

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, November 03, 2008 Time: 7:00 PM

- 7:00 p.m. Invocation
 Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action** PB 08-46 Twiddy Family Partnership, LLC: Request to rezone .29 acres from Outer Banks Standard Residential (RO1) to Conditional District – General Business (CD-GB). The property is located at 1141 Persimmon Street, Tax Map 114, Parcel 24, Poplar Branch Outer Banks Subtownship.
- Item 4 **Public Hearing and Action** PB 08-47 Twiddy Family Partnership, LLC: Request to rezone .30 acres from Outer Banks Standard Residential (RO1) to Conditional District – General Business (CD-GB). The property is located at 1143 Persimmon Street, Tax Map 114, Parcel 23, Poplar Branch Outer Banks Subtownship.
- Item 5 **Public Hearing and Action** PB 07-40 Coinjock Meadows: Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units for a total of 48 units. The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.
- Item 6 **Public Hearing and Action** PB 08-09 Jarvis Landing: Amended Sketch Plan/Special Use Permit for 39 attached residential dwellings. The property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Road, Tax Map 110, Parcel 74, Poplar Branch Township.
- Item 7 **Public Hearing and Action** PB 08-44 Currituck County: Request to amend the Currituck County Unified Development Ordinance,

Chapters 1, 4, 10, 11, 12, and 17, to establish a revised Development Review Process and adopt a manual by resolution.

Item 8 **Consideration and Action** on Member Waste Management Agreement with Albemarle Regional Solid Waste Management Authority

Item 9 **Consideration and Action** on Agreement for operation of Transfer Station with Republic Services of NC, LLC

Item 10 **Consent Agenda:**

1. Jarvisburg Elementary School-Change Order #9-Blueridge General, Inc.
2. Budget amendments
3. Petition for Road Addition of Eagleton Circle to DOT System
4. Resolution to Appoint Review Officers
5. Approval of October 14, 2008, Special Meeting Minutes
6. Approval of October 20, 2008, Minutes
7. Resolution-Nonprofit Awareness Month

Item 11 Commissioner's Report

Item 12 County Manager's Report

Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: November 3, 2008
Conditional District Zoning Map Amendment:
PB 08-46 Twiddy Family Partnership**

TYPE OF REQUEST: To rezone .29 acres from RO1 to CD-GB.

LOCATION: Located at 1141 Persimmon Street, approximately 200 feet west of the intersection with Ocean Trail.

TAX ID: Tax Map 114, Parcel 24
0114-000-0024-0000

OWNER: Elizabeth J. Campbell
99 Quail Run Drive
Elizabeth City NC 27909

APPLICANT: Twiddy Family Partnership, LLC
PO Box 369
Corolla NC 27927

CURRENT ZONING: Outer Banks Standard Residential (RO1)

PROPOSED ZONING: Conditional District-General Business (CD-GB)

ZONING CONDITIONS: Uses
1. Generally, limited to mixed residential uses, neighborhood serving commercial uses, and traditional uses associated with a pedestrian oriented area. However, the following uses shall be excluded: Family Care Homes, Mobile Homes, Nursing Care Facilities, Civil Defense Operations, Schools & Associated Uses, Cemeteries, Religious Institutions, Animal Services (With Outdoor Kennels), Automotive Services & Repair, Car Washes, Drive-Thru Uses, Dry Cleaning & Laundromats, Funeral Homes, Heavy Equipment Services & Repair, Tattoo and Body Piercing Studios, Automotive Sales & Rental, Drive-Thru Uses, Heavy Equipment Sales & Rental, Manufactured/Modular Home Sales, Restaurants (With Drive-Thru), Landfills, Convenience Centers, County Owned or Operated, Sanitary, Landfills, Airports (County Owned or Operated).

Transportation
2. Adopt a pedestrian friendly circulation, limited parking between commercial buildings and adjacent right(s) of way.

Landscaping
3. Mature trees will be identified and preserved where practical and commercially reasonable.

4. Dumpsters, or similar solid waste receptacles, HVAC equipment, commercial mechanical units or similar fixtures will be screened from view where practical and commercially reasonable utilizing a combination of solid landscaping or opaque fencing.
5. Commercial parking areas will be screened in a commercially reasonable manner and shall consist of evergreen planting, earthen berms, solid opaque fencing or any combination thereof.

Signage

6. Freestanding signs shall be consistent with 2008 Currituck County Sign Ordinance and in a manner consistent with Outer Banks vernacular and shall not include any neon or internally lit signs.

Site Design/Architectural

7. Maximum building footprint of an individual building shall not exceed 4,000 square feet of gross "heated" floor area.
8. The materials used, scale, height, building façade and colors of any structure shall be reflective of the historic architecture and vernacular of the Corolla Village.
9. Large expanses of blank walls shall be avoided where commercially reasonable. Facades shall incorporate architectural elements that add visual interest, including, but not necessarily limited to a variation in exterior materials; functioning windows and doorways and projecting elements such as front porches, eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
10. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent materials or on elevations not visible from a right-of-way or area for residential uses.

DENSITY: The General Business zone allows an approximate gross residential density of 2.5 du/acre.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	RO1
SOUTH:	Retail	GB
EAST:	Retail	GB
WEST:	Undeveloped	RO1

EXISTING LAND USE: Undeveloped

PURPOSE LAND USE: Mixed residential uses, neighborhood serving commercial uses, and traditional uses associated with a pedestrian oriented area.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla Sub-Area**.

The purpose of the Full Service Area class is to provide areas preferred for community centers. 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 to the public and/or private sectors. With nonresidential uses, it is essential that the existing community character be preserved.

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

The following Land Use Plan policies are also relevant to this request:

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

Based on the soils map, this lot appears to include wetlands. An accurate delineation of wetlands by the Army Corps of Engineers will be necessary prior to development.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

The zoning conditions submitted by the applicant limit the size of commercial buildings and require architectural standards for new construction. Many of the automobile oriented uses typically associated with General Business zoning have also been excluded, making the request more consistent with this policy.

POLICY OB5: Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the COROLLA VILLAGE area of the Outer Banks.

The zoning conditions included as part of this request ensure compatibility with the surrounding area.

PUBLIC SERVICES AND UTILITIES:

The Corolla Fire Department provides fire protection for this area. Electric, telephone, cable television, and public water are available. Considering environmental conditions onsite, connection to a central wastewater system is preferable.

FLOOD ZONE:

Flood Zone AE(5).

WETLANDS:

It appears this lot includes significant wetlands.

SOILS:

The Currituck County Soils map indicates the property contains non-suitable soils.

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to establish a .29 acre tract from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) for the following reasons:

1. The proposed request is in general compliance with the Full Service designation of the 2006 Land Use Plan and the Corolla Sub-Area Policy Emphasis.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area (LUP Policies CD5 and OB5)
3. The adjacent property to the east and properties across Persimmon Street are presently zoned General Business.
4. Promoting mixed use, neighborhood serving commercial development in the Corolla Village area provides additional opportunities for the community in a safe, walkable setting. The Corolla Village area has become a major Outer Banks destination and by carefully expanding its commercial viability, the county, Corolla residents, and the local business community will continue to derive both economic and quality of life benefits.

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or

development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

1. Staff has suggested slight modifications to the wording of the zoning conditions to ensure they are enforceable in the future. The applicant has been made aware of these suggestions and staff intends to have the specifics worked out by the Planning Board meeting date.

PLANNING BOARD DISCUSSION

Mr. Kovacs asked how much parking is required.

Mr. Woody stated the ordinance requires 1 space for every 200 sq. ft. Mr. Woody stated that the parking ordinance may need to be rewritten to find some relief in the parking requirements for historic areas. Mr. Woody stated the applicant will combine the two parcels, Tax Map 114, Parcels 24 and 23. Mr. Woody stated the goal of the applicant is to develop the remaining portion of Persimmon Street.

Mr. Kovacs asked what type of surface the parking lot will be.

Mr. Deel stated that would be addressed in the site plans.

Ms. Merrell provided a sketch of the elevation of the maintenance building on Persimmon Street.

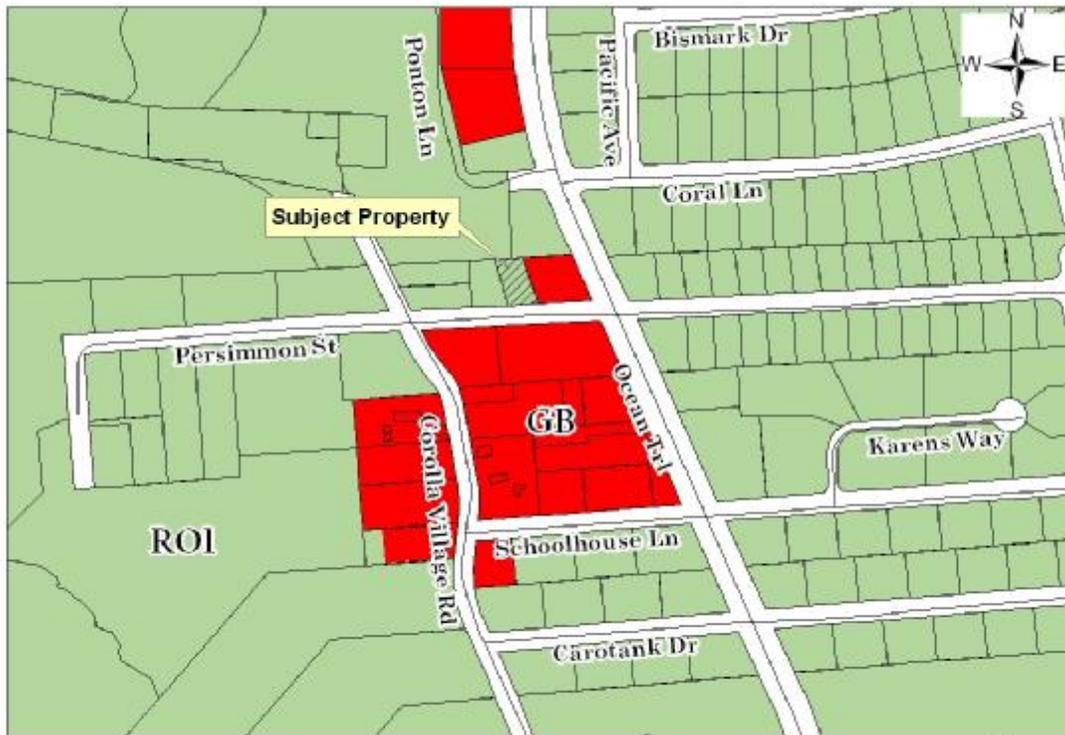
Ms. Twiddy stated they would be doing a project that would enhance the property at Corolla Village.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone 0.29 acres from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) according to the 2006 Land Use Plan. Mr. Winter seconded the motion. Motion carried unanimously.



PB 08-46 TWIDDY FAMILY PARTNERSHIP₀
REZONING REQUEST
Land Use Classification



PB 08-46 Twiddy Family Partnership
REZONING: RO1 TO CD-GB





PB 08-46 TWIDDY FAMILY PARTNERSHIP
REZONING REQUEST
Land Use Classification

0 45 90 180
Currituck County Planning Department



**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: November 3, 2008
Conditional District Zoning Map Amendment:
PB 08-47 Twiddy Family Partnership**

TYPE OF REQUEST: To rezone .30 acres from RO1 to CD-GB.

LOCATION: Located at 1143 Persimmon Street, approximately 290 feet west of the intersection with Ocean Trail.

TAX ID: Tax Map 114, Parcel 23
0114-000-0023-0000

OWNER: Edward and Faye Coats
1636 Goldfinch Lane
West Columbia, SC 29169

APPLICANT: Twiddy Family Partnership, LLC
PO Box 369
Corolla NC 27927

CURRENT ZONING: Outer Banks Standard Residential (RO1)

PROPOSED ZONING: Conditional District-General Business (CD-GB)

ZONING CONDITIONS: Uses
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10. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent materials or on elevations not visible from a right-of-way or area for residential uses.

DENSITY: The General Business zone allows an approximate gross residential density of 2.5 du/acre.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Wastewater drain field area	RO1
SOUTH:	Retail & utility storage building	GB
EAST:	Undeveloped	RO1
WEST:	Undeveloped	RO1

EXISTING LAND USE: Undeveloped

PURPOSE LAND USE: Mixed residential uses, neighborhood serving commercial uses, and traditional uses associated with a pedestrian oriented area.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla Sub-Area**.

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PUBLIC SERVICES AND UTILITIES:

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FLOOD ZONE:

Flood Zone AE(5).

WETLANDS:

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STAFF RECOMMENDATION:

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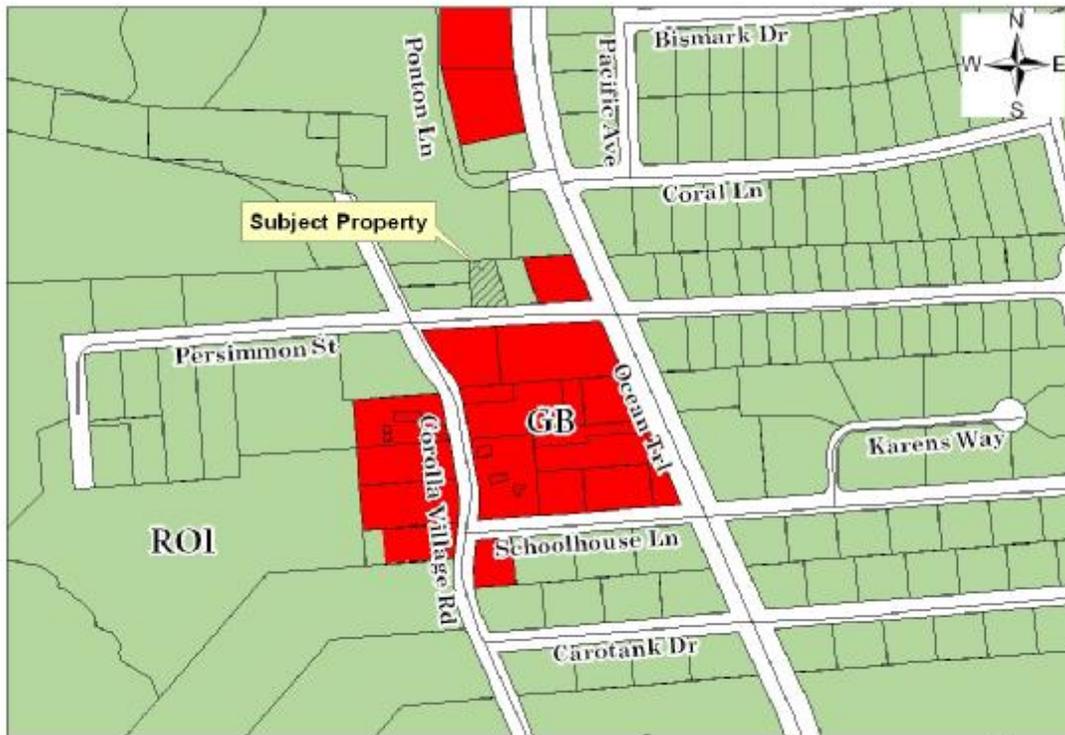
Ms. Twiddy stated they would be doing a project that would enhance the property at Corolla Village.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone 0.30 acres from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) according to the 2006 Land Use Plan. Mr. Kovacs seconded the motion. Motion carried unanimously

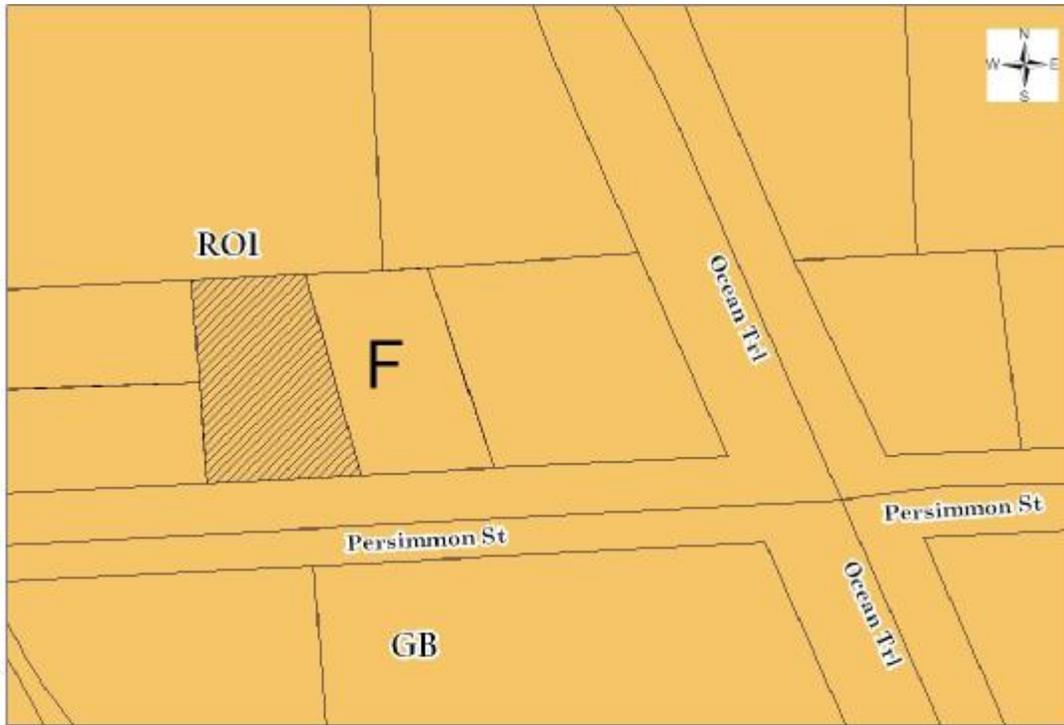


**PB 08-47 TWIDDY FAMILY PARTNERSHIP
REZONING REQUEST
Aerial Photography**



**PB 08-47 Twiddy Family Partnership
REZONING: RO1 TO CD-GB**





**PB 08-47 TWIDDY FAMILY PARTNERSHIP
REZONING REQUEST
Land Use Classification**



Currituck County Planning Department



CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS
November 3, 2008
PB 07-40 Coinjock Meadows
Planned Residential Development

ITEM: PB 07-40 Coinjock Meadows, Amended Sketch Plan/Special Use Permit for a 48 unit Planned Residential Development.

LOCATION: The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Crawford Township.

TAX ID: Tax Map 70, Parcel 13 (007000000130000)

**OWNERS/
 APPLICANT:** Coinjock Meadows, LLC
 PO Box 190
 Nags Head, NC

ENGINEER: Quible and Associates
 Eduardo Valdivieso
 PO Drawer 970
 Kitty Hawk, NC 27949

CURRENT ZONING: Mixed Residential (RA) and General Business (GB)

EXISTING LAND USE: Agricultural

EXISTING LAND USE AND ZONING OF SURROUNDING PROPERTY:

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

SCHOOL DISTRICT: Central Elementary School District

FIRE DISTRICT: Crawford V.F.D.

LAND AREA: 36.68 acres (excludes 2.92 acres GB)

NUMBER OF UNITS: 48
(36 single family dwelling units and 12 two family attached dwelling units)

DENSITY: 1.31 units/ acre including wetlands
1.38 units/acre excluding wetlands
(3 units per acre allowed in a PRD overlay)

MINIMUM LOT SIZE: 20,001 SF

AVERAGE LOT SIZE: 20,973SF

STREETS: The streets will be built to NCDOT construction standards with a reduced right of way width for private streets.

WATER: The development will be served by the Currituck County Water System. The developer estimates 300-360 gallons per day of water will be used for each dwelling unit.

WASTEWATER: The applicant is proposing on-site wastewater systems for each 20,000 SF residential lot and two-family attached units.

OPEN SPACE: Planned Residential Developments are required to have 35% Open Space. The required open space for Coinjock Meadows is 12.84 acres (36.68AC *.35). The submitted plan proposes 36.6% (13.44 acres) open space.

DRAINAGE: The proposed development will have one stormwater basin to accommodate the drainage demands.

FLOOD ZONES: Approximately 14 acres of the property is located in Flood Zone AE (4). The remaining acres are in Flood Zones (X) or Shaded (X), outside of the 100-year flood plain.

I. NARRATIVE OF REQUEST:

- Ocean Builders. LLC is seeking approval of an amended sketch plan for a 48 unit Planned Residential Development (PRD), the first PRD in Currituck County.
- The BOC approved the sketch plan/special use permit on September 17, 2007 for a 50-lot PRD.
- The applicant requests a two unit reduction of the overall development. In addition, the applicant is requesting to convert 12 single family lots to 12 two-family dwelling units, located in Phase 2 of this project.
- A minor subdivision of two commercial parcels identified as commercial #1 and commercial #2 is under administrative review. These parcels will not be part of the PRD.

- According to the Development Impact Statement dated May 17, 2007 and amended August 21, 2008:
 - The development will include 36 single-family detached units and 12 multi-family dwelling units. This project is being developed to provide workforce housing for Currituck County and surrounding counties.
 - The applicants are working with the Outer Banks Community Development Corporation to offer down payment assistance and special financing.
 - The sizes and costs are as follows:

Model	Sq. Ft	# Bedrooms	# Baths	Price Range
Ashland	1615	3 bedroom	2 bath	\$195,000
Millbrook	1200	3 bedroom	2 bath	\$165,000-\$175,000
Wedgeport	1640	3 bedroom	3 ½ bath	\$200,000
Kingsport	1000 finished 688 unfinished	2 bedroom	2 bath	\$170,000- \$180,000
Two-Family Units		2-3 bedrooms		\$140,000-\$175,000

- The project will be developed in 2 phases with 28 single family homes in the first phase and 8 single family homes and 12 multi-family units in the second phase.
- The median home price is expected to be \$187,446 and the median town home price will be \$157,500.

II. SPECIAL USE PERMIT CRITERIA:

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, the Board of Commissioners must propose specific findings of fact based upon the evidence submitted. The board must consider the following criteria:

A. *Does the proposal comply with the general standards found in Section 11.7.1 F. 12. for a Special Use Permit/Sketch Plan?*

1. *The application is complete.*

The application meets the submission requirements for amended sketch plan review.

2. *The conditions proposed meet or exceed the minimum requirements of this ordinance and are agreed to by the applicant.*

The application and proposed amended sketch plan generally complies with the provisions of the UDO for sketch plan approval. The proposed conditions

meet the minimum requirements of the UDO and are agreed to by the applicant.

3. *The special use will not endanger the public health or safety.*

Public health and safety issues including stormwater management and access for emergency services have been adequately addressed within this proposal.

4. *The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.*

The proposed subdivision should have no negative impact on adjoining property. The adjoining uses are low density single family dwellings mixed with smaller lots (less than ½ acre) on Coinjock Development Road. The density of the proposed subdivision is compatible with the adjacent residential subdivisions.

5. *The special use permit will be in conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plan.*

LAND USE PLAN CLASSIFICATION:

The property is predominately designated **Full Service** within the **Barco/Coinjock/Airport** sub-area by the 2006 Land Use Plan. At the rear of the property, 2.69 acres is designated **Conservation** Class. 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. A greater diversity in housing types (i.e. semi-detached, attached, and multi-family) would be considered appropriate in the Full Service areas.

The policy emphasis of the 2006 Land Use Plan is for the Barco/Coinjock/Airport area to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.

POLICY PA2: The county supports MANY FORMS OF “ACCESS” to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.

POLICY ES3: COASTAL WETLANDS shall be conserved for valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species.

CAMA use standards and policies for coastal wetlands shall be supported. Uses approved for location in coastal wetland must be water dependent (i.e. utility easements, bridges, docks and piers) and be developed so as to minimize adverse impacts.

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. COASTAL AND NON-COASTAL WETLANDS shall not be considered part of a lot's acreage for the purpose of determining minimum lot size or development density. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

The proposed planned residential development conforms to the Full Service Land Use Plan designation. The area that is Conservation class is being set aside as open space. This request generally complies with the 2006 Land Use Plan.

- 6. The special 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 public 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 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 11.7.1.*

The overall proposed development density will be reduced from 50 units to 48 units, and there are adequate public facilities to serve this development.

III. TECHNICAL STAFF COMMENTS:

Planning Department (Donna Voliva)

1. The sidewalks are required along both sides of the street including the multi-family parking area. The parking spaces must be shifted out of the pedestrian/sidewalk easement. *Staff comment: The plan was revised and the sidewalk is located along both sides of the street including the front of each multi-family parking space.*
2. The septic system improvements shall be located on the individual lot it is designed to serve. (Section 9.2.7.2.H) *Staff comment: The plan was revised and the septic area for lots 29, 35, and 36 has been removed from the residual*

acreage. *The septic area intended for the two-family detached units will be located adjacent to the VEPCO Easement which must be part of the tract of land where the buildings are located. The preliminary plat submittal for Phase 2 must identify the two-family dwelling units and the septic area as one parcel excluded from the open space.*

3. The septic area must be excluded from open space (Section 10.4.1. C.4.) *Staff comment: The preliminary plat submittal for Phase 2, including the two-family dwelling units, must identify the septic area as a part of a separate tract and excluded from the open space.*
4. The calculations for the reserve utility open space must be provided. Also include the multi-family improvements. *Staff comment: The calculations have been received.*
5. The north arrow must be indicated on the amended sketch plan. *Staff comment: The north arrow was added to the revised plan.*

NC Division of Coastal Management (Charlan Owens)

A 74-foot walkway to access the water with a 120 square foot deck along the water's edge was approved under CAMA Minor Permit M08-20 issued by the County's Local Permit Officer on June 20, 2008.

Currituck Fire Services (James Mims)

Will the multi-family dwellings require sprinklers as specified in the NC Building Code? If so, I need to see the fire department connections on the site plan. They should be positioned in a manner that a connection from a fire hydrant to the fire apparatus to the fire department connection will not block the full width of the fire apparatus access. *Staff comment: The revised plan indicates two-family attached units. Two-family attached units will not require fire sprinklers. .*

Currituck Public Works, Utilities (Pat Irwin)

Approved with the following conditions and comments: Run the waterline around the cul-de-sacs. *Staff comment: The waterline plans for phase 1 were approved and have been installed. The requested changes will be made to phase 2 construction plans.*

Currituck Public Works, Engineering (Eric Weatherly)

Approved.

Currituck Soil and Water (Mike Doxey)

Approved.

Currituck Building Inspections (Spence Castello)

Handicap parking and accessible route is required for the pavilion. *Staff comment: A concrete parking and sidewalk will be installed.*

NCDOT (Roger Ward)

The driveway permit was issued on 5/02/08.

Parks and Recreation (Jason Weeks)

Parks and Recreation suggests making the mulch trail an ADA accessible trail by using an approved surfacing such as concrete or pavement. *Staff Comment: The approved mulch trail was installed as part of phase 1 improvements.*

Dominion Power (Donald Hoover)

Consent for right-of-way encroachment is approved for grading, Dominion access road, stormwater basin, active and non-active drain fields, utility open space (potential drain field repair areas), drainage, culverts and road crossing.

US Army Corps of Engineers (Tom Steffens)

Approved wetland delineation map.

Albemarle Regional Health Services

No comment received.

