

CURRITUCK COUNTY
NORTH CAROLINA
AUGUST 6, 2007

The Board of Commissioners met on August 6, 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 Bowden, Gregory, Taylor and Etheridge.

Invocation and Pledge of Allegiance

Reverend Glenn McCranie was present to give the invocation.

Approval of Agenda

Commissioner Bowden moved to amend the agenda by deleting Items 3, 5, 10 and 11 and add to consent agenda request to reduce water tap fee for Jarvisburg Church of Christ.

- Item 1 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 2 **PUBLIC HEARING AND ACTION PB 87-56 MONTERAY SHORES, PHASE III (COROLLA BAY)** Amended Sketch Plan to increase the allowed density for Corolla Bay from 115 units to 256 units. Located in Corolla adjacent to the Currituck Sound, west of the Whalehead Subdivision, and north of the existing Monterey Shores Phase I; Tax Map 115E, Parcels 1, 8-36, FL, and OPEN Tax Map 115, Parcels 3XB, 3XE, and 3XC, Poplar Branch Township.
- Item 3 **PUBLIC HEARING AND ACTION PB 07-41 JUST FOR THE BEACH- HUNT CLUB DRIVE:** Special Use Permit for outdoor storage and display of bicycles, kayaks, surfboards, grills, etc. The property is located at 501 Hunt Club Drive in the Currituck Club, Tax Map 127 Parcel 1JE, Poplar Branch Township.
- Item 4 **PUBLIC HEARING AND ACTION PB 07-38 WRIGHT/LIPMAN REZONING:** Request to rezone approximately 48 acres of a 124 acre property from Agricultural (A) to Residential (R). The property is located at 1118 Forbes Road, approximately 3/10th of a mile east of the intersection with Caratoke Highway, Tax Map 111, Parcel 2, Poplar Branch Township.
- Item 5 **PUBLIC HEARING AND ACTION PB 07-37 DUCK LAND CO REZONING:** Request to rezone 4/10ths of an acre from Outer Banks Standard Residential (RO-1) to General Business (GB). The property is located at 1126 Schoolhouse Lane (Historic Corolla Schoolhouse site), Tax Map 114, Parcel 53, Poplar Branch Township.
- Item 6 **PUBLIC HEARING AND ACTION PB 07-28 FRANK FLORA REZONING:** Request to rezone approximately 55.6 Acres of a 65.1 acre property from A to GB. The property is located on both sides of Caratoke Highway in Moyock, approximately 300 feet south of the intersection with Sawyertown Road, Tax Map 15, Parcel 46, Moyock Township.
- Item 7 **PUBLIC HEARING AND ACTION PB 07-32 SOUTHERN CURRITUCK ESTATES:** Sketch Plan/Special Use permit for a 19 lot major subdivision. This site is located on South Currituck Road, 1/2 mile from the intersection with Caratoke Highway, Tax Map 51, Parcel 30G ; Crawford Township.
- Item 8 **PUBLIC HEARING AND ACTION PB 07-42 CURRITUCK COUNTY- CAMPER LOT WALKWAYS:** Text amendment to Article 8, Section 804 (2)(a) Camping and Campers, to allow up to 200 square feet of decking and a six

foot wide walkway on one Camper Lot for those covered by the Americans with Disabilities Act.

- Item 9 **Discussion and Action** on ATV Ordinance
- Item 10 **Consideration of an** Ordinance Amending the Noise Ordinance for Currituck County
- Item 11 **Consideration of Awarding** Bid for Airport Apron Expansion
- Item 12 **Consideration of** High Cotton Elevated Tank Bid
- Item 13 **Designation of Voting Delegate** to NCACC Annual Conference
- Item 14 **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Carova Beach Park Project Ordinance
 - 3. Approval of application to request use of Lottery Proceeds
 - 4. Approval of application to request use of ADM funds from the Public School Capital Building Fund
 - 5. Approval of June 18, 2007, Minutes
 - 6. Approval of Waiver of Competitive Bidding for Equipment for Airport
 - 7. Approval of Proposed Changes to the Work First Block Grant Plan
 - 8. Resolution Naming Authorized Officers for Financial Purposes
 - 9. Approval of Minutes of July 2 and July 16, 2007, Meetings
 - 10. Approval of Policy Position on the Mainland Water Impact Fee Increase
 - 11. Reduce water tap fee for Jarvisburg Church of Christ.
- Item 15 Commissioner's Report
- Item 16 County Manager's Report

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 Harris, Kitty Hawk Kites, requested the Board to renew his hangar lease.

