacant woodlands	RA
<b>WEST:</b>	East Ridge Road with a 120' Right of Way Across the road are vacant wetlands and a billboard	GB

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** No specific use is indicated.

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

<b>GENERAL BUSINESS USES:</b>	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:**

The purpose of the Rural classification is to “provide for agricultural, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region.” The Rural areas are designated for low density dispersed single family housing at a density of one unit per acre. The General Business zone allows multifamily residential housing that would exceed one unit per acre.

Therefore, the request is not in compliance with the Land Use Plan.

**PUBLIC SERVICES AND UTILITIES:**

Crawford 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 Summer Woods 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 Parcel 41/46C contains soils that are Marginal.

**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. Upon evaluating the application, staff maintains that the proposed rezoning does not satisfy the above-referenced criteria for the reasons listed below and therefore recommends **denial**.

- 1) The 1990 Land Use Classification of Rural indicates the uses in the General Business zoning district are not compatible with the classification, which calls for low intensity uses to maintain a rural character.
- 2) The property is currently used for residential purposes. There appears to be reasonable use being made of the property as a residence and there are no conditions that have changed on the property or in the surrounding area that would support this request.
- 3) The 1994 US Highway 158 & N.C. Highway 168 Corridor Plan supports nodal development of business areas, and there is such an area to the north in Grandy, however this location was not identified by the plan for commercial development. This plan was adopted by the Highway Corridor Advisory Committee, (Eldon Miller, Jr. Chairman) as an official document to use in land use planning.
- 4) There appears to be over 250 acres of General Business zoned land in the Grandy area that are vacant providing ample vacant General Business zoned land to support the need for non-residential development in this immediate area of Currituck County. This request does not appear to meet a public need for additional land zoned General Business in this area.
- 5) There has not been any A to GB rezoning granted on tax map 108 since 1989.
- 6) This rezoning could begin a pattern of requests for commercial rezoning in areas that are low density residential on secondary road. Summer Woods Road

was created as part of a 10 acre lot residential subdivision.

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.

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### **PLANNING BOARD DISCUSSION**

Mr. Bill Kingston, Bissell Professional Group, appeared before the board.

Mr. West asked where the access to the property is.

Mr. Webb said Summer Woods Rd. via Grandy Rd.

Mr. West asked how wide the property access is.

Mr. Webb said that it is unknown.

Mr. Bissell said he believes its 45', but it is not the access being proposed for the site. Access being proposed is an extension of GB zone and client has no objection to providing restriction to commercial access to the area. He spoke in favor of the application and correlated this project to the Outer Banks Framing project that was approved last month.

Mr. Bill Kingston, Bissell Professional Group, assisted Mr. Bissell in describing the property.

Mr. Bill McLaughlin, Dareware Corporation, spoke on behalf of Ace Hardware stores, which is proposed to go in this area.

Mr. Mike Doxey, adjoining property owner, spoke in favor of the rezoning.

Mr. Kovacs asked how far the nearest GB zone is.

Mr. Webb stated it is approximately 450 feet.

### **PLANNING BOARD ACTION**

Mr. West motioned to approve the request as presented. Ms Turner seconded the motion. Motion passed unanimously.

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

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

**Public Hearing and Action on PB 06-24 LAUREL WOODS ESTATES** Sketch Plan/Special Use Permit for a 160 lot Conservation Subdivision on property

located at on the west side of Caratoke Highway, 1/2 mile north of the intersection with Bells Island Rd. Tax Map 50, Lots 70A, 70B, Crawford Township.

**Deleted**

**Appointment to Recreation Advisory Board** Recommend Appointment of Sam Casey to replace Mike Wilson

Commissioner Miller moved to appoint Sam Casey. Commissioner Martin seconded the motion. Motion carried.

**Consent Agenda:**

- Budget amendment
- Approval of June 19, 2006, Minutes
- DSS request Currituck as a Standard County for Work First Program
- Request DOT to add Freedom Ave. to State System
- Lease Agreement for Corolla Schoolhouse.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12547-590007	Capital Outlay - Carova Bch Fund Balance	\$ 27,505	
12390-499900	Appropriated		\$ 27,505
		\$ 27,505	\$ 27,505

**Explanation:** Carova Beach Vol Fire Department (12547) - Increase appropriations to carry-forward capital outlay from FY 2006 per request from Fire Chief.

**Net Budget Effect:** Fire Services Fund (12) - Increased by \$27,505.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15781-521000	Rent Fund Balance	\$ 11,900	
15390-499900	Appropriated		\$ 11,900
		\$ 11,900	\$ 11,900

**Explanation:** Occupancy Tax: Tourism Related Activities - To appropriate funds to lease 1126 Schoolhouse Lane, Corolla for the current fiscal year per lease agreement between Duck Land Company LLC and the County of Currituck.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$11,900.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-553002	Tournament Fees Fund Balance	\$	6,000		
10390-499900	Appropriated			\$	6,000
		<u>\$ 6,000</u>		<u>\$ 6,000</u>	

**Explanation:** Recreation (795) - To appropriate additional funds to sponsor the 10 and under Girls Softball and 9-10, 11and 14 Boys Baseball teams to go to the State tournaments.

**Net Budget Effect:** Operating Fund (10) - Increased by \$6,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15780-590000	Capital Outlay Fund Balance	\$	3,300,000		
15390-499900	Appropriated			\$	3,300,000
		<u>\$ 3,300,000</u>		<u>\$ 3,300,000</u>	

**Explanation:** Occupancy Tax (15780) - To appropriate fund balance to purchase property for recreation activities, including areas for equestrian shows.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$3,300,000.

**Commissioner’s Report**

Commissioner Martin stated that author Susan Davis will bring UNC TV to do a feature on the Whalehead Club.

Chairman O’Neal requested if the July 4<sup>th</sup> fireworks could be done on the mainland.

**County Manager's Report**

**No report**

**Closed Session according to GS 143-318.11(5) to discuss land acquisition.**

Commissioner Etheridge moved to go into closed session. Commissioner Martin seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, Commissioner Bowden moved to sign purchase contract for 6 parcels and equipment located in Spot on Gabbard Road from Bob DeGabrielle in the amount of \$3,190,000.00. Commissioner Martin seconded the motion. Motion carried.

There being no further business, the meeting adjourned.