V. SPECIAL USE PERMIT CONDITIONS FROM SEPTEMBER 17, 2007:

1. All lots for the development shall have a minimum size of 20,000 square feet with individual on-site septic systems.
2. The applicant shall submit an amended sketch plan that shows all lots meet the minimum size of 20,000 square feet. The plan dated 7-27-07 does not indicate 20,000 square foot lots.
3. The applicant shall complete the development strictly in accordance with the conditions approved by the Board of Commissioners and the Amended Sketch Plan on file with the Planning Department.
4. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
5. This permit is valid for two years and will expire on September 17, 2009 if work has not begun on the project at that time. Once work has begun and the use begins, this special use permit shall remain valid so long as the conditions under which it was granted are met.
6. Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 922, which indicates the post development stormwater run off shall not exceed the pre-development runoff prior to preliminary plat submission.
7. Indicate the breakdown of the open space used for active recreation and visual relief. This should show that the active recreation meets or exceeds 50% of the open space (Section 936)

8. The applicant has not provided a reserve utility open space as required by Section 703. The county engineer shall approve the area required for a reserve utility open space before the Sketch Plan receives approval.
9. Additional recreational areas shall be indicated to meet the requirement of 50% of the open space designated for recreation. The plan dated 7-23-07 does not indicate a multi-purpose open play field shall be graded and installed with soccer goals. This play field shall be placed in a portion of the area indicated for a community garden. (Section 936-937)
10. An improved driveway and parking area shall be provided to access the waterfront park and garden. The current plan does not appear to provide access to the park. (Section 701)
11. Section 914 of the UDO (as of 8-20-2007) requires all subdivisions over 20 lots to install concrete sidewalks along both sides of all proposed streets in accordance with NCDOT regulations.
12. The required improvements shall be installed and accepted prior to submission for Final Plat approval for each phase.
13. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.
14. No land disturbing activities shall be permitted on site prior to issuance of the Preliminary Plat approval, including clearing vegetation, grading, filling the property, or installing bulkheads. (Section 910)
15. A wetlands plat approved by the Corps of Engineers is required at preliminary plat submission.
16. Correct the date of the previously recorded survey of the parcel in the note 9.
17. The materials submitted to date provide only four house styles. The applicant should submit a home and building design template that shall be incorporated with the approval. The template should be provided prior to preliminary plat approval and incorporate architectural elements for the residential structures. At a minimum the applicant shall consider the following with respect to the residential structures:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types; and,
 - d. Inclusion of front porches, projecting bays, vestibules.
18. A landscape plan shall be submitted in conjunction with the preliminary plat showing the location, spacing, caliper dimension, and species of proposed landscaping materials. Shrubs shall be at least ten gallons in size and trees must be at least two inches in caliper at planting.

19. A complete loop trail system shall be installed prior to the recordation of the first phase in order to ensure active recreation amenities are completed in tandem with the residential construction. Additions to the trail and sidewalk system should be installed prior to the recordation of additional phases.
20. All of the open space areas surrounding the ponds shall be stabilized with grass, vegetation, and the proposed landscaping prior to recordation of the first phase.
21. All visual relief open space within each phase shall be stabilized and vegetated with grass.
22. Given the relatively small size of the proposed lots, an R/V and boat parking area shall be shown to the rear of the development.

VI. STAFF RECOMMENDATION:

The proposed development meets the requirements for amended sketch plan/special use permit approval and the planning staff recommends approval subject to the findings of fact and the following code and TRC requirements:

1. The applicant shall complete the development in accordance with the conditions approved by the Board of Commissioners and the amended sketch plan on file with the Planning Department.
2. If any of the conditions affixed hereto or any part thereof are invalid or void, then this permit shall be void and of no effect.
3. All required improvements, including a multi-purpose open play field with soccer goals, shall be graded, installed and accepted prior to submission for final plat approval or each phase.
4. An improved driveway and parking area shall be provided to access the waterfront park and garden.
5. Sidewalks shall be installed along both sides of the street including the two-family detached parking area.
6. The septic area may not be included in open space (Section 10.4.1. C.4)
7. Parking spaces may not be located within 15 feet of a fire hydrant (Section 8.1 F.)
8. All required septic system improvements shall be located on the individual lot they are designed to serve. (Section 9.2.7.2. H)
9. All lots on individual on-site septic systems shall be a minimum of 20,000 square feet.
10. An improved driveway and parking area shall be provided to access the waterfront park and garden.
11. Concrete sidewalks shall be provided along both sides of all proposed streets. Sidewalks shall be installed in accordance with NCDOT regulations.
12. The applicant proposes four single family residential housing styles. At a minimum the applicant shall consider the following with respect to the residential structures:

- a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types; and,
 - d. Inclusion of front porches, projecting bays, vestibules.
13. A landscape plan shall be submitted in conjunction with the preliminary plat showing the location, spacing, caliper dimensions, and species of proposed landscaping materials. Shrubs shall be at least ten gallons in size and trees must be at least two inches in caliper at planting.
14. A complete loop trail system shall be installed prior to the recordation of the first phase in order to ensure active recreation amenities are completed in concurrence with the residential construction. Additions to the trail and sidewalk system shall be installed prior to the recordation of additional phases.
15. All open space areas, including areas surrounding the pond, shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
16. Given the relatively small size of the proposed lots, an R/V and boat parking area shall be shown to the rear of the development.
17. The septic system improvements shall be located on the individual lot it is designed to serve. (Section 9.2.7.2.H)

PLANNING BOARD DISCUSSION

Mr. Kovacs asked what type of septic system will be installed.

Mr. Deel stated it will be a conventional system that will serve more than one unit.

Mr. Midgette asked Mr. Deel if he is okay with the staff recommendations.

Mr. Deel stated yes.

Mr. Kovacs asked how many parking spaces will be available.

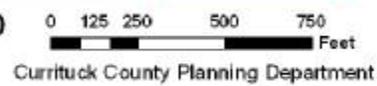
Mr. Webb stated each building will have 12 spaces plus 4 extra spaces to a total of 16 parking spaces per building.

ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations of the Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units. Ms. Turner seconded the motion. Motion carried unanimously.



PB 07-40 Coinjock Meadows, PRD
Preliminary Plat, Phase 1



PB 07-40 COINJOCK
MEADOWS



**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: November 3, 2008
Amended Special Use Permit:
PB 08-09 Jarvis Landing Multi-Family**

- ITEM:** PB 08-09 Jarvis Landing Multi-Family, Amended Special Use Permit for 39 attached residential dwellings.
- LOCATION:** Located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd.
- TAX ID:** Tax Map 110, Parcel 74
0110-000-0074-0000
- OWNER:** GOB, LLC
PO Box 125
Point Harbor, NC 27964
- ENGINEER:** Bissell Professional Group
Mark Bissell
PO Box 1068
Kitty Hawk, NC 27949
- CURRENT ZONING:** Conditional District-General Business (CD-GB)
- ZONING HISTORY:**
1. The property was zoned Residential (R) on the 1989 zoning atlas.
 2. A Sketch Plan/ Special Use Permit for a 14 lot residential subdivision was granted for this property on April 3, 2006.
 3. The subdivision was constructed and Final Plat approval was granted on May 8, 2007.
 4. The Final Plat was not recorded within 90 days of the approval and has now expired.
 5. A Conditional Zoning- General Business district was approved for the property on March 3, 2008.
 6. A Special Use Permit for a 39 unit multi-family development was approved March 3, 2008

NARRATIVE:

GOB, LLC is applying to amend their special use permit from a duplex, condo complex to an apartment development under single ownership. The design of the housing is also changing. The apartments will be in a duplex design with parking to the rear of the

buildings. The amenities will include a clubhouse, mulched trail through the wooded area and a 9,000 square foot neighborhood park area.

LAND AREA: 15.40 acres

NUMBER OF UNITS: 39

DENSITY: 39 units allowed by the conditions of the zoning approval.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential and Sand Mine	R and GB
SOUTH:	Residential and Undeveloped	R
EAST:	Undeveloped	GB
WEST:	Undeveloped	R

EXISTING LAND USE: Vacant Residential Subdivision.

PROPOSED LAND USE: 39 duplex apartments, and related amenities.

PUBLIC SERVICES AND UTILITIES:

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric service, telephone and public water are available.

TRANSPORTATION:

The site has approximately 24 linear feet of frontage on Caratoke Highway.

FLOOD ZONE:

This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

SOILS:

The Currituck County Soils map indicates the property contains suitable soils for on-site septic systems.

OPEN SPACE:

The development is required to have 30% open space (4.62 acres). The plan proposes 58% open space (8.97 acres).

WATER:

The development will be served by county water.

WASTEWATER:

Conventional bed systems are being proposed.

DRAINAGE:

The drainage will be directed to roadside ditches that will lead to two stormwater infiltration basins.

SPECIAL USE PERMIT CRITERIA:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *The application is complete.*

Based on staff review all required information has been submitted.

2. *The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".*

A multi-family apartment complex is a permitted use in a General Business zoning district.

3. *The conditions proposed meet or exceed the minimum requirements of this ordinance and are agreed to by the applicant.*

The plan meets the requirements of the UDO and previously approved conditions.

4. *The special use 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 for this development.

5. *The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.*

The proposed 39 unit residential development should have no negative impact on adjoining property. The adjoining uses include residential and multi-family uses. The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance and promotes compatibility between the subject property and surrounding area.

6. *The special use will be in conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plan.*

The 2006 Land Use Plan classifies the site as **Limited Service Area** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". 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 policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments.

The following Land Use Plan policies are also relevant to this request:

POLICY AG6: For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

The proposed special use permit is in **general compliance** with the policy emphasis of the Jarvisburg Sub-Area and policies AG6, and HN3 of the 2006 Land Use Plan.

7. *The special 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 public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).*
 1. The county water department has adequate water to serve the proposed 39 dwelling residential development.
 2. School seats for 39 residential dwellings were previously allocated on March 3, 2008.
 3. Staff has determined adequate public facilities exist to serve this subdivision.

Technical Review Meeting was held on September 17, 2008 and the reviewing agencies had the following comments:

1. **NCDOT:** Approved with following comments: A driveway permit was issued 7/14/06, additional development may require improvements to US 158.

2. **CURRITUCK COUNTY SOIL AND WATER:** Approved with no comment.
3. **COUNTY ENGINEER:** Approved with the following comment:
 - a. All of the units need individual water meters unless a single meter is installed for the entire project.
 - b. Tap fees will be required for all units, but credits will be applied for the 14 tap fees previous paid.
 - c. The other option is to have one 6" meter for the entire development since it will now be single ownership.
 - d. Please contact the Water Department to determine the costs for each option.
4. **CURRITUCK COUNTY WATER DEPARTMENT:** Approved with the following comments:
 - a. The waterlines are installed along the existing streets.
 - b. If additional lines or hydrants are needed, plans will need to be submitted for review.
5. **CURRITUCK COUNTY FIRE SERVICES:** Approved with the following comments:
 1. Any islands located in the middle of cul de sacs should be designed without any large shrubs, trees, signs, gazebos, or utility equipment that would hamper ladder trucks from driving over them.
 2. Will the multifamily dwellings require sprinklers as specified by the North Carolina Building Code? If so, I need to see the fire department connections on the site plan. They should be positioned in a manner that a connection from a fire hydrant to the fire apparatus then to the fire department connection will not block the full width of the fire apparatus access.
6. **N.C. DIVISION OF COASTAL MANAGEMENT:**

The plan was reviewed with no comment.
7. **ALBEMARLE REGIONAL HEALTH SERVICES:** Approved with the following comments:
 - a. Topography is not flat; therefore septic systems may take up larger area than normal- lines may have to run diagonal on lot in order to fit system in.
 - b. Need to show the initial and repair areas with each unit along with contours. The woodland areas appear to limit available space.
 - c. There needs to be a septic easement for lines under the streets.
 - d. These systems will require an engineered approval.
8. **CURRITUCK INSPECTIONS DIVISION:** Approved with the following comment: Where is the accessibility parking?

9. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
10. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comment: Street names are OK, but GIS would like the cul-de-sacs to have separate names for 911 purposes. Please propose at least 2 names. Addresses will be assigned to buildings after GIS street names are finalized.
11. **NC Office of State Archeology:** Approved as is.

STAFF RECOMMENDATION

Because it appears the application has satisfied the criteria for granting a Special Use Permit approval as outlined above, staff recommends **conditional approval** of the application subject to satisfaction of the TRC comments, and subject to the following new conditions and the conditions required by the Board of Commissioners in their 3-3-08 approval of the Special Use Permit and the Conditional Zoning-General Business district:

CODE and SPECIAL USE PERMIT REQUIREMENTS:

1. An open space preservation easement needs to be recorded when the following list of easements are recorded (as required in the SUP 3-3-08):
 A recorded deed of easements along with a map of the easements shall be recorded in the Currituck County Registry of Deeds for the following (Section 9.2.1 Utility Easements):
 - a. A utility easement shall be dedicated to the Currituck County Water Department for all areas that contain county water lines.
 - b. A utility easement area shall be established for all drainage infrastructures, power, telephone, and cable lines.
 - c. The width of the drainage and utility easement shall be 60 feet wide along the streets with a 60 foot radius at the cul-de-sacs. This will comply with the requirements for lots of 45 feet wide street right of way plus 15 feet along the frontage of lots. (Section 9.2.1 Utility Easements)
2. Individual site plan submissions will be required for each building when the architectural drawings are submitted.
3. The concrete sidewalks shall be installed with each building as they are constructed so that a pedestrian travel way is created between the residential unit and the amenities area.
4. All of the conditions approved 3-3-08 for the Special Use Permit and Conditional District-General Business district (CD-GB) apply to this amended project.

PREVIOUS CONDITIONAL ZONING REQUIREMENTS

1. Uses: 39 townhome style dwellings, manager’s office/community center, and related amenities.
2. Density shall not exceed 2.574 dwelling units per acre.

3. 25 feet of undisturbed natural vegetative buffer shall remain along the northern and western property lines.
4. A walking path/sidewalk shall be constructed for pedestrian connectivity to the existing GB zoning district to the east.
5. Existing woodlands shall be preserved to the extent practicable.
6. An opaque privacy fence will be constructed along the northern property line adjacent to tax map parcel 110-75B and along the western property line adjacent to tax map parcel 110-75D.
7. A minimum of 30% of the acreage of existing woodland, excluding utility areas, shall be designated and maintained as an undisturbed tree preservation area.

PREVIOUS SUP REQUIREMENTS

1. This development shall be subject to final plan approval by the Technical Review Committee.
2. The applicant shall submit detailed drawings that comply with the standards for a commercial site plan for Technical Review Committee Review. (11.14.4)
3. A recorded deed of easements along with a map of the easements shall be recorded in the Currituck County Registry of Deeds for the following (Section 9.2.1 Utility Easements):
 - a. A utility easement shall be dedicated to the Currituck County Water Department for all areas that contain county water lines.
 - b. A utility easement area shall be established for all drainage infrastructures, power, telephone and cable lines.
 - c. The width of the drainage and utility easement shall be 60 feet wide along the streets with a 60 foot radius at the cul-de-sacs. This will comply with the requirements for lots of 45 feet wide street right of way plus 15 feet along the frontage of lots. (Section 9.2.1 Utility Easements)
4. The final site plan shall indicate who will be responsible for the stormwater system maintenance.
5. The applicant shall indicate prior to Board of Commissioners approval where a power line, telephone easement will be placed and where the connections will occur off-site. If the utilities are connecting to the lines on US 158, additional easements from the Jarvis property may have to be acquired.
6. Before a final plan approval is issued, the applicant shall have the following permits approved: a NC Stormwater Management permit, a NC Sedimentation and Erosion Control permit, and an Environmental Health or Division of Water Quality wastewater permit.
7. The construction of streets, parking and infrastructure may begin after a final plan approval is issued by the Technical Review Committee. This approval may be issued in phases.

8. No part of the open space shall be encumbered by an active or repair septic area, roadways, drainage systems or utility lines. (Chapter 17, Definition of Open Space)
The final plan submission shall deduct these areas from the open space calculation.
9. If a tree designated for preservation is removed or dies after a certificate of occupancy is issued, the permit recipient or successor shall be responsible for replacement. (Section 5.7 Bufferyard Maintenance)
10. Payment of water tap fees will be required prior to the building permits being issued for each unit.
11. The loop walking trail shall be installed prior to the first building receiving a certificate of compliance.
12. The following shall be submitted with the landscaping plan:
 - A. Approximate location and description of the protective tree fencing, staking, or continuous ribbon to be installed which, at a minimum, follows the drip line of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.
 - B. Location, spacing, and caliper dimension, and species of new trees to be provided.
 - C. A summary table of the number of new trees to be planted and existing trees to be retained along with calculations showing the buffer and shading requirements have been satisfied. Grouping of trees in tree preservation areas may be keyed to the summary table by area rather than having each individual tree labeled on the plan.
 - D. A note on the plan indicating that a one-year full-price replacement guarantee on all new trees planted is held by the applicant and an additional one-year guarantee on replacement plant. The applicant is expected to maintain plantings, including watering all plants when natural rainfall is less than one inch per week.
 - E. A note on the plan indicating that the applicant shall remove all stakes and guy wires from trees and site one year after planting.
13. The architectural standards are:
 - A. Vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest;
 - B. Inclusion of front porches, projecting bays, vestibules;
 - C. Attached dwelling units containing more than (5) units in a row shall have facades, which alternate siding styles and patterns to provide visual distinction to each unit. Alternation between siding and brick is encouraged;
 - D. An architectural elevation for each unit shall be approved by the Planning Department prior to each building permit being issued.

PLANNING BOARD DISCUSSION

Mr. Ryan stated he would like to revise some of the language in the SUP requirements, 3, C. He would like to change the width from 75 feet wide to a minimum easement width of 60 feet for this development. This proposal will be for a commercial master meter to serve the entire development rather than individual meters.

Ms. Turner asked what the rent will be for these units.

Mr. Ryan stated the rent will be established by the Outer Banks CDC and the NC Affordable Housing Group.

Mr. Webb stated it will be based upon your verified income.

Mr. Kauffman stated the rent will be between \$550 to \$650.

ACTION

Mr. West motioned to recommend approval with staff recommendations and the language to change under SUP Requirements, 3, C. from 75 feet wide to a minimum easement width of 60 feet and a community master meter for this development. Ms. Turner seconded the motion. Motion carried unanimously.



PB 08-09 Jarvis Landing Multi-Family

0 85 170 340 510 680 Feet

Currituck County Planning Department



PB 08-09 Jarvis Landing Multi-Family

0 285 570 1,140 1,710 2,280 Feet

Currituck County Planning Department



JARVIS LANDING MULTI-FAMILY DEVELOPMENT

SITE DEVELOPMENT PLAN



CAHOON & KASTEN, ARCHITECTS
ARCHITECTURE PLANNING INTERIOR DESIGN CONSTRUCTION ADMINISTRATION

Phone: (252)441-0271
 Fax: (252)441-8724 E-mail: cahoonandkasten@earthlink.net

JARVIS LANDING MULTI-FAMILY DEVELOPMENT

Site Rendering		A102
Project number	08034MF	
Date	August 20, 2008	
Drawn by	BJP	
Checked by	MAK	



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-6029
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: October 24, 2008

Re: Development Review Process

As directed by the Board of Commissioners at their January 2008 retreat, planning staff has recently completed a process to consolidate and modernize the development review process. This nearly year long effort has resulted in an improved review process that promotes efficiency and continues to allow reasonable oversight by county staff and public officials.

The need for changes to the development review process is a result of conflicting procedures and requirements that often cause frustration among regular users. Additionally, administration of the current process is cumbersome for county staff. The inefficiencies of the current process create a lengthy and complex process that is confusing for the general public. It is also the opinion of the county attorney that the vesting of subdivisions does not properly occur under the current process.

Extensive public input was sought to best identify the specific problems that existed with the review process and then determine the most appropriate solutions. Following the January Board of Commissioners retreat the following steps were taking:

- To identify deficiencies, the review process was benchmarked or compared to other local governments.
- A survey was mailed to 36 governmental agencies or representatives and 38 developers/engineers/surveyors
- A public meeting/luncheon was held and the survey results were reviewed. Additional comments were accepted during the meeting.
- On July 17 a draft document was released based the survey results and public comments.
- Additional comments were accepted on the draft through the end of July.
- A Planning Board work session was held on September 8.
- A Board of Commissioners work session was held on September 15.

As a result of the input gathered from governmental agencies, Planning Board members, the development community and citizens, the following changes are being recommended:

- Revise and update submittal requirements and deadlines to promote efficiency and lessen confusion.
- Utilize electronic submission of plans and rely on newer technology that is now available.
- Centralize adjoining property notices and Technical Review Committee mailings which allows for timelier public notice (currently the applicant is responsible for notification).
- Establish clear deadlines and lines of communication between county staff and users of the process.
- Reduce the total number of public hearings from four to two:
 - Speeds up and shortens the development review process.
 - Provides less confusion to the general public (i.e., why does the same subdivision keep coming back for public hearings).
 - Promotes efficiency and allows more staff time and resources to be dedicated to other planning efforts.
 - Approval of preliminary plat/SUP by the Board of Commissioners to ensure legal vesting is consistent with State law.
- Establish a Development Review Manual:
 - Includes information on review processes, submittal procedures and design requirements.
 - Detailed information related to processes is included in the Development Review Manual rather than the Unified Development Ordinance (everything is found in one location rather than spread throughout the UDO).
 - Allows for increased flexibility in establishing policies to ensure the review process remains fluid and reflective of changing economic and environmental conditions.

In summary, the changes proposed to the development review process should provide a framework that allows reasonable oversight by county officials while ensuring development projects are consistent with the Unified Development Ordinance and adopted plans. The revised process not only provides an opportunity to protect the public health, safety, and welfare; but also allows the county to more efficiently coordinate development impacts with the provision of public services.

The Planning Board considered this request at their October 14 meeting and unanimously recommended approval. Attached please find the Planning Board meeting minutes, a resolution of adoption, and the Development Review Manual. The associated text amendments proposed to the Unified Development Ordinance can be found on the Planning Department's website under latest news: www.co.currituck.nc.us/planning.cfm.

Should you have any questions or concerns, please feel free to contact me at your convenience.

PLANNING BOARD DISCUSSION

Mr. Woody stated that the fee schedule will probably need to be revised because staff will be taking on more work and lessen the developers cost. The fee schedule has not been increased since 1994.

Mr. Midgette asked if we were compatible to other counties.

Mr. Woody stated Currituck's fees are lower than other counties.

The Planning Board discussed the fee schedule increase and the timing of submissions on the planning board agenda.

ACTION

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance, Chapters 1, 4, 10, 11, 12, and 17 and to revise the fee schedule and establish timing of submissions. Ms. Turner seconded the motion. Motion carried unanimously.

**CURRITUCK COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF ADOPTION FOR
DEVELOPMENT REVIEW PROCESS MANUAL**

WHEREAS, the Currituck County Board of Commissioners has determined a need for the adoption of a Development Review Process Manual to consolidate the development review processes and promote efficiency; and,

WHEREAS, the Board has determined that development review processes should be incorporated into a single document as an aid for citizens, public officials, engineers and other users of the process; and,

WHEREAS, the establishment of a development review process manual provides a framework that allows reasonable oversight by county staff and officials while ensuring development projects are consistent with the Unified Development Ordinance and adopted plans; and

WHEREAS, the establishment of a development review process manual provides an opportunity to not only protect the public health, safety, and welfare; but also allows the county to better coordinate development impacts with the provision of services; and

WHEREAS, attached hereto is that certain "Development Review Process Manual," which contains review procedures for development in Currituck County; and,

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY, adopt by resolution and incorporate within the Unified Development Ordinance by reference, the "Development Review Process Manual", a correct copy of which is attached hereto.

ADOPTED the 3rd day of November, 2008.
EFFECTIVE the 22nd day of January, 2009.

Barry Nelms, Chair
Currituck County Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

Development Review Process Manual



Currituck County Planning Department
Currituck, North Carolina

Development Review Process Manual

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Introduction

The Currituck County development review process is established by the Board of Commissioners to provide a framework that allows reasonable oversight by county staff and officials while ensuring development projects are consistent with the Unified Development Ordinance and adopted plans. This process provides an opportunity to not only protect the public health, safety, and welfare; but also allows the county to coordinate development impacts with the provision of services.

To help consolidate the development process and promote efficiency, the Board of Commissioners has established this Development Review Manual as an aid for citizens, public officials, engineers, and developers. The manual includes information on review processes, submittal procedures, and design/review requirements. It also provides an overview of county zoning districts, including common uses and residential densities. The basic intent of this manual is to consolidate the zoning review and decision making processes outlined in the Unified Development Ordinance in an easy to use and understandable document.

While the Development Review Manual is not an ordinance, it is adopted by resolution of the Board of Commissioners and incorporated by reference within the Unified Development Ordinance. This allows the procedures outlined in the manual to be applied flexibly and remain reflective of changing economic and environmental conditions. If the County Administrator determines the manual needs to be amended, notice of any such change will be provided via the county website and electronic mailing lists maintained by the Planning Department.

If the specific provisions of the Development Review Manual conflict with the Unified Development Ordinance or other regulatory agencies, the provisions of said other regulation are deemed controlling.

Summary Table of Authority

The Summary Table of Authority summarizes the role of relevant review authorities for each development review procedure.

	Staff	Technical Review Committee	Planning Board	Board of Commissioners
Sketch Plan	R	D		
Preliminary Plat/SUP	R	R	R	D
Pre-Construction Review	R	D		
Final Plat	R	D		
Rezoning	R		R	D
Special Use Permit	R	R*	R	D
Minor Subdivision	D	R*		
Commercial Site Plan Review	R	D		

R = Recommending Authority

D = Decision Authority

***If required by Administrator.**

Submittal Deadlines

Submittal deadlines are firm and shall not be waived. Cut-off time is 3:00 p.m. for all submittal dates. In order to avoid late or incomplete submissions, it is recommended that an applicant submit all required materials in advance of the scheduled deadline. An appointment with the Planning Technician, 252-232-6025, is necessary for all application submittals. Incomplete applications will be returned to the applicant.

Currituck County
2009 Submittal Schedule

Suggested Pre-Application Meeting	Application Submittal Date	TRC Comments to Developer Deadline	TRC Mtg Date	Deadline for TRC Revisions	Staff Approval of Sketch Plans, Pre-Construction Drawings, and Final Plats	PB Mtg Date	Preliminary Plat/ Rezoning/ SUP BOC Mtg	Text Amendment BOC Mtg Date
11/24/08	12/01/08	12/11/09	12/17/09	12/22/08	01/12/09	01/13/09	02/02/09	02/16/09
12/22/08	12/29/08	01/15/09	01/21/09	01/26/09	02/09/09	02/10/09	03/02/09	03/16/09
01/15/09	01/22/09	02/12/09	02/18/09	02/23/09	03/09/09	03/10/09	04/06/09	04/20/09
02/19/09	02/26/09	03/12/09	03/18/09	03/23/09	04/13/09	04/14/09	05/04/09	05/18/09
03/19/09	03/26/09	04/09/09	04/15/09	04/20/09	05/11/09	05/12/09	06/01/09	06/15/09
04/16/09	04/23/09	05/14/09	05/20/09	05/26/09	06/08/09	06/09/09	07/06/09	07/20/09
05/21/09	05/28/09	06/11/09	06/17/09	06/22/09	07/13/09	07/14/09	08/03/09	08/17/09
06/18/09	06/25/09	07/09/09	07/15/09	07/20/09	08/10/09	08/11/09	09/08/09	09/21/09
07/16/09	07/23/09	08/13/09	08/19/09	08/24/09	09/08/09	09/08/09	10/05/09	10/19/09
08/20/09	08/27/09	09/10/09	09/16/09	09/21/09	10/12/09	10/13/09	11/02/09	11/16/09
09/17/09	09/24/09	10/15/09	10/21/09	10/26/09	11/09/09	11/10/09	12/07/09	12/21/09
10/15/09	10/22/09	11/13/09	11/18/09	11/23/09	12/07/09	12/08/09	01/04/10	01/19/10

	Suggested Pre-Application Meeting	Application Submittal Date	TRC Comments to Developer Deadline	TRC Mtg Date	Deadline for TRC Revisions	Staff Approval of Sketch Plans, Pre-Construction Drawings, and Final Plats	PB Mtg Date	Preliminary Plat/ Rezoning/ SUP BOC Mtg	Text Amendment BOC Mtg Date
Sample Sketch Plan Track									
Sample Preliminary Plat Track									
Sample Pre Construction Plan Track									
Sample Final Plat Track									
Sample Rezoning/ SUP Track			*	*					
Sample Text Amendment Track			*	*					

SKETCH PLAN: FROM SUBMITTAL DATE, WILL TRACK THROUGH STAFF AND TRC

PRELIMINARY PLAT: FROM SUBMITTAL DATE, WILL TRACK THROUGH STAFF, TRC, PLANNING BOARD, AND BOC.