Gwenn Cruickshanks, discussed the location of tattoo businesses should be located in commercial areas.

Brian Beshears, commented on why his tattoo business cannot open.

Sara Riddick, opposed county decision not to allow tattoo businesses.

Steve Canady, Tattoo Business Owner, questioned the decision not to allow his business to open.

Daniel Stallings, partner with Mr. Canady, stated that they were being treated unfairly.

Randy Shivley, requested Board not to change the noise ordinance.

Kasey Stallings, Edenton, supports tattoo business in the county.

Chairman Nelms read a letter from the Governor's office granting Currituck \$254,900 funding for the Carova Beach Park.

Commissioner Etheridge recognized David Mcauley's last day with the Daily Advance.

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

PUBLIC HEARING AND ACTION PB 87-56 MONTERAY SHORES, PHASE III (COROLLA BAY) Amended Sketch Plan to increase the allowed density for Corolla Bay from 115 units to 256 units. Located in Corolla adjacent to the Currituck Sound, west of the Whalehead Subdivision, and north of the existing Monterey Shores Phase I; Tax Map 115E, Parcels 1, 8-36, FL, and OPEN Tax Map 115, Parcels 3XB, 3XE, and 3XC, Poplar Branch Township.

Deleted

PUBLIC HEARING AND ACTION PB 07-41 JUST FOR THE BEACH- HUNT CLUB DRIVE: Special Use Permit for outdoor storage and display of bicycles, kayaks, surfboards, grills, etc. The property is located at 501 Hunt Club Drive in the Currituck Club, Tax Map 127 Parcel 1JE, Poplar Branch Township.

Sworn testimony was given prior to making comments.

**STAFF ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: AUGUST 6, 2007
PB 07-41 JUST FOR THE BEACH**

ITEM: PB 07-41 JUST FOR THE BEACH, Special Use Permit for outdoor storage and display of bicycles, kayaks, surfboards, grills, etc.

LOCATION: The property is located at 501 Hunt Club Drive in the Currituck Club, Tax Map 127 Parcel 1JE, Poplar Branch Township.

ZONING DISTRICT: PUD (Currituck Club)/ LBH-Limited Business, hotels allowed

TAX ID: 0127-000-01JE-0000

OWNER:
I.G. Holdings, LLC
P.O.Box 120
Kitty Hawk, NC 27949

APPLICANT
Just for the Beach, Inc.
P.O.Box 8004
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Outer Banks Standard Residential (R01)
SOUTH: Limited Business, hotels allowed (LBH)
EAST: Outer Banks Standard Residential (R01)
WEST: Outer Banks Standard Residential (R01)

NARRATIVE:

1. Just for the Beach, Inc. is requesting a Special Use Permit for 501 Hunt Club Drive, in Corolla for outdoor storage of bicycles, kayaks, paddles, surfboards, lifejackets, chairs, umbrellas and gas grills, etc.

2. The parcel is of 36,590.4 sq. ft. (0.84 acres) in area.

3. This property is zoned Limited Business, hotels allowed and the Table of Permissible uses goes before the Board of Commissioners for amendment on July 2, 2007 to allow Storage and Display of Goods Outside a Fully Enclosed Building (use 2.200) in this zoning district with a Special Use Permit within a PUD.

4. Site plans dated March 20, 2007 and March 22, 2007 were submitted. On April 17, 2007 Maureen O'Shea, Planner conducted an on-site review with the following findings:

- a) The display areas shall be on existing concrete areas, as proposed on the March 20, 2007 plan. There will not be an increase in lot coverage.
- b) The exterior display areas are concrete and will not impede any required parking spaces. The display shall not be on asphalt.
- c) Any kayak rack to be constructed shall be submitted for commercial accessory building permit review and shall be anchored.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. 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 and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

- a) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

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

- i. The proposed use **will not** materially endanger the public health or safety for the following reasons:

Suggested Findings:

1. According to County Tax Maps, the nearest residential dwellings to the tract are more than 150 ft. east on Spindrift Trail in Spindrift and more than 500 ft northwest to the homes on Meadow Lane, in the Currituck Club. The parcel is currently a well established commercial area with in the Currituck Club which includes a grocery store, restaurants and specialty retail shops. All items on display shall be removed & stored inside when a storm is imminent.