PRE-CONSTRUCTION PLANS: FROM SUBMITTAL DATE, WILL TRACK THROUGH STAFF AND TRC

FINAL PLAT: FROM SUBMITTAL DATE, WILL TRACK THROUGH STAFF AND TRC

REZONING, SUP, TEXT AMENDMENT: FROM SUBMITTAL DATE, WILL TRACK THROUGH STAFF, TRC (IF NECESSARY ^{*}), PLANNING BOARD, AND BOC

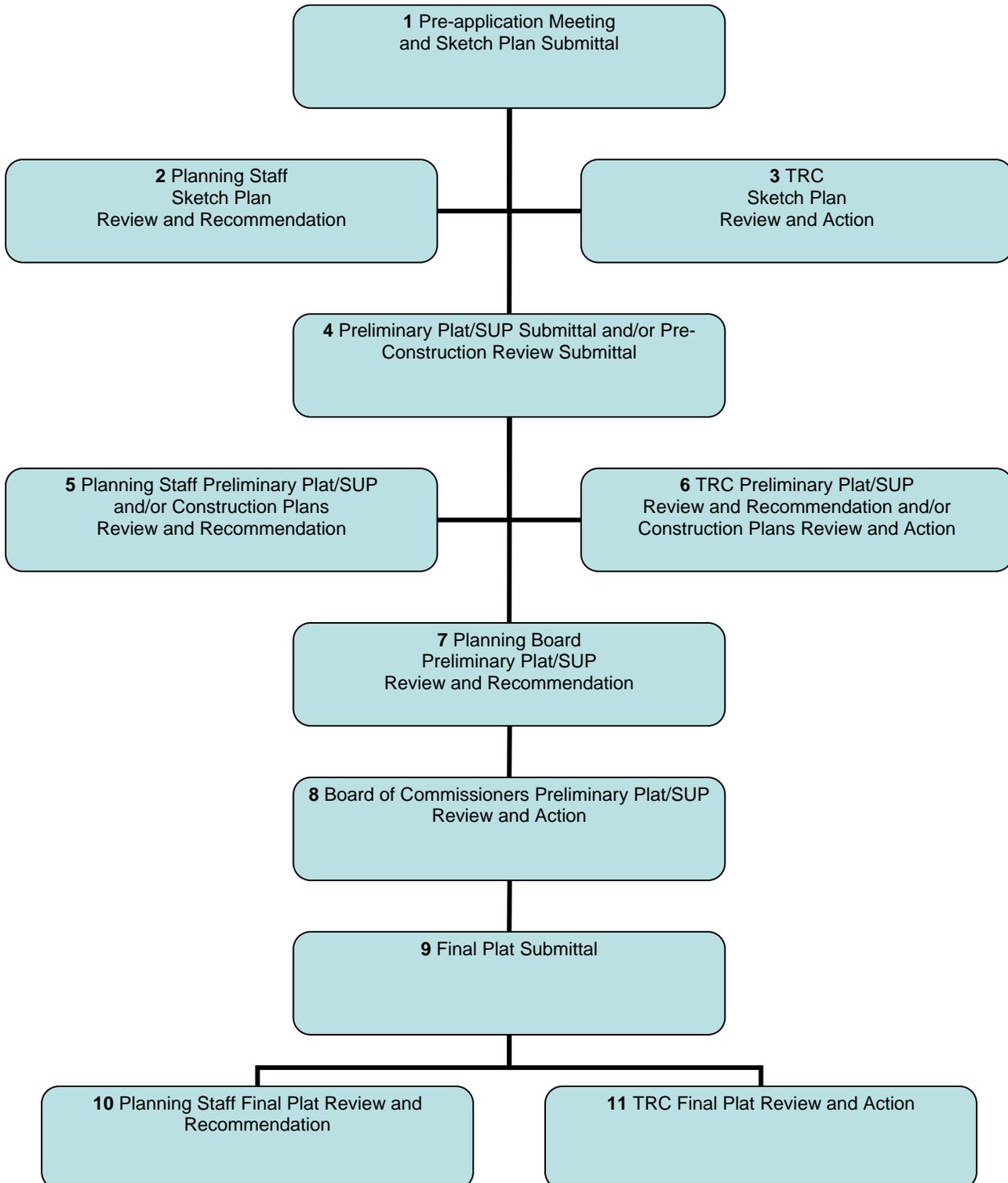
Notes:

1. All required materials must be received prior to the close of business on the application submittal date. Failure to submit all required information, documents and fees will result in the item being returned to the applicant or carried to the next scheduled meeting.
2. The dates are subject to change; therefore, it is the responsibility of the applicant to verify dates with the Currituck County Planning Department.

Major Subdivisions

A major subdivision is a subdivision that creates six or more lots and is subject to the improvement standards in the UDO.

Review Process



Major Subdivision Submittal Checklists

Staff will use the following checklists to determine the completeness of your application. Please make an appointment with the Planning Technician (252-232-6026) to submit your application. The Planning Technician will review the submittal checklist with you at the time of this appointment and accept the submittal only if all of the requirements have been met.

Sketch Plan Submittal Checklist

Currituck County Planning Department
Sketch Plan Submittal Checklist

Date Received _____ TRC Date _____

Project Name _____

Applicant/ Property Owner _____

Number of Lots _____ Review Fee (\$100/ lot) \$ _____ Reviewed By _____

Plans

- ___ Sketch plan
- ___ Yield plan (All conservation subdivisions and any subdivision reducing lot area and adding reduction to open space)
- ___ Number of copies of plans and documents:
 - 5 Copies of plans
 - 5 Hard copy of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents
 - 1 8 1/2" x 11" reduction

Applications

- ___ Major subdivision

Statements/ Forms

- ___ Recorded plat or deed
- ___ Open space calculations (21 or more lots or reducing lot area and adding reduction to open space). Can be shown on sketch plan sheet.
- ___ Conservation subdivisions: Perk tests for 10% of lots selected by Administrator and Albemarle Regional Health Services.

File

- ___ Add new case number

Comments: _____

Preliminary Plat Submittal Checklist

Currituck County Department of Planning
Preliminary Plat/SUP Submittal Checklist

Date Received _____ TRC Date _____ PB Date _____

Project Name _____

Applicant/ Property Owner _____

Number of Lots _____ Reviewed By _____

___ \$33/lot review fee if sketch plan approved prior to April 2003

Plans

- ___ Preliminary plat with engineer's seal
- ___ Existing features analysis – separate sheet
- ___ Number of copies of plans and documents:
 - 5 Copies of plans
 - 5 Hard copy of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents
 - 1 8 1/2" x 11" reduction

Detail Preliminary Construction Sheets (5 Copies)

- ___ Road, stormwater infrastructure, and utility construction drawings including hydrant location

Applications

- ___ Subdivision application
- ___ Special use permit application

Approvals/ Forms

- ___ Physical Analysis
- ___ Fiscal Impact Analysis
- ___ Traffic Analysis
- ___ Street name approval form
- ___ ARHS septic evaluations
- ___ Drainage narrative
- ___ NCDENR Stormwater Management application
- ___ US Army Corps of Engineers wetland certification map and letter, if applicable.
- ___ Open space calculations (21 or more lots or reducing lot area and adding reduction to open space). Can be shown on preliminary plat sheet.

Comments: _____

Pre-Construction Submittal Checklist

Currituck County Department of Planning
Pre-Construction Submittal Checklist

Date Received _____ TRC Date _____ Reviewed By _____

Project Name _____

Applicant/ Property Owner _____

Plans

- ___ Pre-Construction drawings with engineer's seal
- ___ Existing features analysis – separate sheet
- ___ Number of copies of plans and documents:
 - 5 Copies of plans
 - 5 Hard copy of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

Detail Construction Sheets (6 Copies)

- ___ Stormwater/ grading and drainage plan
- ___ Erosion and sedimentation control plan
- ___ Lighting plan and details (41 lots or more)
- ___ Landscaping plan

Applications

- ___ Pre-construction submittal application

Approvals/ Forms

- ___ NCDENR DWQ Stormwater permit, narrative with calculations, and approved plan.
- ___ NCDENR LQD erosion and sedimentation control permit
- ___ NCDOT driveway permit
- ___ NCDOT Encroachment agreement
- ___ NCDENR waterline and wastewater line extension permit
- ___ NCDENR wastewater plant construction permit, if required
- ___ CAMA major permit, if required
- ___ Open space calculations (21 or more lots or reducing lot area and adding reduction to open space).

Comments: _____

Final Plat Submittal Checklist

Currituck County Department of Planning

Final Plat Submittal Checklist

Date Received _____ TRC Date _____

Project Name _____

Applicant/Property Owner _____

Number of Lots _____ Reviewed By _____

___ \$33/ per lot review fee if sketch plan approved prior to April 2003

Plans

Final plat with engineer's seal, plans (including existing features analysis and open space calculations)

Number of copies of plans and documents:

- ___ 5 Copies of plans
- ___ 5 Hard copy of ALL documents
- ___ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents
- ___ 1 8 1/2" x 11" reduction

As-built construction drawings (5 Copies) for:

- ___ Roads
- ___ Stormwater infrastructure
- ___ Utility plans including hydrant locations
- ___ Landscaping
- ___ Lighting (41 lots or more)

Submission for Recordation

- ___ 1 signed mylar
- ___ 2 paper copies
- ___ 1 - 8 1/2" x 11" reduction

Applications

- ___ Subdivision application

Approvals/ Forms

- ___ Copy of homeowner's association documents or covenants
- ___ Street maintenance bond and agreements
- ___ NCDOT pavement certification (with asphalt test documents)
- ___ Fire Chief certification for dry hydrant installation (if applicable)
- ___ Water/sewer district documents and approvals (if applicable)
- ___ Waterline acceptance/certification letter from NC Division of Environmental Health, Public Water Supply Section
- ___ Wastewater system completion/connection certifications from NC Division of Water

- ___ Engineering certification of all required improvements installed (streets, water/sewer lines, lighting, and landscaping)
- ___ Payment of per lot connection fees for county water (excluding Fruitville Township and Gibbs Woods)

Comments: _____

Major Subdivision Design Standards Checklist

Each of these items must be included and complete at the time of submission.

	Sketch Plan	Preliminary Plat/SUP	Pre-Construction Review	Final Plat
Name of Subdivision, Township, County, State	X	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect involved in preparation of plat	X	X	X	X
Vicinity Map: 1" = 2,000' or Larger	X	X	X	X
North arrow and scale to be 1" = 100' or larger	X	X	X	X
The boundaries and total acreage of the property and the portion of the property to be subdivided	X	X	X	X
Ownership of adjoining property				X
Smallest lot size, total number of lots, total lot area, lot lines, and lot numbers to be shown for the entire tract (no future development area left undefined).				
Approximate location, dimension, and area of each lot.	X			
Actual location and dimension of each lot.		X	X	X
The zoning classification of the property and the adjoining properties.	X	X		
Sight triangles.		X		
Appropriate certification blocks and notes.				X
Yield plan (41 or more lots or reducing lot area and adding area to open space).	X			
Open space calculations (21 or more lots or reducing lot area and adding area to open space).				
Approximate location and area.	X			
Actual location and area.		X	X	X

Existing features analysis showing the following existing items within the property to be subdivided and within 50' of the exterior property lines: Property lines, streets and ROWs, structures, septic systems, wells, easements, culverts, storm drainage pipes, ditches, canals, streams, water courses, bridges, paths, railroads, utility lines, wooded areas, swamps, ponds, cemeteries, and water lines.				
Approximate location	X			
Actual location		X	X	
Archeological report and acceptance letter by Office of State Archeology (if required)		X		
Location, widths, linear feet, and purpose of any proposed: Buffers, pedestrian/bicycle/jogging trails or courses, ROWs or easements, cul-de-sacs or turnarounds, utility connections (sewer, water, drainage, gas, electricity, or telephone lines) to existing systems or proposed easements, community water or community sewage disposal systems, proposed ponds or other storm drainage features, sidewalks, and modifications to existing topography.				
Approximate location and area. (except utilities)	X			
Actual location and area.		X	X	X

Location and area of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive within the subdivision, such as Maritime Forrest, CAMA, 404, or 401, wetlands as defined by the appropriate agency.				
Approximate location and area.	X			
Actual location and area.		X	X	X
Flood Zone line designation and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."				
Approximate location.	X			
Actual location.		X	X	X
Location and area of land to be dedicated or reserved for public or private use (parks, recreational sites, open space requirements).				
Approximate location, area and proposed use.	X	X		
Actual location, use, and area with designs and any required permits (i.e. CAMA) for recreational improvements.			X	X
Provisions concerning their future ownership and maintenance				X
Location or areas, if any, to be used for non-residential and multi-family purposes.				
Approximate location.	X			
Actual location.		X	X	X
Location and type of site identification signs, traffic control signs, street name signs, and directional signs shown.		X	X	
Physical analysis (type of units expected, including number of bedrooms, size, and timing of phases).		X		

Fiscal impact analysis (statement addressing the impact on the fiscal resources of the county including additional tax revenues anticipated and additional costs such as fire, police, solid waste, health, social services, water, sewer, schools, roads, and the like).		X		
Traffic analysis (estimated number of trips generated, capacity analysis, volume of existing traffic on roads adjacent to and within ½ mile of tract, and directional distribution of traffic).		X		
Letter of commitment from centralized water and sewer service provider stating their system capacities, capabilities, and commitment to service the proposed subdivision up to full build out.		X		
Street Name(s) as approved by GIS.		X	X	X
Street address for each lot.				X
Contour intervals of two feet, with flood elevation data, if required by the administrator.		X		
Delineate all soil series based on Currituck County Soils Map or NC licensed Soil Scientist.	X			
Proposed street grade, design data for street corners and curves, plan and profile for streets and water / sewer lines.		X	X	
Septic evaluations by Albermarle Regional Health Services for each individual lot. If centralized or community, then approvals are required by the appropriate State reviewing agency.		X		
NC DENR approved stormwater permit (include application, plan, narrative, and calculations).			X	

NC DENR approved Soil Erosion and Sedimentation Control plan and permit.			X	
Coastal Management Act Permits for improvements, if required.			X	
Road, stormwater infrastructure, and utility construction drawings (including water, sanitary sewer, stormwater management, telephone, electric, fire hydrant, lighting, and cable TV).				
Proposed.		X		
As-built.				X
Lighting plan with details (41 or more lots).				
Proposed.			X	
As-built.				X
Landscape plan with details.				
Proposed.			X	
As-built.				X
NCDOT driveway permit.			X	
NCDOT right-of-way encroachment agreement			X	
Waterline extension permit.			X	
Monumentation set and control corner(s) established.				X
Copy of Homeowner's Association documents and any restrictive covenants which are to be recorded.				X
Copy of conservation easement to be recorded for a conservation subdivision				X
Street and stormwater maintenance bonds and agreements				X
NCDOT pavement certification with asphalt test data.				X
Building pad and first floor elevation.			X	X
Fire chief certification for dry hydrant installation, if installed.				X
Water/sewer district documents and approvals.				X
Waterline acceptance certification from NCDENR.				X

Wastewater system completion/connection certifications from NCDENR for central systems and permit to authorize wastewater flows if a dry-line construction permit was previously issued.				X
Engineering certificate of all required improvements installed (streets, water/sewer lines, lighting, and landscaping)				X
Payment of per lot connection fees for county water (excluding Knotts Island, Gibbs Woods, and RO2 zoned areas)				X

Conservation Subdivision – Additional Design Standards

A yield plan shall be submitted with a sketch plan and shall at a minimum contain the following information:

1. The location and types of wetlands and other environmentally sensitive areas (i.e. hummocks, dunes, maritime forests);
2. Topographic information from U.S. Geological survey maps;
3. Types of soils on the property based upon the soil survey by USDA Soil Conservation Service; and,
4. Proposed lot and street layouts that conform to existing development standards governing lot dimensions, street design and parking.

A site analysis shall be submitted with a sketch plan and shall at a minimum contain the following information:

1. The location of secondary conservation areas;
2. A contour map based at least upon topographical maps published by the U.S. Geological Survey;
3. The location of severely constraining elements such as wetlands, watercourses, intermittent streams and floodways, and all right-of-ways and easements;
4. Soil boundaries as shown on USDA Soil Conservation Service medium-intensity maps; and,
5. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, and existing structures, location(s) of existing cemeteries, roads, tracks and trails, significant wildlife habitat, prime agricultural farmland, historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories, aquifers and their recharge areas and other areas that have been obligated or committed to be used by any federal/state authority or court ordered judgment.

Major Subdivision Final Plat Certificates

1. Certificate of Approval

I hereby certify that all streets shown on this plat are within Currituck County, all streets and other improvements shown on this plat have been installed or completed and that the subdivision shown on this plat is in all respects in compliance with the Currituck County Unified Development and, therefore, this plat has been approved by the Currituck County Technical Review Committee and signed by the administrator, subject to its being recorded in the Currituck County Registry within 90 days of the date below.

Date

Administrator

2. Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Currituck County, that I hereby freely adopt this plat of subdivision and dedicate to public use all area shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

Date

Owner

I, _____, a notary public of _____ County, North Carolina, do hereby certify that _____ personally appeared before me this date and acknowledged the due execution of the foregoing certificate.

Witness my hand and official seal this ____ day of _____, 20__.

Notary Public

My commission expires _____

3. Certificate of Survey and Accuracy

I hereby certify that this map (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book _____, Page _____ of the _____ County Registry) (other); that the error of closure as calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____ and that this map was

prepared in accordance with G. S. 47-30, as amended. Witness my original signature, registration number and seal this ____ day of _____ 20__.

(Seal or Stamp)

Registered Land Surveyor

Registration Number

_____The survey creates a subdivision of land in an area covered by a subdivision ordinance.

_____The survey is of land in an unregulated area.

_____The survey is of an existing parcel or parcels and does not create a new street or change in an existing street.

_____The survey is of another category, such as the recombination of existing parcels or a court-ordered survey, or other exception to the definition of a subdivision.

_____From the information available, the surveyor is unable to make a determination of the above provisions.

4. Division of Highway District Engineer Certificate for Public Streets (if applicable)

I hereby certify that the public streets shown on this plat are intended for dedication and have been completed in accordance with at least the minimum specifications and standards of the NC Department of Transportation for acceptance of subdivision streets on the NC highway system for maintenance.

Date

District Engineer

5. Engineer Certificate for Private Streets (if applicable)

I hereby certify that the private streets shown on this plat are intended for private use and will remain under the control, maintenance and responsibility of the developer and/or a homeowner's association and that they have been completed in accordance with at least the minimum specifications and standards of the State Department of Transportation.

Date

Licensed Engineer

6. Statement of Environmental Concern

If the subdivision is located within a North Carolina Coastal Area Management Act Area of Environmental Concern, the preliminary plat shall contain a statement as follows, signed by the local permit officer:

This subdivision (or portions thereof) is located within an Area of Environmental Concern.

Date

Local Permit Officer

7. Engineer Certification of Stormwater Improvements

In the subdivision entitled _____, stormwater drainage improvements have been installed (1) according to plans and specifications prepared by _____, or (2) according to the as-built plan submitted by _____, and approved by the Currituck County Planning Board. Currituck County assumes no responsibility for the design, maintenance or the guaranteed performance of the storm water drainage improvements and their effects.

Date Registered Land Surveyor/Civil Engineer Registration Number

8. Certificate of Review Officer

State of North Carolina
County of Currituck

I, _____, Review Officer of Currituck County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date Review Officer

9. Public Dedication of Open Space, Ponds & Drainage Facilities Statement

All final plats shall contain a notation containing the following words:

"Open space, ponds, and drainage facilities required to be provided by the developer in accordance with this ordinance shall not be dedicated to the public except upon written acceptance by the county, but shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in the Currituck County Unified Development Ordinance".

10. Property Adjacent to Active Farmland Statement

All final plats upon which are shown any portions of property subdivided that is adjacent to farmland under active cultivation must contain the following statement:

"As of the recorded date of this plat, some portions of this development adjoin land used for active agriculture purposes which may include, but not be limited to activities such as dust generation, spraying of chemicals, etc., therefore, further investigation may be desired by prospective purchasers."

11. RO2 Zoning District Statement

All final plats upon which are shown property subdivided within the RO2 zoning district must contain the following statement:

"Future property owners in this area should be aware of the fact that no state maintained road extends into this area or is planned and that access to all lots

is generally available only to four-wheel drive vehicles utilizing the public beach right-of-way.”

12. Floodway/Floodplain Statement

If the property is located in a floodway or floodplain the following certification must be shown:

“Use of land within a floodway or floodplain is substantially restricted by Chapter 6 of the Currituck County Unified Development Ordinance.”

13. Stormwater Statement

No more than ____%* of any lot shall be covered by impervious structures and materials, including asphalt, gravel, concrete, brick stone, slate, or similar material, not including wood decking or the water surface of swimming pools. This covenant is intended to ensure compliance with the Stormwater Permit number _____ issued by the State of North Carolina. The covenant may not be changed or deleted without the consent of the State. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any person.

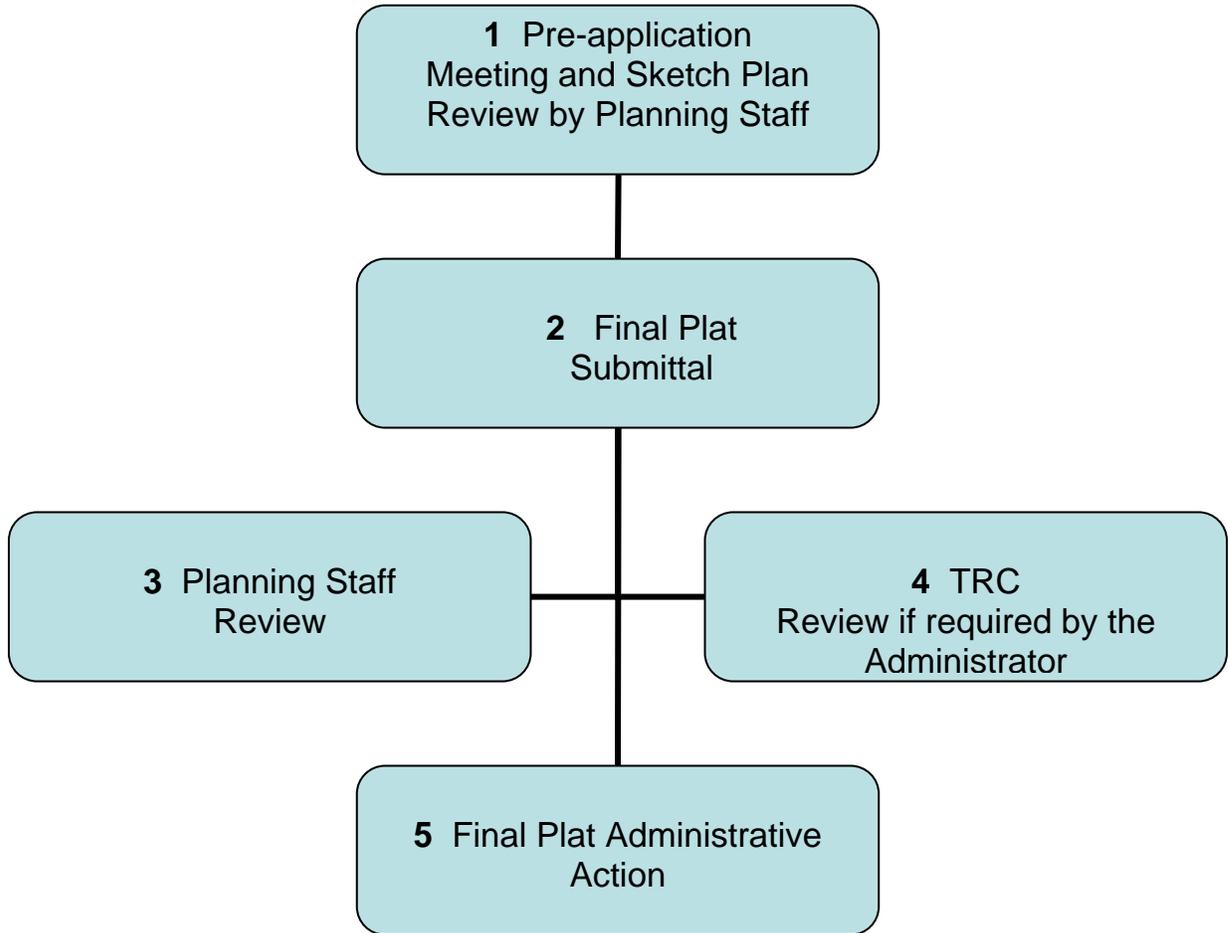
14. RO2 Road Statement

Further subdivision of any lot shown on this plat as served by a road or street may be prohibited by the Currituck County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for the assumption of maintenance due to inadequate right-of-way and/or construction or lack of public dedication. It is not the function of the county government in the State of North Carolina to construct or maintain roads. There may be areas of standing water on the lots after ocean over wash or periods of heavy rains that may impede access to the individual home sites. It is the sole responsibility of the owners to provide an improved access to their properties.

Minor Subdivisions

A minor subdivision is a subdivision that does not create more than a total of five lots or any new public streets and is subject to the improvement standards in the UDO.

Review Process



Minor Subdivision Submittal Checklists

Staff will use the following checklists to determine the completeness of your application. Please make an appointment with the Planning Technician (252-232-6026) to submit your application. The Planning Technician will review the submittal checklist with you at the time of this appointment and accept the submittal only if all of the requirements have been met.

Currituck County Planning Department Minor Subdivision Submittal Checklist

Date Received _____

TRC Date _____(if required)

Project Name _____

_____ Complete Application, including applicant's e-mail address.

_____ Review fees.

_____ One blue line copy of plat for review. (Once corrections have been made:
One mylar, two blue lines, and one 8.5' x 11')

_____ Completed "Proposed Street Name" form (private access and family subdivisions only).

_____ Completed "Water System Requirements" form signed by the Public Utilities Director. *Family subdivisions are exempt from this requirement.*

Minor Subdivision Plan Requirements

Initially the subdivider shall submit one copy along with the required application, and submittal fees for each lot. Once the review has been completed, the subdivider shall submit one signed mylar, two copies, and 1 - 8.5" x 11" reduced copy. The subdivision plat shall be prepared by a surveyor, licensed and registered to practice in the state of North Carolina. The plat shall be drawn at a scale not to exceed 1" = 100'.

The subdivision plat shall depict or contain the following:

1. General Information – Including the name of the subdivision, the owner of the property, the tax identification number of the property, the township where the property is located, ownership of adjacent properties, name and address of the preparer and vicinity map showing location to principal roads. Initially the subdivider shall submit one copy along with the required application and submittal fees for each lot. Once the review has been completed, the subdivider shall submit one signed mylar, four copies, and one 8.5" x 11" reduced copy.
2. Existing Information – Boundaries, showing bearings and distances, of the tract to be subdivided, location of adjacent property lines, ownership of adjoining land, streets, structures, water courses, railroads, utility transmission lines and structures, water mains, bridges, culverts, storm drainage pipes, easements within the tract to be subdivided and within 50 feet of the property.
3. Natural Features – The location of wooded areas, swamps, wetlands and water bodies (streams, sounds, etc.). Contour intervals of one feet may be required at the discretion of the administrator. Flood zone designations and base flood elevations, as depicted on "Flood Insurance Rate Maps", must be shown on the plat.
4. Development Information – Layout of lot arrangements, including lot lines, bearings and distances, lot numbers and square footage/acreage. Layout of proposed street showing proposed street name and street addresses. Proposed buffers, location(s) of existing cemeteries, right-of-ways and other easements, their location, width and purpose. Layout of proposed utilities (sewer, water, drainage) showing connection to existing systems or easements reserved for proposed or potential systems. Where a development concept is approved which requires zero lot line development, alternative easements may be considered.
5. Site data – Total acreage of property to be subdivided; acreage in total number of lots and average lots sizes. Any proposed modification to topography.

Minor Subdivision Design Standards Checklist

Staff will use the following checklist to determine compliance of your subdivision request. Please note that only complete applications will be accepted.

MINOR SUBDIVISION DESIGN STANDARDS (8/08)

TYPE REVIEW: Conventional Private Access Family

PIN # _____ NAME OF SUBDIVISION: _____

REVIEWED BY _____ DATE _____

GENERAL INFO:

Scale: Max 1"=100' Ownership of Adjoining Lots
 Owner Name & Pin Number Vicinity Map Township

LOTS:

Zoning _____
Total Number of Lots Splits since 4/2/89 (original parent parcel) excluding 10+ Ac Lots _____

Minimum Lot Size (Lot size to be noted on Plat):

3 acre minimum in A zone (40,000 req as exception) 40,000sf (STD/RO1) 120,000sf (RO2) (2.7.1)

1/2 of Minimum lot area must be uplands (2.6.3.D) Lot width to depth ration less than 4:1 (2.6.3.G)

CAMA wetlands or land regularly underwater shall not be included in determining min lot area and delineated (2.6.3.C)

Minimum Lot Width (Measured at front building setback line):

125' (135 for Corners) (2.7.1) Double frontage lots require a 5' non-access buffer (2.6.3.D/2.6.3.H)

Lot Fronting on cul-de-sac: (2.7.1)

80% minimum lot width (100') at 75' back from ROW Minimum 35' along ROW

STREETS & ROADS:

Minor Sub.-Must be located on improved subdivision or state road (10.3.7)

Street address shown for non-subdividable lots (Harry Assigns ALL Addresses)

PAS & FS Streets:

Proposed Street Naming Form submitted and forwarded to GIS

45' R/W; 18' (20' for commercial) wide paved rd; Improved 35' radius **OR** 20' R/W w/16' gravel rd (9.8.1.1)

Max. 5 lots on single accessway including any residual parcels (10.2.4.B)

Pavement Certification (PAS) (9.8.1.1)

Surety Guarantee for road (PAS) (10.5.1)

HOA docs (PAS) (10.5.2.)

Signage (stop & street name) erected or ordered

Land Disturbance – Over 1 acre? () Yes () No Erosion Control Permit Stormwater Permit

Driveways – US 158, NC 168, SR 1222 (Tulls Creek Road) & Poplar Branch Road:

- ___ One D/W for frontage less than 500'; 2 D/W's for frontage between 500'-1,000'; 3 for frontage over 1,000'
- ___ Following note to be added to plat: **"Non-residential access shall be limited to (#of driveways) onto (road #) or as provided in the Unified Development Ordinance." (9.1.5.3)**
- ___ Shared D/W recommended for Tulls Creek & Poplar Branch Road. (required for commercial) (9.1.5.3)

UTILITIES:

- ___ Public Utilities Director form received?
- ___ 10' drainage and utility easement on all side and rear lines and a 15' easement along the front line (10.6.3.K)
- ___ Septic Note (10.6.3.L)

FLOODPLAINS & DRAINAGE:

Panel _____ Zone(s) _____ (Base Flood Elevation must be shown)

- ___ Plats w/land in a floodplain must note: **"Use of land within a floodway or floodplain is substantially restricted by the Currituck County Unified Development Ordinance." (10.6.3.I)**

GENERAL:

- ___ 1 Mylar ___ 4 Bluelines ___ 8.5" x 11" reduced copy required of all subdivisions
- ___ No delinquent or outstanding taxes are owed to the County on this property
- ___ Street name form approved by Harry
- ___ No nonconformities are created by this plat
- ___ Control corner called out on the plat.
- ___ Mike Doxey Comments Included on plat

CERTIFICATIONS/NOTES REQUIRED:

- ___ Certificate of Ownership with Notary (10.6.3.A)
- ___ Certificate of Review Officer (10.6.3.B)
- ___ Certificate of Survey & Accuracy by Land Surveyor (10.6.3.C)
- ___ Certification by Land Surveyor as to Type of Survey (10.6.3.C)
- ___ Residual parcel certification (10.6.3.D)
- ___ Certificate of Approval by Administrator (10.6.3.E, F, or G)
- ___ Statement noting active farmland adjacent to proposed lot(s) (10.6.3.H)
- ___ Statement re: 404 wetlands – Property on this plat may contain 404 wetlands and may require US Army Corp of Engineers approval prior to development of the property. (10.6.3.J)
- ___ Private Access Disclosure Statement (PAS/Family; 10.6.3.M)
- ___ Disclosure statement access to properties in RO2 area – Future property owners in this area should be aware of the fact that no state maintained road extends into this are, or is planned, and that access to all lots is generally available only to four wheel drive vehicles utilizing the public beach right-of-way. (9.1.10.K)

Minor Subdivision Final Plat Certificates

1. Certificate of Ownership, Dedication, and Drainage

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulations jurisdiction of Currituck County, that I hereby freely adopt this plat of subdivision and irrevocably dedicate to public use all areas shown on this plat as easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by an appropriate public authority, or a private road maintenance agreement is executed by all property owners in this subdivision. All property shown on this plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

I hereby certify that this development shall be constructed and maintained so that no adjacent properties are unreasonably burdened with surface waters as a result of this development. This development shall not impede nor obstruct the natural flow of water from higher adjacent properties nor shall it unreasonably collect and channel surface waters from the development unto lower adjacent properties.

Date

Owner

I, _____, a notary public of _____ County, North Carolina, do hereby certify that _____ personally appeared before me this date and acknowledged the due execution of the foregoing certificate.

Witness my hand and official seal this _____ day of _____, 20____.

Notary Public

My commission expires _____

2. Certificate of Review Officer

State of North Carolina, County of Currituck

I, _____, Review Officer of Currituck County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

3. Certificate of Survey and Accuracy

I hereby certify that this map (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book _____ Page _____ of the _____ County Registry) (other); that the error of closure as calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown as broken lines plotted from

information found in Book _____, Page _____, and that this plat was prepared in accordance with G.S. 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____ 20____.

Registered Land Surveyor

(Seal or Stamp)

Registration Number

- ____ The survey creates a subdivision of land in an area covered by a subdivision ordinance.
- ____ The survey is of land in an unregulated area.
- ____ The survey is of an existing parcel or parcels.
- ____ The survey is of another category, such as the recombination of existing parcels or a court-ordered survey.
- ____ From the information available, the surveyor is unable to make a determination of the above provisions.

4. Residual Parcel Certificate

If there is a residual parcel, add the following certification:

The residual parcel(s), if any, meet or exceed the minimum lot size as specified within the Currituck County Unified Development Ordinance.

Date

Surveyor

5. Certificate of Approval for Minor Conventional Subdivisions

I hereby certify that the subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Currituck County Unified Development Ordinance and that therefore this plat has been approved by the Currituck County administrator subject to its being recorded in the Office of the Currituck County Register of Deeds within ninety (90) days of the date below.

Date

Administrator

6. Certificate of Approval for Private Access Subdivisions

I hereby certify that the private access subdivision shown on this plat does involve the creation of new streets but no change in existing public streets, that the subdivision shown is in all respects in compliance with the Currituck County Unified Development Ordinance and that therefore this plat has been approved by the Currituck County administrator subject to its being recorded in the Office of the Currituck County Register of Deeds within ninety (90) days of the date below.

Date

Administrator

7. Certificate of Approval for Family Subdivisions

I hereby certify that the family subdivision shown on this plat does involve the creation of new accessways but no change in existing public streets, that the subdivision shown is in all respects in compliance with the Currituck County Unified Development Ordinance and that therefore this plat has been approved by the Currituck County administrator subject to its being recorded in the Office of the Currituck County Register of Deeds within 90 days of the date below.

_____ Date

_____ Administrator

8. Property Adjacent to Active Farmland Statement

All final plats upon which are shown any portions of property subdivided that are adjacent to farmland under active cultivation shall contain the following statement:

“As of the recorded date of this plat, some portions of this development adjoin land used for active agriculture purposes which may include, but not be limited to activities such as dust generation, spraying of chemicals, etc., therefore, further investigation may be desired by prospective purchasers.”

9. Floodway/Floodplain Statement

If the property is located in a floodway or floodplain the following certification must be shown:

“Use of land within a floodway or floodplain is substantially restricted by the Currituck County Unified Development Ordinance.”

10. Wetlands Statement

If 404 wetlands are located on the site, the following certification is required:

“Property on this plat may contain 404 wetlands and may require U.S. Corp of Engineers approval prior to development of the property.”

11. Easement Establishment Statement

“A 10 foot easement for utilities and drainage along rear and side property lines and a 15 foot easement along the front property line is hereby established.”

12. Not Evaluated for Septic Suitability

The lots shown on this plat have not been evaluated through a perk test by the Albemarle Regional Health Services to ensure that the lots are suitable to support a septic system. There is no assurance from the county that these lots are buildable.

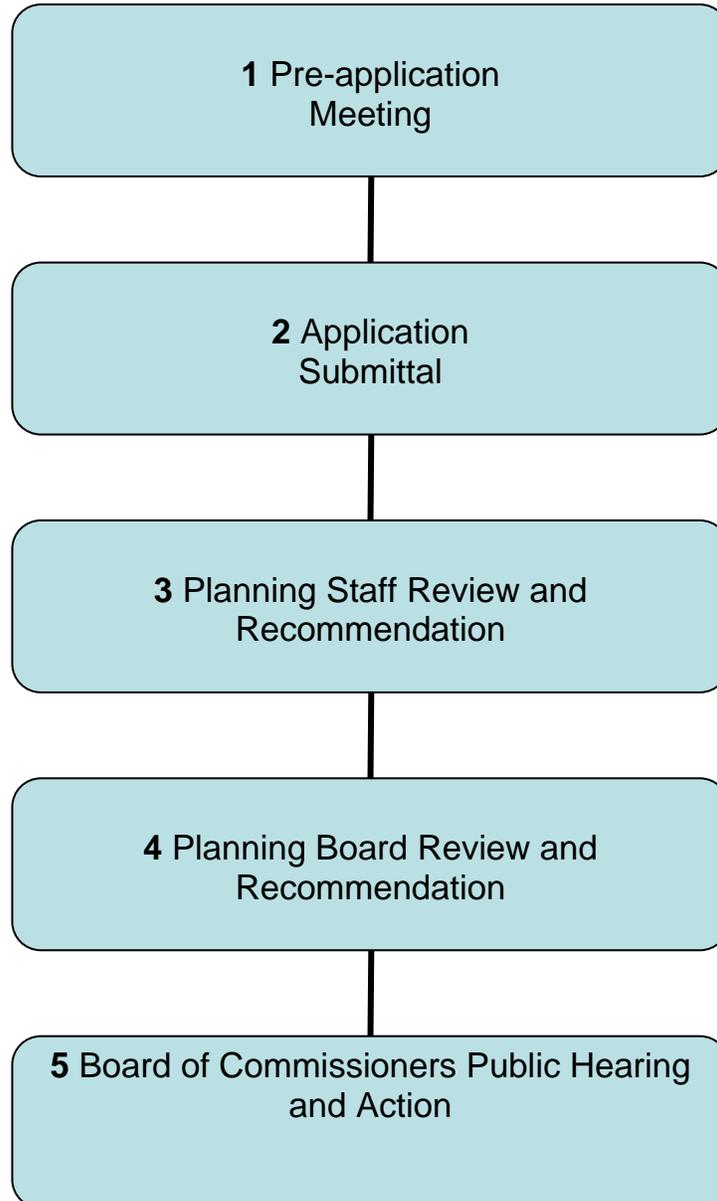
13. Private Access Disclosure Statement

“Further subdivision of any lot shown on this plat as served by a private street may be prohibited by the Currituck County Unified Development Ordinance unless the streets shown on this plat are improved to state standards. These streets do not meet state standards for assumption of maintenance due to lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain streets.”

Map Amendment (Rezoning)

A rezoning is a change in the zoning designation of a property or properties on the Currituck County Zoning Map.

Review Process



Map Amendment (Rezoning) Submittal Checklist

Staff will use the following checklist to determine compliance of your map amendment request. Please note that only complete applications will be accepted.

Currituck County Map Amendment Submittal Checklist

1. A site plan or map drawn to scale that includes the following, unless otherwise waived by the administrator:
 - a. lot/parcel dimensions;
 - b. zoning designation;
 - c. all existing physical features (structures, buildings, streets, roads, etc.);
 - d. location and dimensions of any proposed construction;
 - e. location of existing streets that border the parcel.
2. Complete application.

Conditional Zoning

Conditional zoning provides for the use of development conditions or use limitations as part of a rezoning approval. These conditions help ensure compatibility between the subject property and surrounding areas. A conditional zoning district has all the requirements of a traditional zoning district, as well as specific development conditions agreed to by the property owner and Board of Commissioners.

Conditional Zoning Submittal Checklists

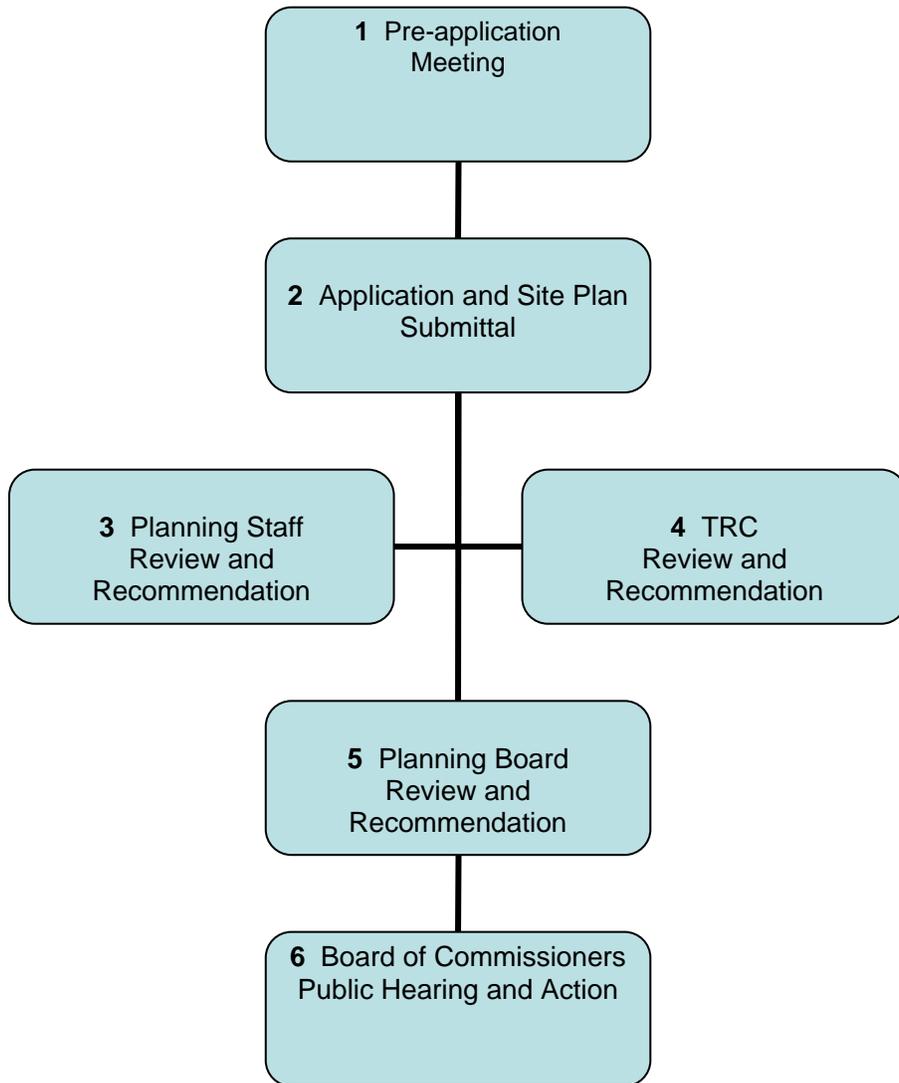
Conditional Zoning Checklist Requirements

- A. A survey of the property as prepared by a North Carolina licensed surveyor unless otherwise waived by the administrator. The survey shall include the following:
 - 1. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), and the general location in relation to streets, railroads, and waterways.
 - 2. All existing easements and rights-of-way.
 - 3. Areas in which structures will be located.
 - 4. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development.
 - 5. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant.
 - 6. All existing and proposed points of access to public streets.
 - 7. Delineation of areas within the regulatory floodplain as shown on the Official Flood Hazard Boundary Maps for Currituck County.
 - 8. Proposed phasing, if any.
 - 9. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.
 - 10. Generalized traffic, parking, and circulation plans.
- B. Verification of community meeting (See Section 2.3.4 of the UDO), if held.
- C. Complete application.

Special Use Permits

A Special Use Permit (SUP) is a permit issued by the Board of Commissioners that authorizes the recipient to make use of property in accordance with the requirements of the UDO as well as any additional requirements imposed by the Board of Commissioners.

Review Process



Special Use Permit Submittal Checklist

- A. Complete application.
- B. A \$150.00 filing fee.
- C. Narrative explaining the proposed use, description of any processes to be utilized, equipment used as part of the operation, proposed days/hours of operation, and any information which will be useful in considering this application.
- D. An accurate site plan of the property drawn to scale (1" = 50') in a professional like manner, unless waived by the administrator. The site plan shall include the following:
 1. General information including, but not limited to: Vicinity sketch; north arrow; engineering scale ratio; acreage; title of the development; date of the plan; gross floor area of all buildings; name and address of owner/developer and person or firm preparing the plan; zoning setback lines.
 2. Location(s), dimension(s) and arrangement of all: Vehicular entrances, exits, drives and fire lanes; automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces; truck unloading docks, ramps and spaces; refuse collection (dumpster) container space(s); building(s) with exterior dimensions; fences, walls, docks, ramps, pools, patios, and surface areas; water tap(s) denoting size(s) of line(s) or well area; sewer tap(s) denoting size(s) of lines and pole(s) or septic system location, including repair area; electrical service connection(s); existing and proposed fire hydrant; easements and rights-of-way as determined by North Carolina Department of Transportation; size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public rights of way and easements.
 3. Drainage plan, including a drainage narrative with calculations, site surface drainage, pipe size, yard drains, catch basins, curb inlets, and topographic plan that indicates location and elevation changes above or below natural grade (shown in one foot intervals) within the past six months and contains the following certificate:

I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be

constructed or maintained so that it will not unreasonably impede the natural flow of water from higher or adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

Date:_____ Owner/Agent:_____“

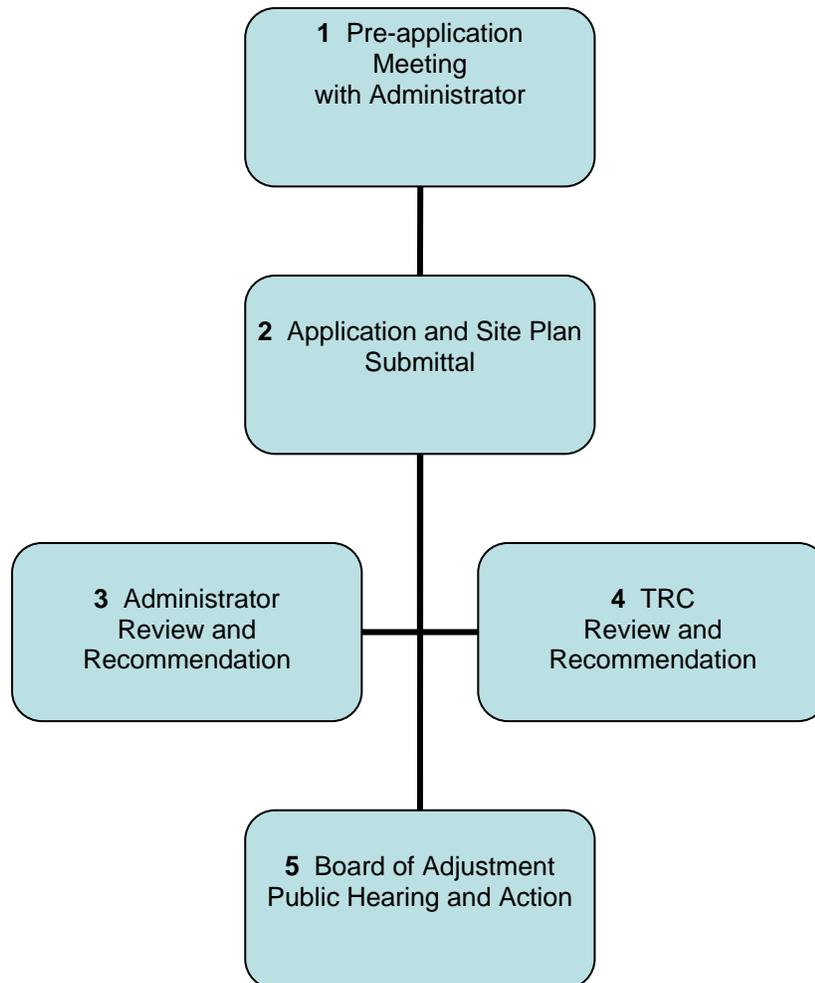
4. Curb and gutter alignment, including street widening and storm drainage, if necessary.
5. Bufferyard/Landscape plan, including the following information:
 - a. Existing and proposed buildings, drives, parking areas, exterior storage areas, dumpsters, stormwater detention areas (if applicable) and accessory structures;
 - b. All existing and proposed planting areas and vegetation that will be used to comply with the bufferyard requirements, including the species, height, caliper (for single stem trees only) and spacing of all vegetation;
 - c. Existing and proposed physical barriers to be used to comply with the bufferyard requirements;
 - d. All surrounding existing land uses; and,
 - e. Adjoining property lines and names and address of adjoining property owners.
6. Site distance triangles of 10' x 70' shall be indicated at the intersection of all public right-of-way lines, and site distance triangles of 10' x 35' shall be indicated at the intersection of a right-of-way and driveway.
7. Comparison of how the proposed development relates to the maritime forest guide, if applicable.
8. The flood zone(s), including boundary lines and finished floor elevations for all zones, excluding X and C zones.
9. A lighting plan that is compliant with Article 6 of the Currituck County Unified Development Ordinance.
10. A copy of an executed NCDOT Street and Driveway Access Permit Application and Encroachment Agreements, if necessary.
11. Any additional information as may be required by the reviewing agents.
12. Projects where one acre or more of land disturbance is proposed, the following additional information is required:
 - Copies of NCDENR, DWQ, stormwater permit application.
 - Copies of NCDENR, Land Quality, Erosion and Sedimentation Control permit application.

NOTE: NCDENR Permits and approved plans are required prior to building permit application or commencement of use if building permit is not required.

Conditional Use Permits

A Conditional Use Permit (CUP) is a permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of the UDO as well as any additional requirements imposed by the Board of Adjustment.