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

Suggested Findings:

1. Section 1310 of the Unified Development Ordinance indicates that the operation of Storage and Display of Goods Outside a Fully Enclosed Building (use classification 2.200) will be a permitted land use with a Special Use Permit in a Limited Business, hotels allowed (LBH) zoning district upon the Board of Commissioners approval of the text amendment on July 2, 2007. Parking, pedestrian safety and vehicular circulation will not be impacted by the existing outdoor storage.

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

Suggested Findings:

1. The parcel is currently a well established commercial area which includes offices, restaurants and specialty retail shops and is therefore in keeping with the character of the surrounding area.

- iv. 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 site as Full Service and the proposed use is in keeping with the policies of the plan.

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

- v. 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:

This is an existing building and an existing use therefore approval of this request should have no impact upon public facilities.

TECHNICAL REVIEW STAFF COMMENTS:

Fire Marshal Comments (James Mims 252-232-2206):

Approved as is.

Public Works Comments (Eric Weatherly 252-232-2504):

No comments.

Soil & Water Conservation/Land Disturbance Comments (Mike Doxey 252-232-3360):

Approved as is.

Corolla Fire Chief Comments (Marshall Cherry 252-453-3242):

No comments.

Building Inspector Comments (Spence Castello 252-232-3378):

Approved as is.

County Manager Comments (Dan Scanlon 252-232-2075):

No comments.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends approval contingent upon the following conditions:

1. Outdoor display areas shall be limited to those areas depicted on the approved site plan dated March 20, 2007.
2. The display shall not impede handicap accessibility.

3. All display materials be properly secured (including propane tanks) to prevent theft or unauthorized use.
4. Display materials shall not pose a hazard during periods of severe weather conditions. When a storm is imminent the display racks shall be anchored for 120 mph winds and display items shall be removed and stored accordingly. A commercial building permit shall be applied for, to ensure the existing and any new display racks are built and anchored to meet commercial building codes for pile depth and assembly hardware.
5. Outdoor display shall be allowed 48 hours prior to seasonal opening to 48 hours after seasonal closing.
6. No additional signage, except with an approved sign permit, shall be permitted with this use. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which will be filed in the office of the Planning and Inspections Department.

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

Elizabeth Hall appeared before the board.

Mr. Webb presented the case analysis to the board.

Mr. Keel read a letter received from Coastland Corporation, the developer of Ocean Sands, opposing the request and asking for denial.

Mr. Kovacs stated that Ocean Sands residents could not see the display at Just for the Beach.

Mr. West asked if the photos in the packet are an accurate representation of what the applicant intends for the permit.

Mr. Webb said it is.

Ms. Hall said that there is one bicycle and one kayak rack that stays out in season. The racks are full at the beginning of the week until the items are rented. She feels it is no different than a used car lot.

Planning Board Action

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

David Webb, Chief Planner, reviewed the request.

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

Chairman Nelms moved to approve with findings of fact. Commissioner Bowden seconded the motion. Motion carried.

PUBLIC HEARING AND ACTION PB 07-38 WRIGHT/LIPMAN REZONING:
Request to rezone approximately 48 acres of a 124 acre property from Agricultural (A) to Residential (R). The property is located at 1118 Forbes Road, approximately 3/10th of a mile east of the intersection with Caratoke Highway, Tax Map 111, Parcel 2, Poplar Branch Township.

Deleted

PUBLIC HEARING AND ACTION PB 07-37 DUCK LAND CO REZONING:
Request to rezone 4/10ths of an acre from Outer Banks Standard Residential (RO-1) to General Business (GB). The property is located at 1126 Schoolhouse Lane (Historic Corolla Schoolhouse site), Tax Map 114, Parcel 53, Poplar Branch Township.

David Webb, Chief Planner, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: August 6, 2007
Zoning Map Amendment:
PB 07-37 Duck Land Company**

TYPE OF REQUEST: Request to rezone 4/10ths of an acre from Outer Banks Standard Residential (RO-1) to General Business (GB).

LOCATION: The property is located at 1126 Schoolhouse Lane (Historic Corolla Schoolhouse site), Poplar Branch Township.

TAX ID: Tax Map 114, Parcel 53 (011400000530000)

OWNER/ APPLICANT:
Duck Land Company
(Attn: Jeff Malarney)
1181 Duck Road
Duck, NC 27949
252-457-1177

ZONING: Current Zoning Outer Banks Standard Proposed Zoning General Business (GB)

Residential (RO-1)

ZONING HISTORY: The property was zoned RO-1 on the 1989 zoning atlas.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Retail and restaurant	GB
SOUTH	Residential	RO-1
EAST:	Residential	RO-1
WEST:	Vacant/ Commercial	GB and RO-1

EXISTING LAND USE: Historic Corolla Schoolhouse and Corolla Wild Horse offices as an accessory use.