Review Process



Conditional Use Permit Submittal Checklist

- A. Complete application.
- B. A \$150.00 filing fee.
- C. Narrative explaining the proposed use, description of any processes to be utilized, equipment used as part of the operation, proposed days/hours of operation, and any information which will be useful in considering this application.
- D. An accurate site plan of the property drawn to scale (1" = 50') in a professional like manner, unless waived by the administrator. The site plan shall include the following:
 1. General information including, but not limited to: Vicinity sketch; north arrow; engineering scale ratio; acreage; title of the development; date of the plan; gross floor area of all buildings; name and address of owner/developer and person or firm preparing the plan; zoning setback lines.
 2. Location(s), dimension(s) and arrangement of all: Vehicular entrances, exits, drives and fire lanes; automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces; truck unloading docks, ramps and spaces; refuse collection (dumpster) container space(s); building(s) with exterior dimensions; fences, walls, docks, ramps, pools, patios, and surface areas; water tap(s) denoting size(s) of line(s) or well area; sewer tap(s) denoting size(s) of lines and pole(s) or septic system location, including repair area; electrical service connection(s); existing and proposed fire hydrant; easements and rights-of-way as determined by North Carolina Department of Transportation; size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public rights of way and easements.
 3. Drainage plan, including a drainage narrative with calculations, site surface drainage, pipe size, yard drains, catch basins, curb inlets, and topographic plan that indicates location and elevation changes above or below natural grade (shown in one foot intervals) within the past six months and contains the following certificate:

I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede the natural flow of water from higher or adjacent

properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

Date: _____ Owner/Agent: _____ “

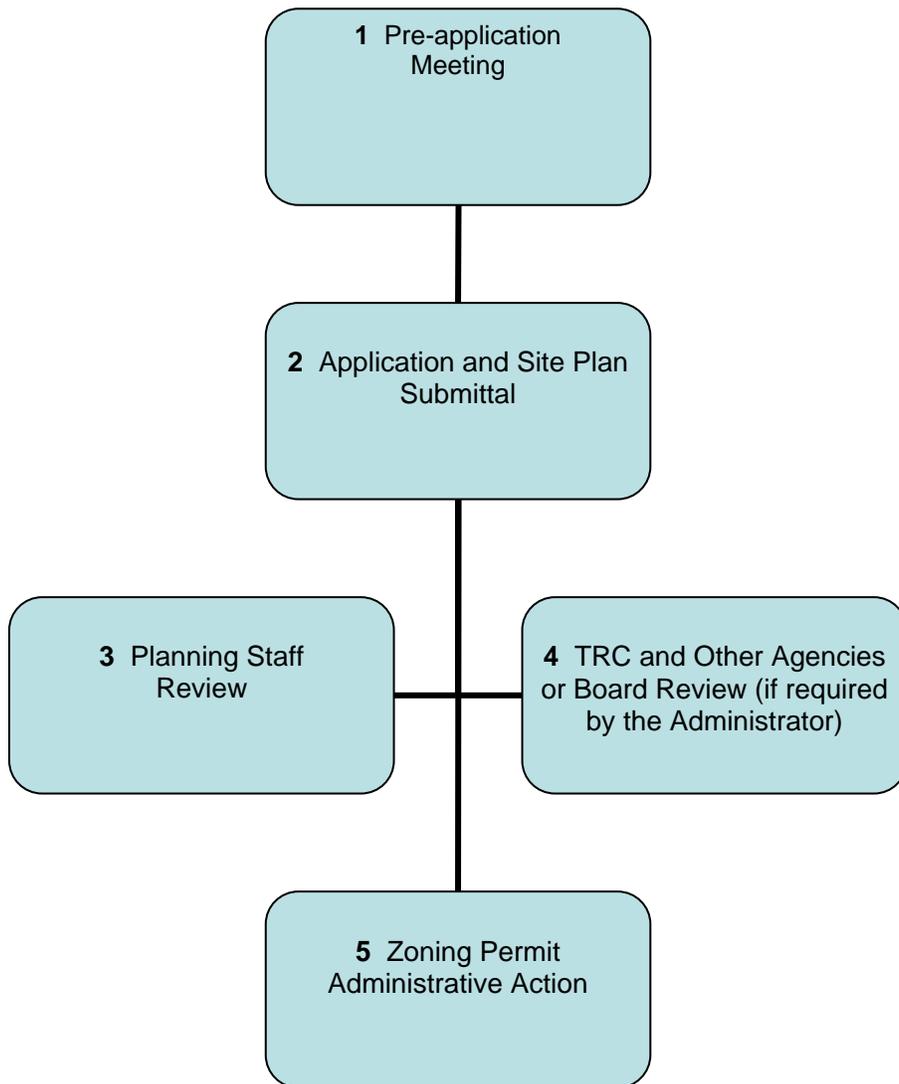
4. Curb and gutter alignment, including street widening and storm drainage, if necessary.
5. Bufferyard/Landscape plan, including the following information:
 - a. Existing and proposed buildings, drives, parking areas, exterior storage areas, dumpsters, stormwater detention areas (if applicable) and accessory structures;
 - b. All existing and proposed planting areas and vegetation that will be used to comply with the bufferyard requirements, including the species, height, caliper (for single stem trees only) and spacing of all vegetation;
 - c. Existing and proposed physical barriers to be used to comply with the bufferyard requirements;
 - d. All surrounding existing land uses; and,
 - e. Adjoining property lines and names and address of adjoining property owners.
6. Site distance triangles of 10' x 70' shall be indicated at the intersection of all public right-of-way lines, and site distance triangles of 10' x 35' shall be indicated at the intersection of a right-of-way and driveway.
7. Comparison of how the proposed development relates to the maritime forest guide, if applicable.
8. The flood zone(s), including boundary lines and finished floor elevations for all zones, excluding X and C zones.
9. A lighting plan that is compliant with Article 6 of the Currituck County Unified Development Ordinance.
10. A copy of an executed NCDOT Street and Driveway Access Permit Application and Encroachment Agreements, if necessary.
11. Any additional information as may be required by the reviewing agents.
12. Projects where one acre or more of land disturbance is proposed, the following additional information is required:
 - Copies of NCDENR, DWQ, stormwater permit application.
 - Copies of NCDENR, Land Quality, Erosion and Sedimentation Control permit application.

NOTE: NCDENR Permits and approved plans are required prior to building permit application or commencement of use if building permit is not required.

Commercial (Non-Residential) Site Plan Permit

A commercial site plan permit is a zoning permit issued by the administrator for non-residential development of a specific parcel.

Review Process



Commercial (Non-Residential) Submittal Checklist

Currituck County Planning Department
Non-Residential Site Plan Submittal Checklist

Date Received _____

TRC Date _____

Project Name _____

Applicant/Property Owner _____

Review Fee _____ Reviewed By _____
(\$.02/sf of gfa or \$50 min)

Applications

- _____ Nonresidential site plan application
- _____ NCDOT Street Driveway Access Permit Application and Encroachment Agreement
- _____ NC DENR, Division of Water Quality, Stormwater Management Permit Application, if required.

Plans

- _____ Site Plan
15 copies of site plan
- _____ Landscape Plan
5 copies of landscape plan
- _____ Drainage Plan
5 copies of drainage plan, calculations and drainage narrative
- _____ Lighting Plan, if applicable
5 copies of lighting plan
- _____ NC DENR, Land Quality, Erosion and Sedimentation Control Plan, if one acre or more of land disturbance.
5 copies of proposed plan that has been or will be submitted to NCDENR.

Approvals/Permits

- _____ ARHS Construction Improvements Permit

Commercial (Non-Residential) Site Plan Design Standards Checklist

- A. A site plan and fee for all (nonresidential) development shall be submitted to the county for review prior to issuance of required building permits.
- B. All nonresidential site plans shall be submitted at a scale of 1 inch equals 50 feet or larger with 15 black or blue line paper prints and drawn in a professional manner showing true dimensions.
- C. Unless otherwise determined by the administrator, site plans shall show the following minimum information:
 - 1. General Information including, but not limited to: Vicinity map; north arrow; engineering scale ratio; acreage; title of development; date of plan; gross floor area of all buildings; name and address of owner/developer; person or firm preparing the plan; zoning setback lines.
 - 2. Location(s), dimension(s), and arrangement of all: Existing and proposed vehicular entrances, exits, drives, and fire lanes; automobile parking spaces, drive aisles, number of spaces; truck unloading docks, ramps, and space; refuse collection (dumpster) container space(s); building(s) with exterior dimensions; fences, walls, ramps, pools, patios, and surfaces areas; water tap(s) denoting size(s) of line(s) or well area; sewer tap(s) denoting size(s) of line(s) or septic system location, repair area; electrical service connection(s), meter(s), and pole(s); fire hydrant(s); easements and right-of-ways as determined by NC Department of Transportation; public utility lines (water, sewer and storm sewer) within all adjacent public right-of-ways and easements, and curb and gutter.
 - 3. Screening/landscaping plan designed in accordance with the UDO shall be required showing plants with common names, sizes, barriers, and numbers of plants and trees.
 - 4. Sight distance triangle of 10' x 70' shall be indicated at the intersection of all public right-of-way lines and 10' x 35' at the intersection of a right-of-way and driveway.
 - 5. Comparison of how the proposed development relates to the maritime forest guide (if located in the Outer Banks Overlay District)

6. Drainage plan designed in accordance with Chapter 9, including site surface drainage, pipe size, yard drains, catch basins, curb inlets, and topographic plan that indicates location and elevations of roadside ditches, proposed culverts, and existing upstream and downstream culverts, changes above or below natural grade (shown in 1 foot intervals) and contains the following certificate:

Certification of Stormwater Management:

On the site plan entitled _____, stormwater drainage improvements shall be installed according to these plans and specifications and approved by Currituck County Planning Department. Currituck County assumes no responsibility for the design, maintenance, or the guaranteed performance of the stormwater drainage improvements.

Registered Land Surveyor/
Civil Engineer

Date

I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

Date:_____ Owner/Agent:_____

7. Lighting plan in accordance with the UDO.
8. Flood zone boundary lines and proposed finished floor elevations for all zones, excluding X and Shaded X.
9. Any additional information as may be required by the reviewing agents.

Zoning Districts

Residential Districts

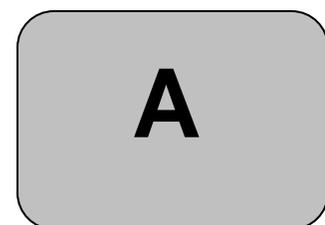
Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities:

Agricultural (A) District: The Agricultural (A) district is designed to secure the agricultural integrity of the areas so classified. The uses encouraged in this district are agricultural or related to and dependent on agriculture. This district also includes vacant lands whose soils are unsuitable for development with septic systems.

Residential densities are typically one dwelling unit per three acres.



- Common Uses:**
- Agricultural uses, with or without livestock
 - Daycare centers
 - Government offices
 - Hunting and fishing lodges
 - Mining
 - Nursery or greenhouses
 - Professional offices
 - Religious Institutions
 - Schools
 - Single family dwellings
 - Utility facilities

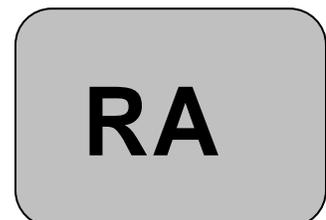


Mixed Residential (RA) District: The Mixed Residential (RA) district is designed to provide for mixed residential development on the mainland including site built, modular, double-wide, and (in existing mobile home subdivisions and mobile home parks) single-wide mobile homes. This district is intended to provide moderate cost housing options for residents and restrict the encroachment of mixed residential types in other districts and the encroachment of incompatible business uses (farm related or other) in established residential areas.

Residential densities are typically one dwelling unit per acre.



Common Uses:
Accessory dwellings (apartments)
Agricultural uses with or without livestock
Daycare centers
Government offices
Hunting and fishing lodges
Multi-family Duplexes
Professional offices
Schools
Single family dwellings

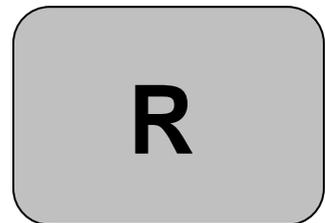
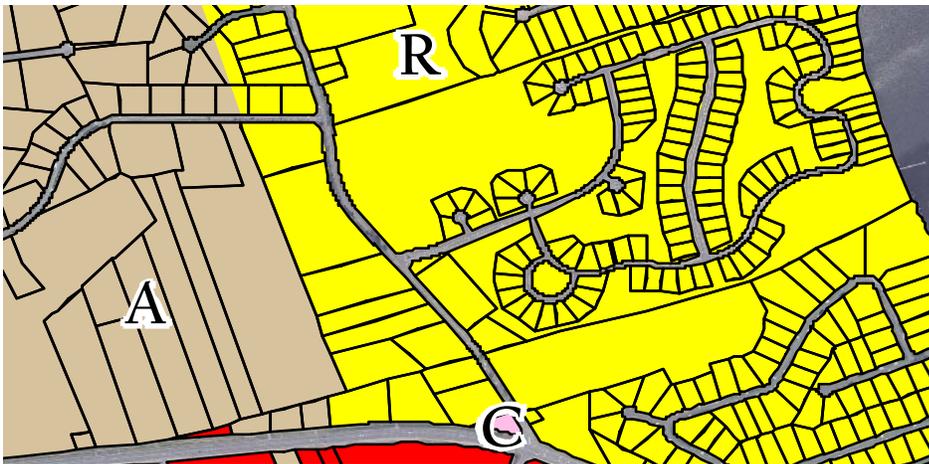


Basic Residential (R) District: The Basic Residential (R) district is designed to provide for low-density residential development on the mainland in areas that do not intrude into areas primarily devoted to agriculture.

Residential densities are typically one dwelling unit per acre.



Common Uses:
Agricultural uses, without livestock
Outdoor recreational facilities
Professional offices
Religious institutions
Single family dwellings
Utility facilities



Outer Banks Standard Residential (RO1) District: The Outer Banks Standard Residential (RO1) district is designed to accommodate residential development (other than mobile homes) within the portion of the Currituck Outer Banks that is accessible by a state maintained road.

Residential densities are typically one dwelling unit per acre.



Common Uses:
ABC stores
Clinics
Government offices
Life guard stations
Professional offices
Religious Institutions
Single family dwellings
Utility facilities



Outer Banks Limited Access Residential (RO2) District: The Outer Banks Limited Access Residential (RO2) district is designed to accommodate low density residential development (other than mobile homes) within the portion of the Currituck Outer Banks that is not accessible by a state maintained road.

Residential densities are typically one dwelling unit per three acres.



Common Uses:
Agricultural uses, with or without livestock
Boat service and repair
Single family dwellings



Residential/Recreational (RR) District: The Residential/Recreational (RR) district is designed to provide for some existing campgrounds and camper subdivisions and is retained for the purpose of regulating these existing uses. It is not intended that this district be expanded except in cases where:

1. An existing property containing an RR designation is split by zoning lines; and
2. The expansion only occurs within the lot boundaries as such boundaries existed as of April 2, 1989; and
3. The campground/camper subdivision meets all criteria established in Chapter 3 in addition to not exceeding an overall maximum density of 5.5 units (includes campers and motel rooms) and beds (includes group sleeping quarters) per acre.

Residential densities are typically one dwelling unit per acre for single family dwellings and 5.5 units per acre for campground/camper subdivisions.



Common Uses:
Boat ramps
Campgrounds
Hunting and fishing lodges
Single family dwellings



Commercial Districts

Each of these districts is designed and intended to provide safe and attractive services conveniently located to serve the needs of surrounding residents without disrupting the character of nearby residential areas:

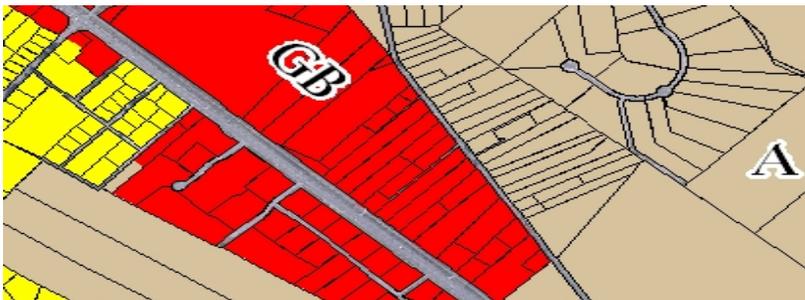
General Business (GB) District: The General Business (GB) district is the least restricted commercial district and is designed to accommodate the widest range of businesses.

Residential densities are typically one dwelling unit per acre for single family dwellings and 2.5 dwelling units per acre for multi-family dwellings.



Common Uses:

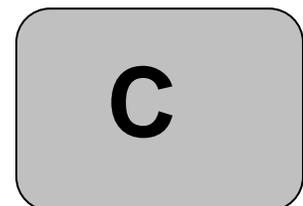
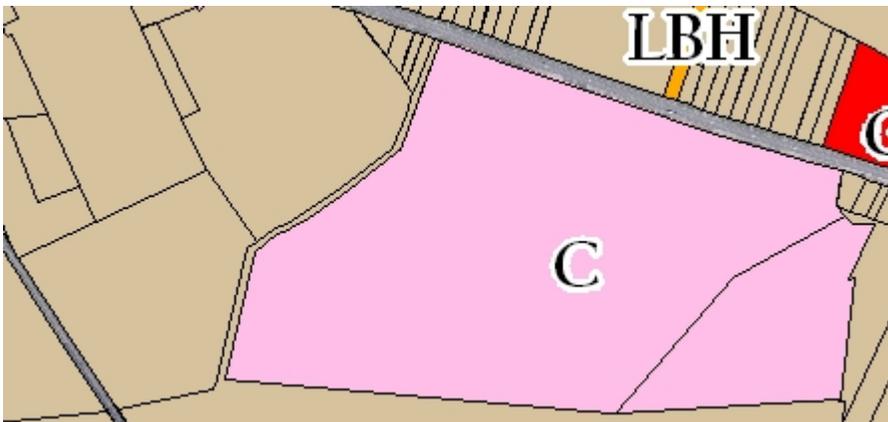
- Automotive and boat sales and rentals
- Automotive service and repair
- Convenience stores
- Daycare Centers
- Mini Warehousing
- Multi-family dwellings
- Professional offices
- Restaurants
- Retail uses, including shopping centers
- Single family dwellings
- Warehousing and distribution



Commercial (C) District: The Commercial (C) district is similar to the GB district except that most residential uses are not permitted in this zoning district.



Common Uses:
Automotive and boat sales and rentals
Boat services and repair
Convenience stores
Outdoor storage
Professional offices
Restaurants
Retail uses, including shopping centers
Warehousing and distribution
Wholesale Trade



Limited Business, Hotels Allowed (LBH) District: The Limited Business, Hotels Allowed (LBH) district is generally designed to accommodate smaller scale businesses that primarily serve local clientele rather than regional needs. Land will generally be zoned LBH when:

1. Because of its location (e.g. at the intersection of two state maintained highways), it is undesirable as a site for residential development.
2. There is a demand for commercially zoned property at that location.

Residential densities are typically one dwelling unit per acre.



Common Uses:
Single family dwellings
Hospitals and clinics
Hotels/Motels
Convenience stores
Restaurants
Wholesale trade



Industrial Districts

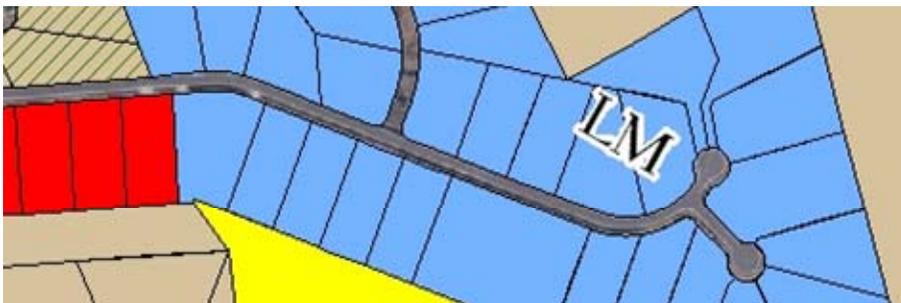
Each of these districts is intended primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment:

Light Manufacturing (LM) District: The Light Manufacturing (LM) district is designed to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Certain types of manufacturing uses that tend to have significant adverse impacts on surrounding properties are excluded from the LM district.



Common Uses:

- Automotive and boat sales and rentals
- Automotive services and repair
- Laundromats
- Manufacturing
- Mini Warehousing
- Professional offices
- Restaurants
- Retail uses
- Warehousing and distribution
- Wholesale trade



Heavy Manufacturing (HM) District: The Heavy Manufacturing (HM) district is designed to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Certain types of manufacturing uses that tend to have significant adverse impacts on surrounding properties are made permissible only within the HM district.



Common Uses:

- Automotive and boat service and repair
- Car washes
- Hospitals and clinics
- Junk yards and salvage yards
- Laundromats
- Manufacturing
- Mini warehousing
- Mining
- Professional offices
- Warehousing and distribution
- Wholesale trade



Overlay Districts

Overlay districts are created to provide additional development standards for specifically identified areas. Overlay districts combine with the regulatory provisions of the underlying base zoning district to provide additional or supplementary standards. The following overlay districts are created for this purpose:

Outer Banks (OB) Overlay District: The purpose of the Outer Banks (OB) overlay district is to preserve and protect unique aspects of the Outer Banks area that do not exist elsewhere in Currituck County, as well as to provide protection from potential hazards associated with the Outer Banks environment. OB's are permitted on the Outer Banks in the RO1, RO2, GB, and LBH zoning districts.

Residential densities typically range from one unit per acre to one unit per three acres.

Planned Adult Retirement (RET) Overlay District: The purpose of the Planned Adult Retirement (RET) district is to allow planned adult retirement and/or assisted living community development. RET's are permitted only on sites of at least ten acres in areas located within the A, RA, R, RO1, RR, and GB zoning districts.

Residential densities are typically one dwelling unit per acre, but may be increase up to 250 units in the case of the conversion of a mobile home or RV park.



Planned Unit Development (PUD) Overlay District: The purpose of the Planned Unit Development (PUD) district is to allow mixed residential and commercial development as a unit and where a more efficient use of the land and additional on-site amenities can be achieved. PUD's are permitted only on sites of at least 50 acres in areas located within the R, RA, and RO1 zoning districts.

Residential densities are typically three dwelling units per acre.

Residential Airpark Development (RAD) Overlay District: The purpose of the Residential Airpark Development (RAD) district is to allow a mixed residential and aviation development. Any one or more property owners having 40 or more contiguous acres of land, at least one of which must be adjacent to the Currituck County Airport, may request the RAD overlay zoning district.

Residential densities are typically one dwelling unit per acre.

Residential Multi-Family Development (RMF) Overlay District: The purpose of the Residential Multi-Family (RMF) district is to provide for medium density residential development with some associated non-residential uses in close proximity to major thoroughfares and commercial zones on the Currituck County mainland. The RMF overlay is designed to have insignificant adverse impacts on surrounding single-family residential development. Areas located in a RMF overlay shall contain a minimum of five contiguous acres. RMF's are permitted in the R, RA, RR, and GB zoning districts.

Residential densities are typically one unit per 10,000 square feet.



General Lot Requirements – Refer to UDO for Complete List of Requirements

Zone	Minimum Lot Size (acres and square feet)				Other		Max. Lot Coverage (percentage) ⁽⁹⁾			Min. Setbacks (feet) ⁽⁷⁾		
	Individual Lots & Minor Subdivisions (up to 5 lots)		Conventional Subdivisions (up to 40 lots)									
	Lot Size ⁽¹⁾	Lot Width ⁽²⁾	Lot Size ⁽³⁾	Lot Width ⁽⁸⁾	Lot Size	Lot Width	< 10,000 sq. ft.	10,000– 19,000 sq. ft.	> 19,000 sq. ft.	Front	Side	Rear
A ⁽⁵⁾	3 acres	125	3 acres ⁽⁶⁾	125	3 acres	125	45	35	30	20	15	25
RA	40,000	125	40,000 ⁽⁶⁾	125	40,000	125	45	35	30	20	15	25
R	40,000	125	40,000 ⁽⁶⁾	125	40,000	125	45	35	30	20	15	25
RO1	40,000	125	40,000 ⁽⁶⁾	125	40,000	125	45	35	30	20	15	25
RO2	120,000	125	120,000 ⁽⁶⁾	125	120,000	125	45	35	30	20	15	25
RR	40,000	125	40,000 ⁽⁶⁾	125	40,000	125	45	35	30	20	15	25
GB	-	-	-	-	40,000	125	65			20	15	25
C	-	-	-	-	40,000	125	65			20	15	25
LBH	-	-	-	-	40,000	125	65			20	15	25
LM	-	-	-	-	40,000	125	65			20	15	25
HM	-	-	-	-	40,000	125	65			20	15	25

- (1) In a Family Subdivision (Minor), one lot may be created per year for a total of five lots. Lots shall have a minimum of 40,000 square feet except in the RO2 District where the minimum lot size shall apply.
- (2) Corner lots shall be 10 feet wider than the required minimum lot width in order to accommodate the additional setback requirement.
- (3) A Conventional Subdivision may be developed without open space if each of the lots is five acres or more and the minimum lot width is 200 feet.
- (4) Each parcel as it existed on April 2, 1989 may create a total of five 40,000 square foot lots. If that parcel has been recombined with another parcel or parcels at some later date or is adjacent to another parcel under the same ownership, each parcel shall be allowed to create five parcels of 40,000 square feet, however the subdivision may be subject to the major subdivision review process.
- (5) The required lot size may be reduced to 20,000 square feet (1.5 acres in the case of RO2) if the lot size reduction is applied to the open space area.
- (6) Any lot shown within a subdivision or PUD granted a minimum of sketch plan approval from the Planning Board prior to April 2, 1989 shall: (i) have a ten foot side yard setback; and, (ii) have a ten foot rear setback where the rear lot line abuts a common open space area.
- (7) The total lot coverage may be increased by 15 percent if: (i) 50 percent of the maximum allowable lot coverage is in Turfstone™ or equivalent porosity as determined by the county engineer; or, (ii) the development is served by an approved and functional stormwater management plan as determined by the county engineer.

* See Chapter 4 for additional dimensional requirements for development located in overlay districts.

* See Chapter 5 for additional buffer yard setbacks for nonresidential uses.

SCHEDULE A

MEMBER WASTE MANAGEMENT AGREEMENT

This Agreement (the “Member Agreement”) made and entered into this ____ day of _____, 2008, by and between the Albemarle Regional Solid Waste Management Authority, a regional solid waste management authority organized and existing pursuant to the laws of the State of North Carolina (the “Authority”) and Currituck County, a political subdivision organized and existing pursuant to the laws of the State of North Carolina and a member of the Authority (“Currituck County”).

RECITALS

It is hereby ascertained, determined and declared by the parties that:

A. Currituck County, as a unit of local government, is a member of the Authority pursuant to the provisions of Chapter 153A, Article 22 of the North Carolina General Statutes.

B. The Authority has entered into a Waste Supply and Disposal Agreement dated October 1, 2008 (the “Authority Agreement”) with Republic Services of North Carolina, LLC d/b/a East Carolina Environmental (“Republic”) relating to the disposal of the Authority’s Waste in the East Carolina Environmental Landfill in Bertie County, North Carolina.

C. In consideration of Republic’s promises in the Authority Agreement, the parties desire to establish certain responsibilities of Currituck County regarding supplying its Waste to Republic, and, at the time this Member Agreement becomes effective, desire to terminate the prior Member Waste Management Agreement between Currituck County and the Authority dated July 16, 1993 (“Prior Member Agreement”).

NOW, THEREFORE, in consideration of the terms, conditions and covenants expressed herein, the parties agree as follows:

1. **Definitions.** Unless otherwise defined herein, the capitalized terms in this Member Agreement shall have the same definitions as specified in the Authority Agreement.

2. Purposes. The purposes of this Member Agreement are those set forth in the Recitals above and made a part hereof.

3. Duties and Responsibilities of Currituck County.

3.1 No Withdrawal from the Authority; Ratification of Charter. Currituck County hereby agrees that it will not withdraw or attempt to withdraw from or cause the dissolution of the Authority during the Term of the Authority Agreement. Currituck County hereby ratifies, affirms and adopts each and every Article, including subparts thereof, of the Resolution Establishing the Authority and the Charter as it has been amended, and said Resolution and Charter are hereby incorporated herein by reference.

3.2 Responsibilities.

A. Currituck County shall adopt all necessary solid waste management plans, flow control ordinances and franchise ordinances, will execute all necessary solid waste management agreements, and will seek a designation by DENR of the Service Area as a designated geographic area within the meaning of the Solid Waste Management Act, to the extent allowed by law and consistent with the Constitutions of North Carolina and the United States of America, in order to obligate all such Waste to be delivered to a Transfer Station for disposal by Republic or directly to the Facility. Specifically, Currituck County shall, by March 1, 2009, adopt a franchise ordinance approved by Republic that requires all Waste in Currituck County's geographical jurisdiction to be delivered to a Transfer Station for disposal by Republic or directly to the Facility and requires all waste collectors and transporters of all Waste in Currituck County's geographical jurisdiction to obtain a license to collect and transport Waste within Currituck County's geographical jurisdiction. The parties authorize Republic as a third party beneficiary of this Member Agreement to enforce the provisions of this Member

Agreement as against either or both of the parties to this Member Agreement and waste collectors and transporters of waste in Currituck County's geographical jurisdiction.