PURPOSE FOR REQUEST: The applicant states the purpose of the request is to conform to the surrounding land use.

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan designates this property as **Full Service** within the **Corolla** sub-area. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, fire and rescue facilities. Central wastewater treatment and disposal whether public or community is considered reasonable in the Full Service Areas.

The policy emphasis for Corolla is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters.

The request to rezone to General Business **complies** with the land use plan.

PUBLIC SERVICES AND UTILITIES: The Corolla Volunteer Fire Department provides fire protection for this area. Electric, telephone, and county water are currently available.

TRANSPORTATION: The property has 138' of frontage on Corolla Village Road and 110' on Schoolhouse Lane.

FLOOD ZONE: The property has 50% flood zone AE (5) and 50% zone X- out of the 100 year flood zone.

WETLANDS: The wetland maps indicate there are no wetlands on the site.

SOILS: The Currituck County soils maps indicate the property is unsuitable for on-site septic systems.

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.”

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

- 1) The request is in **compliance** with the 2006 Land Use Plan designation of Full Service.
- 2) The site is adjacent to existing commercial areas of Corolla Village.
- 3) The requested rezoning would be an extension of an existing General Business zoning district.

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

Jeff Malarney, Duck Land Company (Twiddy and Co.), appeared before the board.

Mr. Webb presented the case analysis to the board.

There was no discussion on this item.

Planning Board Action

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

Chairman Nelms opened the public hearing.

Mike Mendez, Corolla Civic Association, opposes the request.

Ann Page, opposes commercial use in this area.

Jeff Malarney, Developer, supports the request.

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

Commissioner Bowden moved to approve. Chairman Nelms seconded the motion. Motion carried.

PUBLIC HEARING AND ACTION PB 07-28 FRANK FLORA REZONING:
Request to rezone approximately 55.6 Acres of a 65.1 acre property from A to GB. The property is located on both sides of Caratoke Highway in Moyock, approximately 300 feet south of the intersection with Sawyertown Road, Tax Map 15, Parcel 46, Moyock Township.

David Webb, Chief Planner, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: August 6, 2007
Zoning Map Amendment:
PB 07-28- Frank Flora A to GB**

TYPE OF REQUEST: Rezone approximately 55.6 Acres of a 65.1 acre property from A to GB.

LOCATION: Located on both sides of Caratoke Highway in Moyock, approximately 300 feet south of the intersection with Sawyertown Road.

TAX ID: Tax Map 15, Parcel 46
(001500000460000)

OWNER/ APPLICANT: Frank Flora
PO Box 97
430 Caratoke Highway
Moyock, NC 27958

ZONING: Current Zoning Split zoned A (Agricultural) 56.8 AC and General Business (GB) 9.5 AC
Proposed Zoning General Business (all sections)

ZONING HISTORY: The property was split zoned A and GB on the 1989 zoning atlas. The property was originally subdivided into a land-hooked tract of 27 and 39 acres (66 acres) in 1925. (DB 61, Page 362). When NC 168 was constructed, the property was physically split, but all 4 sections retained the same parcel identification number. The property originally fronted on Survey Road.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural	A and GB
SOUTH	Agricultural and Moyock Middle School	A
EAST:	Sand Mine, Agricultural, Residential	A, GB, HM
WEST:	Agricultural	A

EXISTING LAND USE: Agricultural and vacant forest

PROPOSED LAND USE: Update zoning for future use

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 |

LAND USE PLAN CLASSIFICATION:

The property is designated **Full Service** and within the **Moyock** sub-area by the 2006 Land Use Plan. With respect to residential development in Full Service Areas, base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area.

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 policy emphasis for the Moyock sub-area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services.

This request **complies** with the 2006 Land Use Plan designation of Full Service.

PUBLIC SERVICES AND UTILITIES:

The Moyock Volunteer Fire Department provides fire protection for this area. Electric, telephone, County water and cable are currently available.

TRANSPORTATION:

The site has 1125 feet of frontage on Caratoke Highway and 1150 feet of frontage on Survey Road.

FLOOD ZONE:

Approximately 1 acre of the property is located in Flood Zone AE (5). The remaining 64 acres are in Flood Zones (X) or Shaded (X), outside of the 100 year flood plain.

WETLANDS: Approximately 22 acres of the site are designated managed pineland wetlands. The property map dated January 7, 1925 indicates this area as wetlands as well.

SOILS: The Currituck County Soils map indicates the soils are not-suitable for on-site septic systems.

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.”

Additionally, Section 2407 states: Areas 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 and then only to expand an adjacent zoning district of the same classification as the district requested.

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

- 1) It is in compliance with the 2006 Land Use Plan.
 - 2) The property is adjacent to existing General Business zones.
 - 3) The property is in close proximity to large existing (Eagle Creek) and proposed residential developments (South Ridge and Currituck Reserve) and the expanding business areas of Moyock.
 - 4) The property has access to a major arterial road (NC 168).
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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. and Mrs. Frank Flora appeared before the board.

Mr. Webb presented the case analysis to the board.

Mr. West asked if there was a hog lagoon previously on the property.

Mrs. Flora said it was.

Planning Board Action

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

Chairman Nelms, opened the public hearing.

Frank and Doris Flora support rezoning.

Commissioner Taylor moved to approve with findings of fact. Commissioner Gregory seconded the motion. Motion carried.

PUBLIC HEARING AND ACTION PB 07-32 SOUTHERN CURRITUCK ESTATES: Sketch Plan/Special Use permit for a 19 lot major subdivision. This site is located on South Currituck Road, 1/2 mile from the intersection with Caratoke Highway, Tax Map 51, Parcel 30G ; Crawford Township.

Sworn testimony was given prior to making statements.

David Webb, Chief Planner, reviewed the request.

**STAFF ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: August 6, 2007
PB 07-32 Southern Currituck Estates**

ITEM: PB 07-32 Southern Currituck Estates, Sketch Plan/ Special Use Permit for a 19 lot major subdivision.

LOCATION: This site is located on South Currituck Road, 1/2 mile from the intersection with Caratoke Highway, Crawford Township.

TAX ID: Tax Map 51, Parcel 30G (0051000030G0000)

ZONING DISTRICT: Mixed Residential (RA)

OWNER: Old Brothers, LLC
Kim Old
101 Commerce Drive

Moyock, NC 27958

AGENT/ ENGINEER: Resource International, Ltd.
751 Thimble Shoals Blvd., Suite N
Newport News, VA 23606-3563

PRESENT USE: Agricultural

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural and Residential	RA
SOUTH	Agricultural and vacant wetlands	A
EAST:	Agricultural	A
WEST:	Agricultural and Residential	A

SCHOOL DISTRICT: Crawford

SIZE OF SITE: 102.7 acres total, 26.7 acres project area

NUMBER OF LOTS: 19 (4 minor lots already approved)

DENSITY: 0.86 unit per acre

MINIMUM LOT SIZE: 40,000 SF

STREETS: The streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance. The ingress/egress for this property is from South Currituck Road which is not classified in the 1988 NCDOT Thoroughfare Plan.

WATER: This development is proposing to use individual private wells. County water is not currently available on this section of South Currituck Road. The waterline ends 20 feet past the intersection with Caratoke Highway.

FIRE: This development is located within the jurisdiction of the Crawford Volunteer Fire Department. The applicant is proposing to install a fire pond.

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

FLOOD ZONE: Approximately 77 acres are in flood zone AE (5), the remainder of the property is not in the 100 year flood zone.

SOILS: The areas that are wetlands (76 acres) are classified not suitable for on-site septic. The uplands (26.7 acres) are a mix of suitable and marginal soils for on-site septic systems

OPEN SPACE: No open space is required. The plan proposes to place the wetlands area, approximately 76 acres and the fire pond into open space.

DRAINAGE: The applicant is proposing roadside ditches and property line swales to drain into roadside ditches on South Currituck Road and the wetlands to the southern portion of the property. NC DOT has not commented on the proposed stormwater system.

NARRATIVE OF REQUEST:

- Old Brothers, LLC, is requesting approval of a 16 lot major subdivision.
- A 4 lot minor subdivision called Old and Younts was recorded March 28, 2007 on this property. These 4 lots access South Currituck Road.