B. If for any reason the Authority no longer exists or for any reason the Authority or its Members are no longer bound by the Authority Agreement excluding a breach by Republic thereof, Currituck County shall: (i) continue to supply its Waste to the Facility for a term no shorter than the remaining duration of the Authority Agreement; (ii) continue to pay fees to Republic in accordance with the schedule of fees set forth in the Authority Agreement for the disposal of Currituck County's Waste; and (iii) enter into a written contract with Republic setting forth the County's obligations under (i) and (ii) herein and such other terms and provisions as can be agreed upon in good faith negotiations. Currituck County agrees that, in the event it is necessary to contract with Republic as provided in this paragraph, the terms and provisions of such contract are intended to be the same as or as similar as possible to those in the Authority Agreement. If the provisions of this paragraph are held, whether by preliminary injunction or otherwise, to be unconstitutional, invalid, illegal or unenforceable in any respect, then Currituck County shall deliver, or cause to be delivered, its Waste to the Facility and pay the fees for such disposal set forth in the Authority Agreement if such Waste is to be disposed of in the State of North Carolina.

4. Term. This Member Agreement shall be effective when both of the following occur: (i) this Member Agreement is approved and executed by the respective governing bodies of the Authority and Currituck County and delivered to the respective parties; and (ii) The Authority Agreement becomes effective on the Effective Date pursuant to Section 1.6 of the Authority Agreement. At the time this Member Agreement becomes effective, the Prior Member Agreement terminates. This Member Agreement shall continue in full force and effect for the Term of the Authority Agreement.

5. Amendment. This Member Agreement may not be modified or amended except by subsequent written modification or amendment approved and authorized by Republic and each of the parties.

6. Similar Services. Currituck County shall not establish or operate a solid waste management facility within the Service Area offering the same or similar services as those provided by Republic in the Authority Agreement; provided, however, that nothing herein shall prevent Currituck County from implementing waste recycling and reduction programs.

7. Ratification. Currituck County hereby ratifies and affirms the Authority Agreement. Currituck County hereby also agrees to provide the Authority with all Waste generated: (i) within Currituck County's geographic jurisdiction; and (ii) within the geographic jurisdiction of all incorporated municipalities within Currituck County's geographic boundaries which have contracted with Currituck County to become Contracting Municipalities. Currituck County hereby authorizes the Authority, on behalf of Currituck County, to provide written consent to modify or amend the Authority Agreement at any such times as the Authority and Republic, in their discretion, seek to modify or amend the Authority Agreement.

8. Severability. If any of the provisions of this Member Agreement are held, for any reason, to be unconstitutional, unenforceable, invalid, or illegal in any respect, such decision shall not affect or impair any of the remaining provisions of this Member Agreement, and the parties shall, to the extent they deem to be necessary and appropriate, take such actions as are necessary to correct any such unconstitutional, unenforceable, invalid, or illegal provision. It is hereby declared to be the intent of the parties that this Member Agreement would have been approved and executed had such unconstitutional, unenforceable invalid or illegal provision been excluded therefrom.

9. Entire Agreement. The Member Agreement and the Authority Agreement (any agreements referenced in Section 1.6 of the Authority Agreement) contain the entire agreement between the parties, and cancel and supersede all prior negotiations, representations, understandings, or agreements, either written or oral, between the parties with respect to the subject matter hereof, with the exception of the Authority Agreement. Any statement, oral or written, made by any party or agent of any party that is not contained in the Member Agreement and Authority Agreement shall not be valid or binding.

10. Benefit and Dispute Resolution. With the consent of the Authority, either Republic or the County may deal directly with each other in carrying out the terms of this Member Agreement. It is the express intention of the parties that Republic and the County attempt to resolve such issues or disputes by dealing through the Authority, and only after either party has exhausted all reasonable effects to address and resolve such issues or disputes directly with the Authority, shall either party pursue any right or remedy against each other. The parties hereto acknowledge and agree that Republic is a third party beneficiary of the terms and provisions contained in this Member Agreement.

11. Covenant of Further Assurances. Currituck County agrees that from and after the date of execution hereof, it will, upon the request of the Authority, execute and deliver such other documents and instruments and take such other actions as may be reasonably required to carry out the purpose and intent of this Member Agreement and the Authority Agreement.

12. Assignment. No assignment, delegation, transfer, or novation of this Member Agreement or any part thereof shall be made or permitted by Currituck County unless approved in writing by the Authority and Republic.

13. Governing Law. This Member Agreement shall be governed by, construed and enforced in accordance with the laws of the State of North Carolina and Pitt County, North

Carolina and the United States District Court for the Eastern District Court for the Eastern District of North Carolina shall be the sole and exclusive jurisdictions for the resolution of any disputes that relate to or arise under this Member Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Member Agreement on the date first above written, the same having been approved by the respective governing bodies of both the Authority and Currituck County.

[Signatures on following page]

SCHEDULE A

ALBEMARLE REGIONAL SOLID WASTE
MANAGEMENT AUTHORITY

MEMBER

CURRITUCK COUNTY, NORTH
CAROLINA

By: _____
Chairman

By: _____
Chairman of Board of Commissioners

ATTEST:

ATTEST:

By: _____

By: _____

Its: _____

Its: _____

This instrument has been pre-audited in the
manner required by the Local Government
Budget and Fiscal Control Act.

This instrument has been pre-audited in the
manner required by the Local Government
Budget and Fiscal Control Act.

By: _____
County Finance Officer

By: _____
Authority Finance Officer

SCHEDULE B

AGREEMENT FOR OPERATION OF TRANSFER STATION

This agreement (the "Agreement") is made and entered into this ___ day of _____, 2008 by and between Currituck County, a political subdivision organized and existing pursuant to the laws of North Carolina (the "County") and Republic Services of North Carolina, LLC, a North Carolina limited liability company d/b/a East Carolina Environmental ("Republic").

RECITALS

It is hereby ascertained, determined and declared by the parties that:

- A. The County, as a unit of local government, is a member of the Albemarle Regional Solid Waste Management Authority ("Authority") pursuant to the provisions of Chapter 153A, Article 22 of the North Carolina General Statutes and owns an existing Transfer Station.
- B. The Authority has entered into a Waste Supply and Disposal Agreement dated October 1, 2008 (the "Authority Agreement") with Republic relating to the disposal of the Authority's Waste in the East Carolina Environmental Landfill in Bertie County, North Carolina.
- C. The County, the Authority and Republic desire that the County continue to retain ownership of the Transfer Station and that Republic continue to contract directly with the County to operate the Transfer Station for the benefit of the Authority.
- D. The County and Republic desire to enter into this Agreement for the purpose of setting forth the terms and conditions under which Republic will operate the County's Transfer Station, and desire to terminate the prior Transfer Station Operation Agreement between the County and Republic dated October 4, 1993 ("Prior Transfer Station Operation Agreement").

NOW, THEREFORE, in consideration of the fees to be paid Republic pursuant to the Authority Agreement and the mutual agreement contained herein, the County and Republic agree as follows:

1. Definitions. Unless otherwise defined herein, the capitalized terms in this Agreement shall have the same definitions as specified in the Authority Agreement. “Transfer Station” as used in this Agreement shall mean the County’s existing Transfer Station, including the building, all improvements and fixtures within the building, and the surrounding real property owned by the County upon which the building is located, as more particularly described on Exhibit A.

2. Term. This Agreement shall be effective when both of the following occur: (i) this Agreement is approved and executed by Republic and the County and delivered to the respective parties; and (ii) The Authority Agreement becomes effective on the Effective Date pursuant to Section 1.6 of the Authority Agreement. At the time this Agreement becomes effective, the Prior Transfer Station Agreement terminates. This Agreement shall continue in full force and effect for the Term of the Authority Agreement.

3. Right of Access. Republic shall have full right and unrestricted access to the Transfer Station for the purpose of operating the Transfer Station and conducting its business as contemplated under this Agreement and the Authority Agreement.

4. Compliance with Laws. Republic shall not permit the Transfer Station to be used in any unlawful manner, and will comply in all material respects, with any and all federal, state and local laws and operating permit issued to the Transfer Station by DENR, concerning the operation of the Transfer Station, subject to Republic’s right to contest in good faith the interpretation, application and enforcement of any such laws or permit.

5. Entry and Inspection. The County, its agents or representatives may enter the Transfer Station at reasonable times upon prior notice to Republic to inspect the Transfer Station.

Any such entry by the County, its agents and representatives shall not unreasonably interfere with Republic's business.

6. Utilities. Republic shall promptly pay all utilities used or consumed by Republic at the Transfer Station. Republic shall not be required to provide or replace any utility lines or facilities at the Transfer Station.

7. Taxes. Republic shall pay annually any personal property taxes for its personal property at the Transfer Station. The County shall pay annually when due any real estate taxes and assessments attributable to the Transfer Station (unless exempt from taxation).

8. Trade Fixtures. The County agrees that no part of any trade fixtures erected or placed by Republic at the Transfer Station shall be or become, or be considered as being affixed to or a part of the Transfer Station and any such trade fixtures shall be and remain the property of Republic and may be removed by Republic at any time in Republic's discretion. Any damage caused by Republic's removal shall be paid by Republic.

9. Transfer Station Operation. Republic shall have the right to operate, use, maintain, repair and alter the Transfer Station, at Republic's expense. Republic shall operate the Transfer Station in accordance with the terms of this Agreement, the Authority Agreement and according to generally accepted standards for the operation of transfer stations, under the supervision of qualified and trained transfer station personnel. Republic shall accept at the Transfer Station all Solid Waste generated within the County. In the event Republic detects any Excluded Waste at the Transfer Station, Republic shall have the right to reject such Excluded Waste and to require the party delivering such Excluded Waste to remove and be responsible for all costs of removal of such Excluded Waste.

With Republic's approval, the County may, upon written application to Republic, temporarily stage Recyclable Materials at the Transfer Station so long as the County's staging of Recyclable Materials does not interfere with Republic's operation of the Transfer Station. If Republic concludes in its sole discretion that the County's staging of Recyclable Materials of the Transfer Station is interfering with Republic's operation of the Transfer Station, Republic may require the County to cease the staging upon written notice to the County.

10. Permits. The County shall obtain and maintain any and all permits necessary for the existence and operation of the Transfer Station. The parties acknowledge that the Transfer Station was constructed prior to enactment of certain laws and regulations and, in the event any modifications to the Transfer Station must be made to bring the Transfer Station into compliance with current or future laws, the cost of such modifications shall be paid by the County and such other counties and municipalities which use the Transfer Station pursuant to the terms of the Authority Agreement.

11. Assignment. The County recognizes that Republic intends to assign or subcontract the right to operate Transfer Station to a third party and hereby consents to any such assignment or subcontract.

12. Maintenance. Republic shall be responsible for normal maintenance of areas inside the Transfer Station building, including the unloading/loading area and trailer storage area. The County shall be responsible for all other maintenance of the Transfer Station, including roads and areas outside the building.

13. Alterations. Republic, at its expense may (but is not obligated to) make alterations, additions and improvements to the Transfer Station during the term of this Agreement with the Authority's consent on behalf of the County, which consent shall not be

unreasonably withheld. Fee simple title to the Transfer Station including additions, alterations, restorations, repairs or replacements thereto, except Republic's personal property and trade fixtures, shall be and remain vested in the County.

14. Hours of Operation. Republic shall cause the Transfer Station to be open (i) between May 1 and September 30 from 8:00 a.m. to 4:30 p.m. Monday through Saturday; and (ii) between October 1 and April 30, from 8:00 a.m. to 4:30 p.m. Monday through Friday and from 8:00 a.m. to Noon Saturday. The Transfer Station will be closed on New Years Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

15. Damage or Destruction of the Transfer Station. In the event the Transfer Station, or a portion thereof is damaged by fire or other casualty so that the Transfer Station in either parties' reasonable discretion cannot be used, the parties agree to use their best efforts to locate an alternate facility as soon as possible and to negotiate in good faith such amendments to the Agreement which may be necessary under the circumstances. If the Transfer Station can be repaired, such repairs shall be made to restore the Transfer Station to substantially its same condition prior to the casualty, unless the parties agree otherwise. All repair costs in excess of insurance shall be the County's responsibility unless such fire or casualty is caused by the negligence of Republic. If as a result of such casualty a new Transfer Station must be constructed, the amount of any insurance proceeds shall be applied to the new facility and any excess cost shall be paid by the County unless such fire or casualty is caused by the negligence of Republic. The design and cost of any new facility shall be determined by the County. It is the intention of the parties that in the event of a casualty they will cooperate, negotiate and work together in good faith to provide, as much as possible, uninterrupted Transfer Station service, making whatever amendments to this Agreement are necessary under the circumstances so that

this Agreement may continue as contemplated by the parties for the full Term of the Authority Agreement.

16. Insurance. Throughout the term of this Agreement, Republic shall maintain, at its expense, comprehensive general public liability insurance which shall include coverage for personal liability, contractual liability, Republic's legal liability, bodily injury (including death) and property damage, with respect to the business carried on at the Transfer Station in such amounts and against such hazards and contingencies as Republic shall reasonably desire. All such insurance policies shall name the County as additional insureds and shall provide that they shall not be cancelled without thirty (30) days prior written notice to the County. Throughout the term of this Agreement, the County shall maintain, at its expense, property insurance which fully insures and protects against loss resulting from damage to the Transfer Station building caused by fire or other casualty. All such insurance policies shall: (i) provide that they may not be cancelled without thirty (30) days prior written notice to the other party; and (ii) be issued by an insurance company authorized to do business in the State of North Carolina.

17. Scale. The County shall at all times maintain an accurate scale at the Transfer Station as well as a competent and trained scale operator. The County, if requested, shall provide Republic with copies of any weigh tickets or other reports pertaining to the amount of waste accepted at the Transfer Station.

18. Termination. Either party may (but is not obligated to) terminate this Agreement upon: (i) a termination of the Authority Agreement; or (ii) a breach of this Agreement by the other party. Upon the termination of this Agreement, Republic shall remove all of Republic's trade fixtures and surrender possession of the Transfer Station to the County.

19. Breach; Obligation to Cure. A breach of this Agreement shall mean a material failure to comply with any of the material provisions of this Agreement. Each party shall in the case of any breach of its obligations under this Agreement either: (i) cure the breach within 90 days of receipt of written notice from the non-breaching party; or (ii) continuously demonstrate within such cure period that it is actively and continuously pursuing a course of action which can reasonably be expected to lead to a curing of the breach (the 90-day period will be extended for so long as the breaching party is actively and continuously pursuing such a course).

20. Remedies.

(a) In the event of a default under this Agreement, the non-defaulting party shall, upon 5 days prior written notice to the defaulting party, have the right, but not the obligation or duty, to cure such default, including the right to offset the costs of curing the default against any sums due or which become due to the defaulting party under this Agreement. The non-defaulting party shall use its best efforts to employ an economically reasonable method of curing any such default.

(b) If an event of default occurs and is not cured in the manner allowed in this Agreement, then the non-defaulting party shall have the right to: (i) take whatever action at law or in equity that it deems necessary or desirable to collect any amounts then due or thereafter to become due under this Agreement or to enforce performance of any covenant or obligation of the defaulting party under this Agreement; and (ii) terminate this Agreement.

(c) Notwithstanding any other provision in this Agreement and in recognition of the gravity and scope of the subject matter of this Agreement and the Authority Agreement, the parties agree that, notwithstanding the provisions for breach, cure and default in this Agreement, no party to this Agreement may elect to terminate this Agreement upon a default by

23. Warranty of Clean Environmental Condition. The County represents and warrants that the Transfer Station, including any soil, groundwater and surface water thereon, at the time of commencement of this Agreement is not contaminated by any chemicals, wastes, materials or substances regulated or controlled by any federal, state or local environmental law and is in compliance with all federal, state and local environmental laws. The County hereby indemnifies, releases and holds Republic harmless from any and all claims, damages, costs, fees or actions, specifically including, but not limited to, claims under CERCLA, arising from any environmental contamination or violation of Environmental Law at the Transfer Station occurring prior to commencement of this Agreement.

24. Invalidity. The provisions of this Agreement are independent of and severable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that any provision may be invalid or unenforceable in whole or in part.

25. Successors and Assigns. The provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

26. Entire Agreement. This Agreement and the Authority Agreement (and any agreements referenced in Section 1.6 of the Authority Agreement) constitute the entire agreement between the County and Republic for the purposes stated herein; no prior written or oral promises or representations prior to, contemporaneous with or subsequent to shall be binding.

27. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of North Carolina and Pitt County, North Carolina and the United States District Court for the Eastern District of North Carolina shall be the sole and

exclusive jurisdictions for the resolution of any disputes that relate to or arise under this Agreement.

IN WITNESS WHEREOF, Republic and the County have duly executed this Agreement as of the day and year first above written.

[Signatures on following page]

CURRITUCK COUNTY

ATTEST:

By: _____
Chairman of Board of Commissioners

By: _____

Its: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____
County Finance Officer

REPUBLIC SERVICES OF NORTH CAROLINA, LLC.

ATTEST:

By: _____
Drew Isenhour
Area President

(CORPORATE SEAL)

CHANGE ORDER

CONSTRUCTION MANAGEMENT EDITION

PROJECT: New Jarvisburg Elementary School Jarvisburg, North Carolina	CHANGE ORDER NUMBER: 9 INITIATION DATE: 10/3/2008 ARCHITECT'S PROJECT NO: 06-611 CM'S PROJECT NO. 6069.01 CONTRACT FOR: Building and Finishes Contract CONTRACT DATE: January 17, 2007
TO: Blueridge General, Inc. 3422 Stratmore Avenue Norfolk, Virginia 23504	

You are directed to make the following changes in this Contract:

- | | |
|---|---------------------|
| 1. Actual date of Substantial Completion and commencement of Warranty is July 22, 2008. | Add \$0.00 |
| 2. Credit on balance of all Contract Allowances | Deduct (\$9,043.19) |

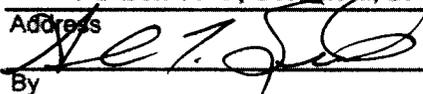
Total This Change	Deduct	(\$9,043.19)
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(10)

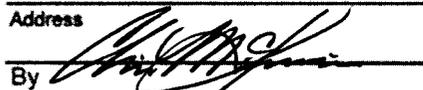
Not valid until signed by the Owner, the Architect and the Construction Manager.
 Signature of the Contractor indicates agreement herewith, including any adjustment in the Contract Sum or the Contract Time.

The original Contract Sum was	\$6,942,069.00
Net change by previously authorized Change Orders	\$71,997.84
The Contract Sum prior to this Change Order was	\$7,014,066.84
The Contract Sum will be increased by this Change Order	(\$9,043.19)
The new Contract Sum including this Change Order will be	\$7,005,023.65
The Contract Time will be increased by 98 Calendar Days	
The Date of Substantial Completion as of the date of this Change Order therefore is July 22, 2008	

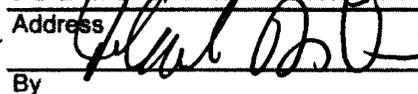
Recommended:
 M. B. Kahn Construction Company, Inc.
 Construction Manager

PO Box 1179, Columbia, S. C. 29202
 Address
 By  10/13/08 Date

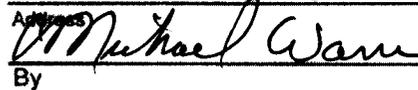
Agreed To:
 Blueridge General, Inc.
 Contractor

3422 Stratmore Avenue, Norfolk, Va. 23504
 Address
 By  10/9/08 Date

Approved:
 Walter, Robbs, Callahan & Pierce Architects PA

PO Box 2027 Winston Salem, N. C. 27120-20275
 Address
 By  10.15.08 Date

Authorized:
 Currituck County Board of Education
 Owner

29258 Caratoke Highway, Currituck, N. C. 27929
 Address
 By  10-17-08 Date

10/8/2008

JARVISBURG ELEMENTARY SCHOOL
ALLOWANCE LOG

Proposal # Description Gen Allowance Kitchen Allowance Water Well Allowance CO# APPROVED CHANGE ORDERS

		ALLOWANCES	\$20,000.00	\$5,000.00	\$15,000.00		
	water well installation						
	water well enclosure				\$5,250.00		
	Revisions to electrical room				\$456.49		
COP-1	change cement terrazzo to epoxy terrazzo		\$2,613.81			1	\$38,659.28
COP-3	add drain water temperature discharge kit			\$1,198.14			
COP-5	provide additional L-4 lintel per SKS-15		\$342.09				
COP-6	install 4" cmu and cap at toilets 177, 180, 181, 198, 199 & 202		\$3,408.41				
COP-9	relocate cmu wall at toilets 177, 180, 181, 198, 199, & 202		\$1,344.21				
COP-11	remove and reinstall 2 SF of slab on grade concrete at toilets 173 & 172 H		\$455.22				
COP-12	provide additional tube steel and joist substitutes		\$1,043.99				
COP-13	provide NCF lock box					2	\$1,193.61
COP-14	T4 beam extensions @ hall 151		\$1,363.24				
COP-15	Provide additional steel at RTU duct openings				\$494.87		
COP-16	Install floor drains and hose bibs at mezzanines		\$2,695.03				
COP-17	provide additional roof edge blocking and tapered insulation		\$3,532.92				
COP-18	provide additional framing at expansion joints		\$504.84				
COP-19	provide attachment clips for clerestory beams		\$804.52				
COP-20	Provide clips for attachment of beams to gym walls		\$1,534.09				
COP-21	Provide wall cabinets for K-1 classrooms					3	\$7,896.89
COP-22	Construct drywall sprinkler pipe enclosures at clerestories					3	\$551.76
COP-23	delete VCT and provide carpet in segment 4 classrooms			\$2,485.43		5	\$24,106.34
COP-24	modify canopy end structure and decking						
COP-27	credit to delete bluestone window sills from clerestory windows					5	(\$1,561.05)
COP-28	credit to not run undesignated walls full height					6	(\$2,467.58)
COP-29	Install acoustical ceiling break in room 136					5	\$372.09
COP-30	split marker boards and add end closures			\$393.46			
COP-32	Install a second handrail at the stage handicap ramp					8	\$872.92

10/8/2008

JARVISBURG ELEMENTARY SCHOOL
ALLOWANCE LOG

Proposal #	Description	Gen Allowance	Kitchen Allowance	Water Well Allowance	CO#	APPROVED CHANGE ORDERS
COP-36	delete 36" grab bar from toilet 202 and provide one 24"				8	\$67.84
COP-37	paint wet wall of toilets 110, 111, & 116 with epoxy paint				8	\$523.79
COP-38	repair masonry walls after drinking fountains are raised to 40"				8	\$1,009.97
COP-39	provide additional room signs				8	\$2,227.25
COP-40	delete temporary fence & gates				7	(\$1,455.27)
COP-43	install 5' x 5' VCT at classroom exterior doors			\$452.06		
COP-45	add lettering to fire extinguisher cabinets			\$336.45		
COP-46	maximum occupancy signs			\$207.31		
COP-47	install fire rated tents over speakers			\$2,268.84		
	credit for septic system bollards			(\$1,035.00)		
	credit for not providing NFC lock box			(\$1,193.61)		
TOTALS		\$19,642.37	\$4,077.03	\$7,237.41		\$71,997.84
REMAINING BALANCE		\$357.63	\$922.97	\$7,762.59		
ORIGINAL CONTRACT		\$8,942,069.00				
APPROVED CHANGE ORDERS		\$71,997.84				
REVISED CONTRACT		\$7,014,066.84				
UNUSED ALLOWANCE		(\$9,043.19)				
REVISED CONTRACT		\$7,005,023.65				

Handwritten initials/signature

NCRD ~~TAX ID~~ # 145-44-2167

GLENN ENDRESON STETS 1099
WELL DRILLING CONTRACTOR

165 Chicahawk Trail • Southern Shores, N.C. 27949
 Phone 252-255-2288 • Fax 252-255-2857
 N.C. Drillers Lic. #2087

DATE 3-12-07

NAME Currituck County Schools

ADDRESS c/o Bruce MacDonald

2958 CARETAKER Highway Currituck, NC 27922

Drilled & Installed 4" WELL to 40 feet.		
Installed 1/2 HP SUBMERSIBLE PUMP & PRESSURE TANK WITH Auto Controls		
Installed 1/4" PITLESS ADAPTER FROST FREE 18" ABOVE GRADE		
LABOR & MATERIALS	4,800.	—
	11450	
01.7550	1015020/2755	
	01.7550	
	TAX	
	TOTAL \$	4,800. —

W/O P & BAND \$5,250?

CONTRACT TITLE: New Jarvisburg Elementary School Arch. Job No. 06-611
110 Forbes Road MBK Job No. 6069
Jarvisburg, NC 27947 PROPOSAL NO.: ALLOWANCE

ARCHITECT: Walter Robbs Callahan & Pierce

DESCRIPTION: ENCLOSURE FOR WATER WELL

PRIME CONTRACTORS WORK				REVISIONS/COMMENTS
1. DIRECT MATERIALS			\$180.32	
2. SALES TAX ON MATERIALS	7% OF LINE 1	7.00%	\$12.62	
3. DIRECT LABOR			\$119.00	
4. INSURANCE, TAXES, AND FRINGE BENEFITS	31.6.0% OF LINE 3	31.60%	\$37.60	
5. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES			\$42.50	
6. RENTAL EQUIPMENT				
7. SALES TAX ON RENTAL EQUIPMENT	7% OF LINE 6	7.00%		
8. SUBTOTAL (ADD LINES 1-7)				\$392.05

PRIME REMARKS: **BILL AGAINST WATER WELL ALLOWANCE ON SCHEDULE OF VALUES**

SUBCONTRACTOR'S WORK				REVISIONS/COMMENTS
9. DIRECT MATERIALS				
10. SALES TAX ON MATERIALS	7% OF LINE 9	7.00%		
11. DIRECT LABOR				
12. INSURANCE, TAXES, AND FRINGE BENEFITS	25.0% OF LINE 11	25.00%		
13. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES				
14. RENTAL EQUIPMENT				
15. SALES TAX ON RENTAL EQUIPMENT	7% OF LINE 14	7.00%		
16 SUBTOTAL (ADD LINES 9-15)				
17. SUBCONTRACTOR'S OVERHEAD & PROFIT	15.0% OF LINE 16	15.00%		
18 . TOTAL SUBCONTRACTOR'S WORK (ADD LINES 16 & 17)				

SUB'S REMARKS:

SUMMARY				REVISIONS/COMMENTS
19. PRIME CONTRACTOR'S WORK (FROM LINE 8)			\$392.05	
20. PRIME OVERHEAD AND PROFIT ON OWN WORK	15% OF LINE 19	15%	\$58.81	
21. SUBTOTAL PRIME'S WORK (ADD LINES 19 & 20)				\$450.85
22. SUBCONTRACTOR'S WORK (FROM LINE 18)				
23. PRIME'S OVERHEAD AND PROFIT ON SUB WORK	5% OF LINE 22	5.00%		
24. SUBTOTAL SUB'S WORK (ADD LINES 22 & 23)				
25. SUBTOTAL ALL WORK ADD LINES (21 & 24)				\$450.85
26 BOND PREMIUM ON TOTAL COST	1.25% OF LINE 25	1.25%	\$5.64	
27 TOTAL COST (ADD LINES 25 & 26)				\$456.49

ESTIMATED TIME EXTENSION AND JUSTIFICATION

PRIME CONTRACTOR NAME: BLUERIDGE GENERAL, INC.