TECHNICAL REVIEW STAFF:

On May 16, 2007 Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved as is.
2. **Currituck Soil & Water Conservation** - Approved as is.
3. **Currituck County Fire Services**– Approved with the following comment: Need details for pond and drafting basin. The pond must be engineered for a 50 year drought. I note that there is no connectivity.
4. **Currituck County Water Department**- Approved with the following conditions and comments; Provide the distance from the subdivision to Caratoke Highway. If within approximately 1200 feet or less, submit plans and specs for water line extension after sketch plan approval. (The site is 2,200 feet from the existing water main.)
5. **Currituck County Planning and Inspections, Inspections Division**-Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **N.C. Office of State Archeology:** Approved with the following comment: We recommend an archaeological survey be conducted across the entire project area by an experienced archaeologist to identify and provide site assessments regarding the significance of archaeological remains that may be damaged or destroyed by the proposed project. We recommend that potential effects on archaeological resources be assessed prior to the initiation of any ground disturbing activities.

8. **Currituck County GIS** - Approved as is: Street names approved 5-29-2007.
9. **County Parks & Recreation Department** - No comments received.
10. **Currituck County Emergency Management** – No comments received.
11. **NC Department of Transportation:** Approved with the following comments:
 - a. DOT requests the number of curb cuts be minimized.
 - b. Need to see the existing topography when the road design is submitted.
12. **N C Dominion Power** - No comments received.
13. **Sprint Telephone** – Approved with no comment,

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. The adjoining uses are low density, residential and agricultural uses.
 - (c) *Will be in harmony with the area in which it is located.*

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.

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

This property is designated both **Limited Services Area** and **Conservation** in the 2006 Land Use Plan. It is also in the **Shawboro/Crawford** sub-area. The Conservation class line generally follows the wood line at the rear of the existing farm field. The area proposed for development and zoned RA is in the Limited Services Area.

The purpose of the **Limited Services Area** class is to provide for primarily residential development at low densities. Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community.

The predominantly rural **Shawboro/Crawford** area contains some of the best, most extensive agricultural lands in the county. Current development density is 1 unit per 3 acres. Residential development, when approved, should bear some direct relationship to agricultural activity so as to minimize land use conflicts between farm operations and nearby residents. When residential development does occur, it should be strategically located to minimize conflicts. Common sense examples include placing residential development: (1) upwind of prevailing winds and open fields (2) behind or in and among wooded areas (3) clustered near existing non-farm uses such as a church, general store or other residences. "Leapfrog" residential subdivisions, unrelated to farm activities, and that would interrupt a large expanse of agriculture and open space, should be strongly discouraged

Mixed Residential (RA) allows a lot size of 40,000 or a density of .9 unit per 1 acre. This project **complies** with the Limited Services designation and the 2006 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 revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Southern Currituck Estates (19 SFD lots)	Available Capacity	Demand	Remaining Capacity if approved
Elementary School	133	5	128
Middle School	99	2	97
High School	142	3	139

Staff has determined adequate public facilities exist to serve 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 and Technical Review Committee Requirements:

- 1) All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission. (Section 922)
- 2) A 404 wetlands delineation map will be required with submission of the Preliminary Plat. (Section 922)
- 3) The applicant shall construct all required improvements including drainage systems and street trees; and have them inspected and certified prior to submission of the Final Plat.
- 4) Section 914 of the UDO calls for connectivity to adjacent properties. There is no connectivity provided. Staff recommends a road connection between lots 17 and 18 to align with the proposed Vista Land. The road shall be improved to the property line.
- 5) Indicate the open space area on the “Site Statistics” table and label the open space areas on the map. (Appendix 9-A)
- 6) Conduct an archaeological survey prior to submission of Preliminary Plat.
 - a) The survey shall be conducted across the entire project area by an experienced archaeologist to identify and provide site assessments regarding the significance of archaeological remains that may be damaged or destroyed by the proposed project.
 - b) The potential effects on archaeological resources shall be assessed prior to the initiation of any ground disturbing activities.

- c) Three copies of the survey shall be submitted to Currituck Planning and Inspections to be forwarded to the Office of State Archaeology for review and approval prior to the submission of the Preliminary Plat. The results could dictate design changes in the project.
- 7) There is a cemetery indicated on lot 3. The boundaries of the Walker Cemetery shall be located and marked to prevent disturbance. This cemetery shall be placed into open space and not into a private lot. These steps will ensure compliance with the North Carolina Cemetery Act. (NC General Statute 65, Article 9)
- 8) The lot numbers in the major subdivision and should not include the 4 minor subdivision lots (Old and Younts) and should begin with 1.
- 9) A map of the entire parcel should be shown. The wetlands area can be shown at a different scale on a second sheet. Sheet 2 appears to show a map but part of the map is covered with notes and there are no distances on the map lines. (Appendix 9-A)
- 10) Indicate this is a Sketch Plan in the title block.
- 11) Indicate the recordation data for the 4 minor subdivision lots.
- 12) Indicate the correct parcel ID number on the plan: 0051000030G000.
- 13) Indicate the details for the fire pond and drafting basin on the Preliminary Plat. The pond must be engineered for a 50 year drought.
- 14) According to Section 915: The subdivider shall be exempted from connecting to the centralized water system but shall bond for the water improvements (including fire hydrants, laterals, service lines, meter boxes, and yokes) at a rate of cost + 20% to be installed at a later date. The county shall place the bond (cash) amount within an escrow account and use it for installing water mains in the subdivision when connection to the centralized water becomes available. Connection of individual lots to the future water main within an existing subdivision shall be the responsibility of the lot owner.

Staff Recommendations

- 1) The Planning staff and Fire Marshal recommend this project extend county water to the site and install fire hydrants. The current language in the UDO indicates the site is outside of the required connection distance. The purpose for county water is for fire safety and to lower the cost of homeowners insurance.

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

Mel Hopkins, Resource International, appeared before the board.

Mr. Webb presented the case analysis to the board.

Mr. West asked what the minimum number of lots is to connect to water line.

Mr. Webb explained the formula used to determine what the required distance is for connection to existing water line.

Mr. West asked about a 20 lot subdivision.

Mr. Webb said that each additional lot after the first 10 is only adding 20 feet to the requirement. This subdivision would have to have 50 lots to be required to connect. Staff recommends that the developer bears the cost to connect to the water line at the highway.

Mr. West stated that some residents on that road do not have good well water.

Ms. Turner asked where the prior lots sold were.

Mr. Webb indicated the lots on the screen.

Ms. Turner asked if the lots would be joined to the subdivision.

Mr. Webb asked if the 4 lots were being added to the Home Owner's Association since they have already been recorded.

Mr. Hopkins stated that he wasn't sure.

Mr. Hopkins asked if the staff is requiring or recommending that the water line is added.

Mr. Keel said that he feels the lots should be connected so as not to be connected to a well.

Mr. West stated that homeowners insurance would be lower as well.

Mr. Keel asked if the county runs the water line if the residents would have to connect.

Mr. Webb stated that the county does not have mandatory connection rules.

Mr. Kovacs asked about condition #14.

Mr. Webb said if the waterline is not added, the developers must post a bond for the water mains at the time that the lines are installed.

Mr. West stated that if the developer has to post a bond anyway, it would make sense to go ahead and install the lines now.

Mr. Kovacs asked if the developers are aware of the recommendation.

Mr. Hopkins said that this has been an ongoing discussion.

Ms. Turner said that she would like to see the 4 outside lots brought into the subdivision.

Mr. Webb stated that the county does not have the authority since the lots have been recorded.

Mr. West asked if Mr. Hopkins could comment on the intent of the developer.

Mr. Hopkins said that they are open to the recommendation and needs to continue discussion with the staff.

Planning Board Discussion

Mr. Kovacs motioned to approve the request as presented with staff recommendation for the connection to county water. Mr. Etheridge seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Kim Old, questioned the requirement to hook up to county water system.

Commissioner Etheridge questioned if the county had a policy for developers on cost share for water hook-ups.

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

Commissioner Etheridge moved to approve with findings of facts and to table discussion on water hook up until preliminary plat. Commissioner Taylor seconded the motion. Motion carried.

PUBLIC HEARING AND ACTION PB 07-42 CURRITUCK COUNTY- CAMPER LOT WALKWAYS: Text amendment to Article 8, Section 804 (2) (a) Camping and Campers, to allow up to 200 square feet of decking and a six foot wide walkway on one Camper Lot for those covered by the Americans with Disabilities Act.

David Webb, Chief Planner, reviewed the amendment.

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

Item 1:

Section 804 Camping and Campers.