SUBCONTRACTOR NAME:

SIGNATURE & TITLE OF PREPARER

DATE: 4/18/2007

CHRIS MCKINNON, PROJECT MANAGER

CONTRACT TITLE: **New Jarvisburg Elementary School** Arch. Job No. 06-611
 110 Forbes Road MBK Job No. 6069
 Jarvisburg, NC 27947 PROPOSAL NO.: 45

ARCHITECT: Walter Robbs Callahan & Pierce

DESCRIPTION: **ADD LETTERING TO FIRE EXTINGUISHER CABINETS PER BUILDING OFFICIAL**

PRIME CONTRACTORS WORK				REVISIONS/COMMENTS
1. DIRECT MATERIALS			\$140.91	
2. SALES TAX ON MATERIALS	7% OF LINE 1	7.00%	\$9.86	
3. DIRECT LABOR			\$105.00	
4. INSURANCE, TAXES, AND FRINGE BENEFITS	31.6.0% OF LINE 3	31.60%	\$33.18	
5. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES				
6. RENTAL EQUIPMENT				
7. SALES TAX ON RENTAL EQUIPMENT	6.75% OF LINE 6	6.75%		
8. SUBTOTAL (ADD LINES 1-7)				\$288.95

PRIME REMARKS:

SUBCONTRACTOR'S WORK				REVISIONS/COMMENTS
9. DIRECT MATERIALS				
10. SALES TAX ON MATERIALS	7% OF LINE 9	7.00%		
11. DIRECT LABOR				
12. INSURANCE, TAXES, AND FRINGE BENEFITS	25.0% OF LINE 11	25.00%		
13. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES				
14. RENTAL EQUIPMENT				
15. SALES TAX ON RENTAL EQUIPMENT	6.75% OF LINE 14	6.75%		
16 SUBTOTAL (ADD LINES 9-15)				
17. SUBCONTRACTOR'S OVERHEAD & PROFIT	16.0% OF LINE 16	15.00%		
18. TOTAL SUBCONTRACTOR'S WORK (ADD LINES 16 & 17)				

SUB'S REMARKS:

SUMMARY				REVISIONS/COMMENTS
19. PRIME CONTRACTOR'S WORK (FROM LINE 8)			\$288.95	
20. PRIME OVERHEAD AND PROFIT ON OWN WORK	15% OF LINE 19	15%	\$43.34	
21. SUBTOTAL PRIME'S WORK (ADD LINES 19 & 20)				\$332.30
22. SUBCONTRACTOR'S WORK (FROM LINE 18)				
23. PRIME'S OVERHEAD AND PROFIT ON SUB WORK	5% OF LINE 22	5.00%		
24. SUBTOTAL SUB'S WORK (ADD LINES 22 & 23)				
25. SUBTOTAL ALL WORK ADD LINES (21 & 24)				\$332.30
26 BOND PREMIUM ON TOTAL COST	1.25% OF LINE 25	1.25%	\$4.15	
27 TOTAL COST (ADD LINES 25 & 26)				\$336.45

ESTIMATED TIME EXTENSION AND JUSTIFICATION

PRIME CONTRACTOR NAME: BLUERIDGE GENERAL, INC.

SUBCONTRACTOR NAME:

SIGNATURE & TITLE OF PREPARER


 CHRIS MCKINNON, PROJECT MANAGER

DATE: 7/3/2008



CORPORATE HEADQUARTERS
 7512 CONNELLEY DR.
 HANOVER, MD
 410-768-2200
 FAX 410-768-5649

CHESAPEAKE, VA
 757-436-1301
 FAX 767-436-3178

LAURINBURG, NC
 910-276-1112
 FAX 910-276-5811

STERLING, VA
 703-834-5399
 FAX 703-834-5396

LANCASTER, PA
 717-464-7440
 FAX 717-464-1011

MYRTLE BEACH, SC
 843-448-0075
 FAX 843-448-9020

CLAYTON, NC
 919-550-2699
 FAX 919-550-0719

WILMINGTON, NC
 910-762-8418
 FAX 910-762-9279

ABBOTTSTOWN, PA
 717-259-5888
 FAX 717-259-6390

YORK, PA
 717-741-9980
 FAX 717-741-9981

FED. I.D. NO. 52-095-7166

REMIT TO

P. O. BOX 630067
 BALTIMORE, MD 21263

REFER TO THIS NO.

WE ACCEPT



INVOICE

1007052

6/17/09

ACCOUNT NO.

0146550

SOLD TO

BLUERIDGE GENERAL, INC.
 2428 STRATHMORE AVENUE
 NORFOLK, VA 23504

SHIP TO

BLUERIDGE GENERAL, INC.
 2428 STRATHMORE AVENUE
 NORFOLK, VA 23504

Handwritten signature and initials

QTY.	PART NO.	DESCRIPTION	UNIT PRICE	DISC.	AMOUNT
1		DIE CUT, RED VERTICAL FIRE EXTINGUISHER LETTERS	6.00		126.00
1		UPS	15.00		15.00
					TOTAL DUE
15.00	126.00	141.00	6.30		147.30

WE HEREBY CERTIFY THAT THESE GOODS WERE PRODUCED IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF SECTION 6, 7 AND 12 OF THE FAIR LABOR STANDARDS ACT, AS AMENDED, AND OF REGULATIONS AND ORDERS OF THE UNITED STATES DEPARTMENT OF LABOR ISSUED UNDER SECTION 14 THEREOF.

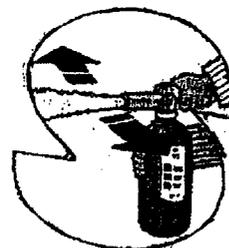
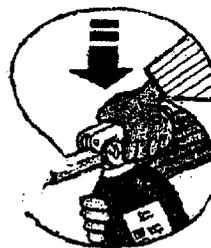
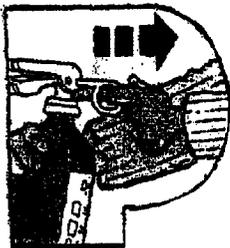
A FINANCE CHARGE OF 2% PER MONTH WILL BE ADDED TO ALL PAST DUE ACCOUNTS. THIS IS AN ANNUAL PERCENTAGE RATE OF 24%.

ORIGINAL

Abbottstown, PA
 717-259-5888

Lancaster, PA
 717-464-7440

York, PA
 717-741-9980



CONTRACT TITLE: New Jarvisburg Elementary School	Arch. Job No. 06-811
110 Forbes Road	MBK Job No. 6069
Jarvisburg, NC 27947	PROPOSAL NO.: 46

ARCHITECT: Walter Robbs Callahan & Pierce

DESCRIPTION: **MAXIMUM OCCUPANCY SIGNS**

PRIME CONTRACTORS WORK				REVISIONS/COMMENTS
1. DIRECT MATERIALS				
2. SALES TAX ON MATERIALS	7% OF LINE 1	7.00%		
3. DIRECT LABOR				
4. INSURANCE, TAXES, AND FRINGE BENEFITS	31.6.0% OF LINE 3	31.60%		
5. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES				
6. RENTAL EQUIPMENT				
7. SALES TAX ON RENTAL EQUIPMENT	6.75% OF LINE 6	6.75%		
8. SUBTOTAL (ADD LINES 1-7)				

PRIME REMARKS:

PLEASE LET US KNOW IF WE ARE TO RELEASE THE SIGNS FOR FABRICATION.

SUBCONTRACTOR'S WORK				REVISIONS/COMMENTS
9. DIRECT MATERIALS				
10. SALES TAX ON MATERIALS	7% OF LINE 9	7.00%		
11. DIRECT LABOR				
12. INSURANCE, TAXES, AND FRINGE BENEFITS	25.0% OF LINE 11	25.00%		
13. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES				
14. RENTAL EQUIPMENT				
15. SALES TAX ON RENTAL EQUIPMENT	6.75% OF LINE 14	6.75%		
16 SUBTOTAL (ADD LINES 9-15)				
17. SUBCONTRACTOR'S OVERHEAD & PROFIT	15.0% OF LINE 16	15.00%		
18 . TOTAL SUBCONTRACTOR'S WORK (ADD LINES 16 & 17)			\$195.00	SEE ATTACHE EMAIL

SUB'S REMARKS:

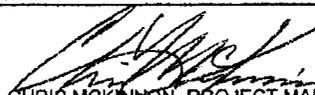
SUMMARY				REVISIONS/COMMENTS
19. PRIME CONTRACTOR'S WORK (FROM LINE 8)				
20. PRIME OVERHEAD AND PROFIT ON OWN WORK	15% OF LINE 19	15%		
21. SUBTOTAL PRIME'S WORK (ADD LINES 19 & 20)				
22. SUBCONTRACTOR'S WORK (FROM LINE 18)			\$195.00	
23. PRIME'S OVERHEAD AND PROFIT ON SUB WORK	5% OF LINE 22	5.00%	\$9.75	
24. SUBTOTAL SUB'S WORK (ADD LINES 22 & 23)			\$204.75	
25. SUBTOTAL ALL WORK ADD LINES (21 & 24)			\$204.75	
26. BOND PREMIUM ON TOTAL COST	1.25% OF LINE 25	1.25%	\$2.56	
27. TOTAL COST (ADD LINES 25 & 26)			\$207.31	

ESTIMATED TIME EXTENSION AND JUSTIFICATION

PRIME CONTRACTOR NAME: BLUERIDGE GENERAL, INC.

SUBCONTRACTOR NAME: SIGNATURE SIGNS

SIGNATURE & TITLE OF PREPARER


CHRIS MCKINNON, PROJECT MANAGER

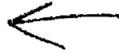
DATE: 8/1/2008

Chris McKinnon

From: Jeff Curtis [jeff@signatureinc.info]
Sent: Thursday, July 31, 2008 5:01 PM
To: Chris McKinnon
Subject: Re: Maximum Occupancy Signage

Chris,

the cost for three signs would be \$195.00
I can have them ready in about a week.



Thanks,
Jeff Curtis
Signature Signs

----- Original Message -----

From: Chris McKinnon
To: jeff@signatureinc.info
Sent: Thursday, July 31, 2008 12:24 PM
Subject: FW: Maximum Occupancy Signage

Jeff,

The school has asked us to provide the additional signage as indicated below. Please provide your cost proposal to furnish these signs. Let me know if you have any questions.

Christopher McKinnon
Project Manager
Blueridge General, Inc.

From: Russell Lacey [mailto:rlacey@mbkahn.com]
Sent: Wednesday, July 30, 2008 7:07 PM
To: Chris McKinnon
Cc: Bruce MacDonald; Buddy Sivils; Clark M. Pierce
Subject: Maximum Occupancy Signage

Mr. McKinnon

The Owner has provided the following regarding the Maximum Occupancy Signage at the Gym, Cafeteria, & Media Center.

Gym - 605
Cafeteria - 232
Media Center - 67

The Signs should read as follows: (For example)

MAXIMUM OCCUPANCY 605	MAXIMUM OCCUPANCY 232	MAXIMUM OCCUPANCY 67
-----------------------------	-----------------------------	----------------------------

The room identification is not required and therefore please (size) the signs accordingly. Please proceed to

ESTIMATE FOR CONTRACT MODIFICATION

DATE: 8/15/2008

CONTRACT TITLE: **New Jarvisburg Elementary School** Arch. Job No. 06-611
 110 Forbes Road MBK Job No. 6069
 Jarvisburg, NC 27947 PROPOSAL NO.: 47 REVISED

ARCHITECT: **Walter Robbs Callahan & Pierce**

DESCRIPTION: **INSTALL FIRE RATED TENTING OVER CEILING SPEAKERS**

	PRIME CONTRACTORS WORK			REVISIONS/COMMENTS
1. DIRECT MATERIALS				
2. SALES TAX ON MATERIALS	7% OF LINE 1	7.00%		
3. DIRECT LABOR				
4. INSURANCE, TAXES, AND FRINGE BENEFITS	31.6.0% OF LINE 3	31.60%		
5. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES				
6. RENTAL EQUIPMENT				
7. SALES TAX ON RENTAL EQUIPMENT	6.75% OF LINE 6	6.75%		
8. SUBTOTAL (ADD LINES 1-7)				

PRIME REMARKS:

THE SCHOOL WILL NEED TO PROVIDE ACCESS TO ALL ROOMS WITH SPEAKERS TO NOT DELAY THE CONTRACTOR.

SUBCONTRACTOR'S WORK				
9. DIRECT MATERIALS			\$170.00	
10. SALES TAX ON MATERIALS	7% OF LINE 9	7.00%	\$11.90	
11. DIRECT LABOR			\$800.00	
12. INSURANCE, TAXES, AND FRINGE BENEFITS	25.0% OF LINE 11	25.00%	\$200.00	
13. EQUIPMENT OWNERSHIP AND OPERATING EXPENSES			\$170.00	
14. RENTAL EQUIPMENT			\$472.00	
15. SALES TAX ON RENTAL EQUIPMENT	6.75% OF LINE 14	6.75%	\$31.86	
16 SUBTOTAL (ADD LINES 9-15)				\$1,855.76
17. SUBCONTRACTOR'S OVERHEAD & PROFIT	15.0% OF LINE 16	15.00%	\$278.36	
18. TOTAL SUBCONTRACTOR'S WORK (ADD LINES 16 & 17)				\$2,134.12

SUB'S REMARKS:

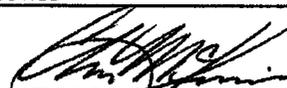
SUMMARY				
19. PRIME CONTRACTOR'S WORK (FROM LINE 8)				
20. PRIME OVERHEAD AND PROFIT ON OWN WORK	15% OF LINE 19	15%		
21. SUBTOTAL PRIME'S WORK (ADD LINES 19 & 20)				
22. SUBCONTRACTOR'S WORK (FROM LINE 18)			\$2,134.12	
23. PRIME'S OVERHEAD AND PROFIT ON SUB WORK	5% OF LINE 22	5.00%	\$106.71	
24. SUBTOTAL SUB'S WORK (ADD LINES 22 & 23)				\$2,240.83
25. SUBTOTAL ALL WORK ADD LINES (21 & 24)				\$2,240.83
26 BOND PREMIUM ON TOTAL COST	1.25% OF LINE 25	1.25%	\$28.01	
27 TOTAL COST (ADD LINES 25 & 26)				\$2,268.84

ESTIMATED TIME EXTENSION AND JUSTIFICATION

PRIME CONTRACTOR NAME: **BLUERIDGE GENERAL, INC.**

SUBCONTRACTOR NAME: **ROGERS ACOUSTICS**

SIGNATURE & TITLE OF PREPARER


CHRIS MCKINNON, PROJECT MANAGER

DATE: 8/15/2008

CHANGE ORDER

RPC Contracting, Inc
PO Box 333
Kitty Hawk, NC 27949

Date: 6/20/08
Number: 10

To: The County of Currituck &
Currituck Co. Board of Education
c/o MB Kahn Construction Co., Inc.
PO Box 129, Jarvisburg, NC 27947

Job Name: Jarvisburg Elementary School
Job Number: 2006056

We hereby agree to make the changes specified below:

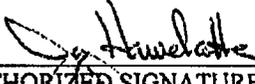
1. Add 3 ea. Pipe Bollards @ Septic Tank Area
6" Pipe Bollards (3 @ \$300.00 ea.)

	\$ 900.00
15% Markup:	<u>\$ 135.00</u>
Total:	\$ 1,035.00

Note: This Change Order becomes part of and in conformance with the existing contract and impacts the substantial completion of the job by 14 days from date of approval of the change order.

WE HEREBY agree to make the changes specified above at this price

CHANGE ORDER:	\$ 1,035.00
PREVIOUS CONTRACT AMOUNT:	<u>\$ 1,284,584.00</u>
REVISED CONTRACT TOTAL:	\$ 1,285,619.00



AUTHORIZED SIGNATURE (CONTRACTOR)

ACCEPTED: The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Date of Acceptance _____

Signature _____
(OWNER)



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of November 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-561000	Professional Services	11,631	
10390-499900	Fund Balance Appropriated	34,890	
10320-411000	Article 39 Sales & Use Tax		46,521
		<u>\$46,521</u>	<u>\$46,521</u>

Explanation: Finance (10440) - To increase Finance professional services for ongoing Tax Reduction Specialists services for Sales and Use Tax Reallocation. They have worked with the NC Department of Revenue to properly reallocate sales tax from vendors within the County. This has resulted in an additional \$46,521.79 of sales tax being returned to the County.

Net Budget Effect: Operating Fund (10) - Decreased by \$34,890.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009033

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of November 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> <u>Decrease Revenue or</u> <u>Increase Expense</u>	<u>Credit</u> <u>Increase Revenue or</u> <u>Decrease Expense</u>
27690-545000	Contract Services	7,000	
27390-499900	Fund Balance Appropriated		7,000
		<u>\$7,000</u>	<u>\$7,000</u>

Explanation: Moyock Watershed Service District (27690) - To increase budgeted funds for maintenance in service district.

Net Budget Effect: Moyock Watershed Service District (27) - Increased by \$7,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009034

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of November 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10445-526000	Advertising	510	
10445-532000	Supplies		510
		\$510	\$510

Explanation: Human Resources (10455) - To transfer budgeted funds to advertise to Payroll Clerk position vacancy.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009035

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of November 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-592000	Airport Projects	10,360	
10380-481000	Investment Earnings		10,360
		<u>\$10,360</u>	<u>\$10,360</u>

Explanation: Airport (10550) - To increase budgeted line items for Community Partner Participation Fees fo inclusion in the USDOT 2007 Small Community Air Service Development Program.

Net Budget Effect: Operating Fund (10) - Increased by \$10,360.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Invoice

8311 Brier Creek Parkway, Ste 105-369
 Raleigh, NC 27617
 919 251 9142

Date	Invoice #
10/23/2008	SC07 3

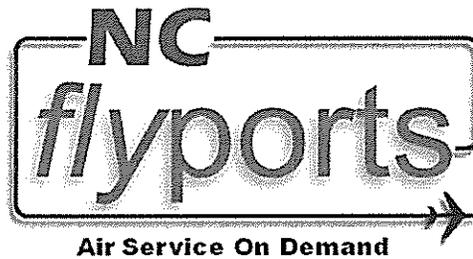
Bill To:
 Wayne Leary
 Manager
 Currituck County Airport
 PO Box 38
 Maple, NC 27956

Please Remit Payment to:
 NCDOT Division of Aviation
 Attn: Ted Alman
 1560 Mail Service Center
 Raleigh, NC 27699-1560

PO Number	Terms	Rep	Ship	Via	F.O.B.	Project
	On Receipt	DT				2007 SCASD NC Airlinks

Quantity	Item Code	Description	Price Each	Amount
1	Participation Fees	Community Partner Participation fees for inclusion in USDOT 2007 Small Community Air Service Development Program	10,360.00	\$ 10,360.00
			Total	\$ 10,360.00

Remit to :
 NCDOT Division of Aviation
 1560 Mail Service Center
 Raleigh, NC 27699-1560



Program Overview

The United States Department of Transportation awarded a 2007 Small Community Air Service Development Grant to the NCDOT and a coalition of 11 small communities in North Carolina to promote on-demand air service at their local airports. This project, which we have named "NCFlyPorts", will promote the use of on-demand air service to these 11 communities located in North Carolina. The outputs from this project will include economic benefits to the community as a whole by means of enabling business and leisure connections where commercial air service is not otherwise available. Eleven communities were selected to be community partners during the grant period but we anticipate that the development of this concept will create an awareness and increased utilization of on-demand air service throughout the state. (To view the initial project concept and description please visit the USDOT website docket listings: http://dmses.dot.gov/docimages/pdf101/467242_web.pdf)

Project Ramp Up

The initial phases of the project will require substantial data collection from each Community Partner, Air Service Provider Partner, and various other agencies. Further, initial visits will be made to each community to collect information, meet with potential community partners for each airport and evaluate each facility. It is anticipated that these data collection periods and community visits will occur throughout the spring and summer months of 2008.

Information to be gathered from now through the summer months will include:

Community Business Contact Information

Current Airport Customer Data

Airport Facilities and Potential Needs/Requirements

Community Infrastructure/Tourism/Industry/Business Information

The data collection process will also capture potential customer information. As these databases are accumulated, the NCFlyPorts team will be able to provide our Community Partners and Service Providers with these essential customer profiles. This assistance with

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disseminating information regarding service and connections in a more comprehensive and specific way should prove invaluable to further utilization of services at our local North Carolina Airports.

Each Community Partner will be visited by the NCFlyPorts Staff to best determine the unique needs of the airport and the neighboring community. In this way, the NCFlyPorts Team can program an approach best tailored to each location. During these visits the Staff plans to meet with the local chambers of commerce, economic development organizations and other appropriate business or government contacts to establish detailed customer content. The visits began March 26, 2008 and continued through the summer.

Collateral Materials

The NCFlyPorts program aims to increase awareness and accessibility to air taxi services throughout the state. The concept of "on-demand" air service is a new transportation alternative for the target market in which NCFlyPorts will be focused. Air Charter service has been available for many years but has always held the perception that it was quite expensive or only for "the elite." The "on-demand" concept supports a network of aircraft, available in multiple formats, with newer concepts in scheduling and cost. As the services are promoted and more is learned from the NCFlyPorts effort, appropriate approaches will be constructed. Keeping in mind that each community will have a tailored approach based on their own unique needs, the following is anticipated in the forefront of the program for Community Partners across the state:

Airport Facilities

Each airport will be evaluated for needs with regard to making its facilities more conducive to air taxi service. Each community's needs are different, but the following are types of improvements anticipated within airport facilities:

Passenger waiting area improvements for FBO and Airport Terminal Facilities

Website Development

Wireless Internet Connections

Business Center/Computer Access/Telephone Access

Restroom Facilities

Ground Taxicab Accommodations

Rental Cars/Airport Cars

Various advertising collateral materials will be available to the airport facilities and to the targeted market audience which will be generated during the course of the program. But one of the most valuable pieces of the marketing collateral will be the development of the various airport websites, the NCFlyPorts website and both of these with access to *Connect IT*. *Connect IT* is a software tool that has been developed by Coastal Technologies Group, Inc in association with the Air Taxi Association. This software is web driven and allows potential customers to

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access a comprehensive list of air taxi providers, locations, flight availability and potential costs. *Connect IT* will also provide the most up-to-date information for passengers to directly contact service providers in their area.

Cost Benefits

NCFlyPorts will enable local communities to derive multiple economic impacts and benefits from the infrastructure investments already made in their local airports.

When businesses look to relocate, one of the top three questions usually asked is, "What is the accessibility to reliable air service from this community?" As the availability and usefulness of on-demand, air taxi service grows and matures, smaller communities not currently served by commercial airline service will have better connections within North Carolina and beyond. The perception in the community that air service is available will grow with awareness. Hence, communities formerly perceived as lacking the vital link of accessibility by air will enjoy better transportation and services.

Increasing community awareness of the local airport and its value to the economy and quality of life will also bring needed emphasis in funding for airport infrastructure. Small airports provide some of the most vital infrastructure links and economic drivers available to a community, but this fact is often unrecognized by the general public.

Return on Investment

During the first three years of the program each airport will receive the following collateral items:

Website Development /Website Links to **Connect IT**, individualized website development, links to service providers and customer support for on-demand services

Appropriate Terminal Area or Customer Service Related Improvements

Marketing Collateral Materials; both print and electronic media

Customer contact lists managed and monitored by *IContact*, an email marketing management tool which produces whitelist agreements with major ISPs to enable the best deliverability and retention of electronic marketing to the customer contact lists

Other program enhancements will be determined as the marketing plans evolve so that each location can take advantage of opportunities that become apparent during the discovery process.

Each community will also benefit from the entire content of the NCFlyPorts program through its statewide efforts. Participating communities will, in essence, receive not only the dollar amounts spent in each community, but a benefit from the entire program as the services and concept of affordable and accessible air taxi service are promoted.

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The money spent by each airport is small in comparison to the benefits which will be gained by participation of the program: On-going customer contact lists and database development, inclusion of local community/airport information at various trade shows, conferences, events and business and tourism specific publications are among the planned marketing conduits. This program will influence and place emphasis on participating airports priority for inclusion in newly developed navigational aid systems and capital improvement programs.

Overall Expenditures for Program Benefits: \$ 787,237

Forecast Return on Investment for each Community: \$ 71,567

Inclusion in the NCFlyPorts program merits each community in becoming part of the "first of its kind" effort by the United States Government and the NCDOT Aviation Division's purposeful marketing and development of on-demand air service (air taxi) as a viable alternative to scheduled commercial airline service. The program is already receiving attention from high-ranking state and federal officials and the eleven focus airports will be the showcase of development as the project is tracked and reviewed.

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The NCFlyPorts Team

NCFlyPorts is contracted as a part of the NCDOT Aviation Division and is staffed by a collaborative team of aviation professionals headquartered from offices in Raleigh, North Carolina.

Dave Thomas
Principal

DaveThomas@ncdot.gov
(919)251 - 9142

With over 25 years experience in executive level planning, scheduling, and cost analysis with four airlines, Dave Thomas' background in economic development and analysis brings tremendous experience to the NCFlyPorts project. Mr. Thomas' aviation expertise includes extensive work in small community air service development including projects accomplished as part of the USDOT Small Community Air Service Development Program (SCASD). Dave has been instrumental in the successful growth and adoption of NextGen Aviation Technologies as he continues to develop ADS-B throughout North Carolina; sharing concepts with the FAA for further development across the East Coast. As an integral part of the North Carolina DOT Division of Aviation Staff he continues to consult to the division on a myriad of aviation planning and development throughout the state.

Shelly Reams
Principal

Shelly.Reams@NCFlyPorts.com
(919)251 - 9142

Airport planning, facility construction, aviation business development, marketing, finance and grant management are among key components of experience Shelly Reams contributes to the NCFlyPorts project. As a lifelong aviation enthusiast with over 20 years of experience, Ms. Reams has consulted to air service enhancement projects, including projects with the SCASD Program, throughout the United States. Skilled in the art of airline negotiations, she has partnered to gain strategic air service on regional and local scenarios but especially to small communities. Her previous roles which included heading up Wyoming's state aeronautics

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department, emphasize her solution driven state and federal government expertise and an extensive background in operations and management of state's use and FAR Part 135 flight operations, aircraft sales and procurement, and aviation safety.

Tonya Hampton

Marketing Manager

Tonya.Hampton@NCFlyPorts.com
(919)251 - 9142

Formerly with the United States Air force, Tonya Hampton has a background in aviation and related services. She worked with the NCDOT in administrative support roles and aviation education throughout the state of North Carolina. Tonya has been innovative with aviation business and development for fixed base operators, charter operations, flight training, and aircraft management in her roles as marketing director and director of customer relations. Ms. Hampton also maintains a Commercial Pilot License with Multi-Engine Rating.

Dave Dorsey

Senior Marketing Associate

Dave.Dorsey@NCFlyPorts.com
(919)251 - 9142

A long history of executive directorships in sales and account management distinguishes Dave Dorsey's marketing expertise. Mr. Dorsey's executive sales management in companies such as SAS and IContact has made him a leader in the high tech venue for strategic customer platforms. His roles as inside sales manager and director of sales and distribution at Midway Airlines in addition to his sales roles at American Airlines add particular value to aviation based marketing, sales and development.

Carla Faulkner

Project Development Associate

Carla.Faulkner@NCFlyPorts.com
(919)251 - 9142

Carla Faulkner is Aerospace Engineering graduate of NCSU. She has been an intern with the NCDOT Division of Aviation working on the Statewide Economic Benefits Study, Aviation Education and the North Carolina ACE Academy in addition to involvement with multiple Division planning and engineering projects. She has spearheaded many of the graphic designs for promotions within the state and provides extensive knowledge of IT and computer support. Ms. Faulkner is also a Private Pilot.