1. Camping is a permitted use of land only in camper subdivisions and recreational campgrounds.
2. The following uses will be allowed on platted camper lots within the county provided all lots are serviced by either a private or county operated central water and sewer system:
 - (a) one (1) camper lot - uses allowed include one (1) camper (sited in the center of the lot); a raised walkway (maximum width not to exceed five feet) will be allowed provided proper county setback minimums can be maintained; one (1) accessory building (not to exceed 100 square feet) may be erected provided proper county setback minimums can be maintained; canvas awnings shall be allowed; no permanent additions shall be allowed, temporary additions such as roll-up canvas awnings shall be allowed provided proper county minimum setbacks can be maintained; proper CAMA permits must be obtained, if necessary; accessory buildings shall be located to the rear of the primary structure or camper; open air decks, those without roofs or walls, will be allowed up to a maximum of 100 square feet provided all county setbacks are maintained. **In addition, a maximum of 200 square feet of open air decks and a six foot wide walkway from the house to the water will be allowed for property owners or the family of property owners covered under the Americans with Disabilities Act as determined by a physician provided all county setbacks are maintained.**

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

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

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

Discussion and Action on ATV Ordinance

Deleted

Consideration of an Ordinance Amending the Noise Ordinance for Currituck County

Deleted

Consideration of Awarding Bid for Airport Apron Expansion

Commissioner Gregory moved to approve the bid from RPC for \$349,844. Commissioner Bowden seconded the motion. Motion carried.

Consideration of High Cotton Elevated Tank Bid

Commissioner Etheridge moved to approve bid for \$1,597,790 from Phoenix-Pittsburg Elevated Storage. Commissioner Gregory seconded the motion. Motion carried.

Designation of Voting Delegate to NCACC Annual Conference

Commissioner Bowden moved to appoint Commissioner Gregory. Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

1. Budget Amendments
2. Carova Beach Park Project Ordinance
3. Approval of application to request use of Lottery Proceeds
4. Approval of application to request use of ADM funds from the Public School Capital Building Fund
5. Approval of June 18, 2007, Minutes
6. Approval of Waiver of Competitive Bidding for Equipment for Airport
7. Approval of Proposed Changes to the Work First Block Grant Plan
8. Resolution Naming Authorized Officers for Financial Purposes
9. Approval of Minutes of July 2 and July 16, 2007, Meetings
10. Approval of Policy Position on the Mainland Water Impact Fee Increase
11. Reduce water tap fee for Jarvisburg Church of Christ.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-533900	Ambulance Supplies	\$ 8,910	
10530-590000	Capital Outlay		\$ 8,910

\$	8,910	\$	8,910
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Explanation: Emergency Medical Services (10530) - To transfer funds budgeted in capital outlay to supplies. This purchase is for expendable, one time use specialized needles for the ambulances rather than a capital expenditure.

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
10441-545000	Contract Services Software License	\$ 5,480	
10441-557100	Support	\$ 3,144	
10441-590000	Capital Outlay Fund Balance	\$ 193,800	
10390-499900	Appropriated		\$ 202,424
		<u>\$ 202,424</u>	<u>\$ 202,424</u>

Explanation: Information Technology (10441) - To carry-forward projects in process from FY 2007 as follows:

PO 20071247	Cisco	76,166
PO 20071214	Recreation Software Telephone Upgrades	22,506 103,752
		<u>\$ 202,424</u>

Net Budget Effect: Operating Fund (10) - Increased by \$202,424.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10441-590003	BOC Room		\$ 3,446
10446-532441	Technology under \$1,000	\$ 5,182	
10446-590441	Technology over \$1,000		\$ 742
	T F - Occupancy Tax		\$ 994
15320-415000	Occupancy Tax		\$ 6,977
15446-532000	Supplies	\$ 1,000	
15446-590441	Technology over \$1,000	\$ 4,983	
	T T - Operating Fund	\$ 994	
		\$ 12,159	\$ 12,159

Explanation: Information Technology (10441); Public Information (10446); Occupancy Tax - Tourism (15446) - To reallocate budgeted funds from capital outlay to non-capital line items to purchase items for video production and to appropriate addition funds for camera equipment package and supplies to be used for promotion of tourism.

Net Budget Effect: Operating Fund (10) - Increased by \$994.
Occupancy Tax Fund (15) - Increased by \$6,977.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50796-590000	CAPITAL OUTLAY	\$ 510,000	
50390-495015	T F - OCCUPANCY TAX		\$ 255,000
50330-447500	PARTF GRANT		\$ 255,000
		\$ 510,000	\$ 510,000

Explanation: Carova Beach Park (50796) - To record project funds in multi-year construction fund for the Carova Beach Park facility.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$510,000.

Commissioner's Report

Commissioner Gregory commended the Fire Departments on the new rating.

Commissioner Etheridge expressed sympathy to Ben Gray's family. Mr. Gray was a former Camden County Commissioner.

Chairman Nelms, addressed the concerns with Lower Currituck Fire Department.

County Manager's Report

County Manager reported on the new Library in Moyock.

Adjourn

There being no further business, the meeting adjourned.