For more information and program updates, please visit our website at www.NCFlyPorts.com

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Letter of Transmittal

L.M. SANDLER & SONS, INC.



Date: October 6, 2008

Currituck County Board of Commissioners
P.O. Box 39
Currituck, NC 27929

From: Debra A. Dietz
SANDLER AT MILL RUN, L.L.C.
448 Viking Drive, Suite 220
Virginia Beach, VA 23452
757-463-5000 Work
757-498-6651 Fax

Dear Sirs:

Enclosed please find the Petition for Road Addition for Eagleton Circle, Moyock, North Carolina in the Eagle Creek subdivision for your creating the Resolution required for street acceptance into the state system.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Debra Dietz

Development Coordinator

L.M. Sandler & Sons, Inc.

757-463-5000 Ext. 331

Cc: Gretchen Byrum (NCDOT)

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Eagleton Circle
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Eagle Creek Length (miles): .85

Number of occupied homes having street frontage: 83 Location _____
miles miles N S E W of the intersection of Route 1215 and Route 168
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Eagle Creek in Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Debra A. Dietz Phone Number: 757-463-5000
Street Address: 448 Viking Drive, Suite 220
Mailing Address: Virginia Beach, VA 23452

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
<u>See attached.</u>		

RESOLUTION

WHEREAS, GS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as review officers to review plats before they are recorded; and

WHEREAS, appointed review officers shall certify that the plat meets the statutory requirements for recording; and

WHEREAS, the persons appointed as review officers should be experienced in mapping or land records management.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals serving in the positions indicated are hereby designated as review officers as required by GS 47-30.1.

Tracy Sample, Tax Administrator
Donna Voliva, Planner
Lucy Cardwell, GIS Specialist - Land Records
Tammy Glave, Planner
David Webb, Senior Planner
Holly White, Senior Planner
Ben Woody, Planning Director

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the individuals listed above, the Director of Planning, Senior Planner, Planner and the Currituck County Register of Deeds.

ADOPTED this the 3rd day of November, 2008

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

Barry C. Nelms
Chairman

CURRITUCK COUNTY
NORTH CAROLINA
SPECIAL MEETING
October 14, 2008

The Currituck County Board of Commissioners held a Special Meeting on Tuesday, October 14, 2008, with the following members present: Chairman Nelms, Commissioners Gregory, Etheridge and Taylor. Commissioner Bowden was absent.

Chairman Nelms called the meeting to order.

Albemarle Regional Solid Waste Authority contract and appointment of a delegate to serve on this Board.

Chairman Nelms stated that the Board needed to approve the Solid Waste Contract with Republic and appoint a delegate to replace Commissioner Etheridge for the meeting that will be held on Wednesday, October 15.

Chairman Nelms stated that all the concerns have been addressed regarding the new contract.

Commissioner Gregory moved to approve the Solid Waste contract. Commissioner Taylor seconded the motion. Motion carried.

Chairman Nelms stated that the board needed to replace Commissioner Etheridge on the ARSWA since he has not attended any of the meetings.

Commissioner Gregory moved to replace Commissioner Etheridge. Commissioner Taylor seconded the motion. Motion carried.

Commissioner Etheridge stated that the alternate was the County Manager and he has attended all the meetings and he could vote on the contract and it was not unusual that a Commissioner did not attend the meetings.

Commissioner Etheridge would like to amend the agenda to discuss other Board's attendance on advisory boards. Commissioner Etheridge wanted it noted that the Board was operating under two sets of rules.

Commissioner Gregory moved to appoint Chairman Nelms to the Solid Waste Authority. Commissioner Taylor seconded the motion. Motion carried.

There being no further business, the special meeting was adjourned.

CURRITUCK COUNTY
NORTH CAROLINA
October 20, 2008

The Board of Commissioners met at 5:30 p.m. prior to the regular meeting to discuss the following: Covenants for Maple Commercial Park and Update on Moyock Central Wastewater Project

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

Invocation and Pledge of Allegiance

The Reverend Scott Wilson-Parsons was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to delete Item 5 and 6.
Commissioner Bowden seconded the motion. Motion carried

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action** PB 08-39 Horatio Newbern: Request to rezone 18.87 acres from Agricultural (A) to Conditional District - General Business (CD-GB). The property is located at 231 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.
- Item 4 **Public Hearing and Action** PB 08-49 Currituck County: Request to amend the Currituck County Unified Development Ordinance for a series of ordinance corrections and updates.
- Item 5 **Appointment of Commissioner to Senior Citizen Advisory Board**
- Item 6 **Discussion of Commissioner's attendance record on advisory boards**
- Item 7 **Consent Agenda:**
 - 1. Proclamation - Domestic Violence Awareness Month and National Day of Unity
 - 2. Fireman's Relief Fund Officers for Moyock VFD, Crawford VFD, Lower Currituck VFD, Corolla Fire & Rescue, Knotts Island and Carova Beach VFD
 - 3. Budget Amendments
 - 4. Mainland Water Treatment Plant RO Expansion-Change Order No. 1
 - 5. Approval of October 6, 2008, Minutes
- Item 8 Commissioner's Report

Item 9 County Manager's Report

Adjourn

Public Comment

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

Chairman Nelms opened the public comment period.

Peter Bishop, Economic Development Director, reviewed the Public Forums held and stated that the public could still have input by going to the county web page and filling out a form.

Commissioner Taylor stated that the College of the Albemarle will recognize the crew of the USS Indianapolis on November 11.

Chairman Nelms made a presentation on the update of the Mid-Currituck Bridge from the Turnpike Authority.

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

Public Hearing and Action PB 08-39 Horatio Newbern: Request to rezone 18.87 acres from Agricultural (A) to Conditional District - General Business (CD-GB). The property is located at 231 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the request.

TYPE OF REQUEST: To rezone 18.87 acres from "Agricultural (A) to Conditional District General Business (CD-GB)"

LOCATION: This property is located at 231 Buster Newbern Road.

TAX ID: Tax Map 110, Parcel 43
01100000430000

OWNER/APPLICANT: Horatio D. Newbern III
Finley S. Newbern
7519 A Caratoke Hwy.
Jarvisburg, NC 27947

AGENT: Same

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District- General Business (CD-GB)

ZONING CONDITIONS: The applicant has developed the following condition that will apply to this property:

- Outdoor storage of materials and equipment shall be fully screened from adjacent properties and Buster Newbern Road.

ZONING HISTORY:

- The property was zoned Agricultural (A) on April 2, 1989.
- A Special Use Permit (SUP) was issued for this property on February 3, 1997. The SUP was requested to temporarily store untreated demolition waste (tree limbs, stumps, other untreated wood products) on one acre of land.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural/Undeveloped	A
SOUTH:	Residential/Agricultural	A/HM
EAST:	Agricultural/Residential	A/R
WEST:	Business/Agricultural/Residential	GB/A

EXISTING LAND USE: Agricultural/Undeveloped

PROPOSED LAND USE: Conditional District General Business (CD-GB): The applicant has indicated that the property will continue in farm use as well as a demolition landfill.

LAND USE PLAN CLASSIFICATION:

The 2006 Land Use Plan classifies this site as **Limited Service** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services classification is to provide for primarily residential development at low densities. While low-density development may continue to locate in these areas, it is recognized that soil limitations, flood prone areas, and a lack of infrastructure and services may prevent these areas from ever reaching an urban level of development. Because many of the areas identified for Limited Service also include prime farmland efforts should be made to ensure that thriving agricultural operations are protected from encroaching development through the use of buffering, landscaping, and conservation oriented design.

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. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments. Similar to the Grandy area, but at a lower overall density, new residential development should be encouraged to locate in compact, village like clusters, preferably near existing, non-agricultural activities and services.

The following Land Use Plan policies are also relevant to this request:

POLICY CD5: Incompatible or poorly planned **COMMERCIAL ENCROACHMENT** within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD6: Appropriate **OFFICE AND INSTITUTIONAL DEVELOPMENT**, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity. "Activities of higher intensity" are typically large-scale commercial uses or automobile-oriented commercial development but may also include major thoroughfares.

POLICY CD7: Attractive, environmentally beneficial **LANDSCAPING** shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate **BUFFERING** or other effective **DESIGN FEATURES** may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

PUBLIC SERVICES AND UTILITIES:

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, telephone and cable television are available. Public water is not available.

TRANSPORTATION:

The site is accessible from Buster Newbern Road.

FLOOD ZONE:

This site is not located in a special flood hazard area.

WETLANDS:

There are no wetlands onsite.

SOILS:

The Currituck County Soils map indicates the property contains primarily marginal soils for on-site septic systems with a small percentage of suitable soils.

COMMUNITY MEETING:

No community meeting was held.

STAFF RECOMMENDATION:

Staff recommends **modified approval** of the request to establish 18.87 acres from "Agricultural (A) to Conditional District General Business (CD-GB)"

Justification for modified approval: The following points support the approval of this request as presented.

1. The proposed request is in general compliance with Limited Service designation of the 2006 Land Use Plan and the Jarvisburg Sub-Area Policy Emphasis.

2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area. (LUP Policy CA3)
3. The adjacent property just to the north and west of the subject property are zoned General Business (GB).
4. There is a Full Service area immediately south of the subject property across Buster Newbern Road. If approved as a CD-GB district with a limited range of permitted uses and design requirements, the subject property would serve as a transitional area for the Limited Service area to the north.

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

1. Staff recommends that the following GB uses shall be excluded from the property to promote more neighborhood serving commercial areas:
 - Retail sales of manufactured/modular homes
 - Airport (private)
 - Bars/nightclubs as a principle use
 - Tattoo and body piercing studio
 - Hotel/motel
 - Carwash
2. Staff recommends a minimum 25 foot buffer be provided between the proposed development and all adjacent properties (to screen the storage of untreated demolition waste products). The buffer shall be opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion. The intermittent buffer shall be planted with vegetation of a minimum two inch caliper and eight feet in height (Section 5.5 of the UDO)
3. Staff recommends that the property be surveyed according to the proposed zoning in order to have a surveyor certify the official zoning line and size of the property.
4. Staff is reviewing the SUP for temporary storage of untreated demolition waste (tree limbs, stumps, other untreated wood products) at 134 Buster Newbern Road to determine compliance.
5. Currently, the county has:
 - a. A total GB zoned property = 4,278 acres (2.6% of all zoning)
 - b. A total GB zoned property developed for commercial use = 1,167 acres
 - c. A total percentage of GB zoned property actively used as commercial = 27%

PLANNING BOARD DISCUSSION

Mr. Kovacs asked for clarification on the eastern lot line.

Mr. Newbern asked Mr. Woody if you would need a conditional use permit under general business.

Mr. Woody stated that it would depend on what you would be doing with the property.

Ms. White stated that in the Unified Development Ordinances there are 115 uses for general business.

Mr. Midgette asked why this was not filed as a straight rezoning or did the applicant request this to be filed as a Conditional District Zoning Map Amendment.

Mr. Woody stated that staff asked this to be filed as a Conditional District Zoning Map Amendment because this parcel is designated limited service. Staff does not know what the property will be used for.

Ms. Turner stated it is hard to issue an approval for general business rezone without knowing what the property will be used for because you cannot protect the residential properties.

Mr. Newbern stated that more than likely the property would be kept as farm use because of the cost of taxes.

Mr. Woody stated that in the conditional zoning process additional zoning conditions are just recommendations by the staff. Any restrictions on the zoning request would have to be agreed upon by the applicant and the Board of Commissioners.

Mr. Newbern stated he will exclude the following from his property:

- Ø Retail sales of manufactured/modular homes
- Ø Landfills – demolition and reclamation
- Ø Airport (private)
- Ø Bars/nightclubs
- Ø Tattoo and body piercing studio
- Ø Hotel/motel
- Ø Carwash

Mr. Woody stated that in the general business zoning district the county has 4,000 acres which approximately 75% of it is vacant.

Mr. West asked if restrictions were put on a conditional rezoning request and then you wanted to come back and do one of the restrictions; would you have to start the process all over.

Mr. Woody stated yes.

Ms. White stated that staff could work with the applicant before this goes to the Board of Commissioners meeting.

ACTION

Mr. Bell motioned to recommend approval with staff recommendations; to exclude retail sales of manufactured/modular homes, landfills-demolition and reclamation, airport (private), bars/nightclubs, tattoo and body piercing studio, hotel/motel, and carwash from the property according to the 2006 Land Use Plan to rezone 18.87 acres from Agricultural (A) to Conditional District-General Business (CD-GB). Mr. West seconded the motion. Motion carried unanimously.

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

Commissioner Bowden moved to approve with the zoning conditions. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action PB 08-49 Currituck County:
Request to amend the Currituck County Unified Development Ordinance for a series of ordinance corrections and updates.**

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). In December of 2007, the Board of Commissioners (BOC) adopted a reformatted and reorganized version of the UDO. This was done in an effort to make the document more user-friendly. During the rewrite and adoption process, it was not the intention of the BOC to make significant policy changes to any zoning or subdivision ordinances.

Subsequently staff has identified inconsistencies between the recently adopted UDO and its predecessor. Most of these discrepancies have been documented during application of the UDO and compiled over the course of the previous year. Some of the proposed changes are as minor as an incorrect cross reference, while others represent the inclusion of ordinance language that was not carried over during the reorganization.

This request also includes Items 17 and 18 as requested by the Planning Board and Commissioner Etheridge respectively.

Attached please find the meeting minutes from the September 9 Planning Board meeting, at which a unanimous recommendation for approval was given. Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION

Mr. West stated that in #5 not to use gravel and put concrete and asphalt.

Ms. Turner stated that in #15 to take out cost plus and request to put 20% of the improvement of the cost.

ACTION

Ms. Turner motioned to recommend approval of the text amendment to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) as presented with the noted changes to #5 and #15. Mr. Etheridge seconded the motion. Motion carried unanimously.

**Currituck County
PB 08-49
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts; Chapter 3: Special Requirements; Chapter 4: Overlay Districts; Chapter 9: Infrastructure; Chapter 10: Subdivision Requirements; Chapter 11: Permit and Site Plan Requirements; and, Chapter 12: Map and Text Amendments.

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: That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by adding the following underlined language in alphabetical order:

Section 2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Pawn Shops</u>	<u>IV</u>								<u>S</u>		<u>S</u>	<u>S</u>	

Item 2: That Chapter 2: Zoning Districts, Section 2.6.3 is amended by deleting the strikethrough language and adding the following underlined language:

2.6.3 Lot Requirements

H. Double frontage lots shall establish a ~~are permitted where there is a prohibition to the most traveled road (Poplar Branch Rd. SR 1131, Tulls Creek Rd SR 1222, US 158, NC 168, NC 34 and NC 12).~~ A five foot non ingress/egress easement shall be provided along the rear lot lines abutting arterial streets on the most traveled roadway.

Item 3: That Chapter 2: Zoning Districts, Section 2.7.1 Dimensional Tables, Table of Area, Separation and Height is amended by deleting the strikethrough language and adding the following underlined language:

TABLE OF AREA, SEPERATION AND HEIGHT

(4) See Section 10.54 for density bonuses.

Item 4: That Chapter 2: Zoning Districts, Section 2.7.1 Dimensional Tables, Table of Area, Separation and Height is amended by deleting the strikethrough language and adding the following underlined language:

TABLE OF AREA, SEPERATION AND HEIGHT

Min. Setbacks (feet) ⁽⁷⁾		
Front	Side ⁽⁷⁾	Rear

(7) ~~Ten foot side yard setbacks shall apply to a~~Any lot shown within a subdivision or PUD granted a minimum of sketch plan approval from the Planning Board prior to April 2, 1989 shall: (i) have a ten foot side yard setback; and, (ii) have a ten foot rear setback where the rear lot line abuts a common open space area.

Item 5: That Chapter 3: Special Requirements, Section 3.6.1(C) is amended by deleting the following strikethrough language:

3.6.1 Automotive/Boat/Heavy Equipment/Manufactured and Modular Home Sales and Service

C. All outdoor vehicle and boat display areas shall be graded and paved with concrete, or asphalt or gravel.

Item 6: That Chapter 2, Table of Overlay District Area and Width; Chapter 4: Overlay Districts, Table of Contents; Section 4.1 Purpose; Section 4.2 Planned Residential Development (PRD) Overlay (deleted in its entirety); Section 5.4(D); Section 9.1.8.1; Section 9.1.8.3; Section 9.2.6.1; and Section 9.2.7.1 are amended by deleting the strikethrough language, adding the following underlined language, and renumbering accordingly:

Chapter 2: Zoning Districts

TABLE OF OVERLAY DISTRICT AREA AND WIDTH

Overlay	Minimum District Area	Minimum Lot Width (ft.)
Planned Residential Development (PRD)	10 acres	65

Chapter 4: Overlay Districts

Section

	Page
4.1 Purpose	4-2
4.2 Planned Residential Development Overlay <u>RESERVED</u>	4-2
4.3 Planned Unit Development Overlay.....	4-4

Section 4.1 Purpose

Overlay districts are created to provide additional development standards for specially identified areas. Overlay districts combine with the regulatory provisions of the underlying base zoning district to provide additional or supplementary standards. The following overlay districts are created for this purpose:

- ~~PRD~~ Planned Residential Development Overlay
- PUD Planned Unit Development Overlay
- RAD Residential Airpark Development Overlay
- RET Planned Adult Retirement Overlay
- RMF Residential Multi-family Overlay
- OB Outer Banks Overlay

Section 4.2 RESERVED

Section 5.4 Table of Bufferyard Requirements

~~D. In a PRD, the screening requirements that would normally apply where two family or multi-family development adjoins single family development shall not apply within the tract developed as a PRD, but all screening requirements shall apply between the PRD and adjacent lots.~~

9.8-1.8 Subdivision Streets

9.8.1.8.1 All subdivision streets shall meet the following standards:

	Right-of-Way ¹	Pavement/Shoulder Width Street Standards for Local Road	Pavement/Shoulder Width Subdivision Road	NCDOT Design Standards	NCDOT Construction Standards

PRD & PUD	30' min.	20'/N/A OR 1 Way - 14'/N/A	N/A	No	Yes
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9.1.8.3 Exemptions to street standards

- A. Streets within private access subdivisions, ~~planned residential developments (PRD)~~, and planned unit developments (PUD) shall be exempt from NCDOT design standards in regards to allowable road curvature, right-of-way and pavement widths to allow flexibility in the subdivision design.
- B. ~~Streets and roads within PRDs connecting directly to state roads shall have 60 feet right-of-way within a minimum of 50 feet of the intersection. Public streets carrying local two-way traffic within a PRD shall have a minimum of 20 feet of paved surface width.~~

9.2.6.1 Water Supply System Required

- C. All developable lots within planned unit developments ~~and planned residential developments~~ shall be connected and serviced by a central water system.

9.2.7.1 Sewage System Required

- C. All developable lots within planned unit developments ~~and planned residential developments~~ shall be connected and serviced by a package tertiary treatment plant.

Item 7: That Chapter 4: Overlay Districts, Section 4.3.3(C) is amended by adding the following underlined language:

4.3.3 Dimensional & Density Requirements

- C. The below dimensional requirements shall apply to individual lots within the PUD Overlay:

PUD Overlay	Density	Minimum Lot Size		Minimum Yard Requirements			Max. Height	Min. Lot Width
		Min. Lot Size (with centralized water & on-site sewer)	Min. Lot Size (with centralized water & sewer)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)		Structure Height (ft.)
R, RA, RO1 components	Max. Density							
	3 DUA	20,000sf	10,000sf*	20	15	25	35	<u>65</u>

Item 8: That Chapter 9: Infrastructure, Section 9.1.8.3 is amended by deleting the strikethrough language and adding the following underlined language:

9.1.8.3 Dedication

All streets shall be designated as being intended for dedication to NCDOT for maintenance or for maintenance by an established homeowners association in accordance with the provisions of this ordinance. A maintenance guarantee of fifteen percent of the construction cost is required to cover maintenance expenses until the streets are accepted

by NCDOT. If the street is to be dedicated to a homeowners association, refer to Section 10.65 for maintenance requirements.

Item 9: That Chapter 9: Infrastructure, Section 9.1.8.5 is amended by deleting the strikethrough language and adding the following underlined language:

9.1.8.5 Sidewalks

Within all residential subdivisions over 19 lots, the subdivider shall be required to install concrete sidewalks along ~~one~~ both sides of all proposed streets in accordance with NCDOT regulations, except in the RO2 District.

Item 10: That Chapter 9: Infrastructure, Section 9.2.6.4 is amended by deleting the strikethrough language and adding the following underlined language:

9.2.6.4 Fees

All connection fees shall be paid for each residential lot that is required to be connected to the county water system ~~as a condition of prior to~~ prior to final plat approval. All connection fees shall be paid for each commercial lot required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

Item 11: That Chapter 10: Subdivision Requirements, Section 10.1.2(B) and Section 10.1.2(B)(2) are amended by adding the following underlined language:

10.1.2 Applicability

B. A 'subdivision' is the division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or in the future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets. The following types of subdivisions shall not be subject to the review process established within this ordinance; however, any map or plat to be recorded pursuant to any such exclusion shall bear the notation "no approval required" and the signature of the subdivision administrator or his designee prior to being presented for certification by the review officer:

2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each resultant parcel must be greater than ten acres;

Item 12: That Chapter 10: Subdivision Requirements, Section 10.2.1(B)(4) is amended by adding the following underlined language:

10.2.1 Review Process

B. The review process is administrative as follows. The numbers in the flow chart correspond to the numbered details below the chart.

4. TRC Review
The technical review committee shall review the plat in accordance with the requirements of this ordinance if required by Administrator.

Item 13: That Chapter 10: Subdivision Requirements, Section 10.2.4(A) is amended by deleting the strikethrough language and adding the following underlined language:

10.2.4 Family Subdivisions

Family subdivisions (FS's) are a type of minor subdivision and shall meet the following requirements in addition to all other applicable requirements of this ordinance:

- A. FS's shall be developed exclusively for single-family dwellings located on individual lots fronting on a private access-way or a public street, but shall not ~~be front~~ on an arterial or major arterial. If the lot has frontage on two streets, one of which is an arterial or major arterial, a five foot non-access easement is required along the arterial/major arterial property line.

Item 14: That Chapter 10: Subdivision Requirements, Section 10.4.2 is amended by adding the following underlined language:

10.4.2 Minimum Open Space Requirements (not including Conservation Subdivisions)

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area. At least 50 percent of the open space required shall be lands suitable for development and shall not include, among other things, wetlands (CAMA, 404, 401) and swamps. Recreational amenities, such as water front access sites and picnic areas, shall be allowed within required open space areas. Portions of required open space shall also be allowed for dedication to the county for the development of necessary public facilities such as schools.

Item 15: That Chapter 10: Subdivision Requirements, Section 10.5.1(B) is amended by deleting the following strikethrough language:

10.5.1 Surety Guarantee Required for Maintenance

- B. The surety guarantee shall contain provisions granting the county, or other designated agency, the authority to go onto the property and upgrade/maintain the common areas. The total amount of the surety guarantee shall be estimated by the developer and approved by county staff, in consultation with local and state officials, to cover the amount such improvements would cost to bring them up to required standard based upon ~~a cost plus 20 percent of the improvement cost formula.~~

Item 16: That Chapter 12: Map and Text Amendments, Table of Contents is amended by deleting the strikethrough language and adding the following underlined language:

Chapter 12: Map and Text Amendments

Section	Page
12.5	Map Amendment Process..... 12-6
12.76	Resubmission of Request..... 12-10

Item 17: That Chapter 11: Permit and Site Plan Requirements, Section 11.7.1(E)(2); Chapter 12: Map and Text Amendments, Section 12.4.1(D)(1) and Section 12.5.1(D)(2) are amended by deleting the strikethrough language and adding the following underlined language:

11.7.1 Review Process

- E. Planning Board Review & Recommendation
 - 2. The Planning Board shall have ~~60 days~~ two months from the ~~date of its first hearing by the Planning Board~~ initial referral of the request by the administrator to forward its recommendation to the Board of Commissioners. ~~Failure to transmit their~~

~~recommendation within the allotted time shall have the same effect as a recommendation for approval. If the Planning Board should fail to act on any proposed amendment within two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation.~~ In addition, at the request of the Planning Board, the board may continue the public hearing to allow more time to consider the application.

12.4.1 Review Process

D. Planning Board Review and Recommendation

1. The Planning Board shall have ~~60 days~~ two months from the initial referral of the request by the administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. If the Planning Board should fail to act on any proposed amendment within ~~60 days~~ two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the board to delay final action on the amendment until such time as the Planning Board can present its recommendations. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

12.5.1 Review Process

D. Planning Board Review and Recommendation

2. The Planning Board shall have ~~60 days~~ two months from the initial referral of the request by the administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. If the Planning Board should fail to act on any proposed amendment within ~~60 days~~ two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the board to delay final action on the amendment until such time as the Planning Board can present its recommendations. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

Item 18: That Chapter 2: Zoning Districts, Section 2.3.4 is amended by deleting the strikethrough language and adding the following underlined language:

Section 2.3 Conditional Zoning

2.3.4 Community Meeting ~~Recommended~~ Required

Before a hearing is held on an application for a conditional zoning district, it is ~~recommended~~ required that the applicant hold at least one community meeting. The applicant shall indicate on the application, or at the hearing, ~~whether~~ that a community meeting was held and ~~if so,~~ file a report with the application. The report should include, among other things, the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

Item 19: 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.

Commissioner Etheridge would like to recommend that mandatory meetings be held.

Commissioner Gregory felt this would make the process longer.

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

Commissioner Bowden moved to approve items 1 thru 17. Commissioner Gregory seconded the motion. Motion carried.

Commissioner Etheridge withdrew item 18 on mandatory meetings. Commissioner Taylor seconded the motion. Motion carried.

Appointment of Commissioner to Senior Citizen Advisory Board

deleted

Discussion of Commissioner's attendance record on advisory boards

deleted

Consent Agenda:

1. Proclamation - Domestic Violence Awareness Month and National Day of Unity
2. Fireman's Relief Fund Officers for Moyock VFD, Crawford VFD, Lower Currituck VFD, Corolla Fire & Rescue, Knotts Island and Carova Beach VFD
3. Budget Amendments
4. Mainland Water Treatment Plant RO Expansion-Change Order No. 1
5. Approval of October 6, 2008, Minutes

Commissioner Taylor moved to approve. Commissioner Gregory 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
55818-591003	Wells - Raw Water Line 1	\$ 197,292	
55818-591004	Wells - Raw Water Line 2		\$ 42,000
55818-588001	Wells - Contingency		\$ 108,743

55818-588004	Tanks - Contingency		\$	46,549
55818-592001	R. O. Plant	\$	39,800	
55818-588002	Water Plant Contingency		\$	39,800
			<u>\$</u>	<u>237,092</u>
			<u>\$</u>	<u>237,092</u>

Explanation: Mainland Water Construction (55818) - To transfer funds within the mainland water construction project for the Hendrix Barnhill Co. Inc contract for Raw Water Main for R.O. Wells and for change order #1 for Crowder Construction for the plant.

Net Budget Effect: Mainland Water Construction Fund (55) - no change.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10535-516000	Repairs and Maintenance	2,779	
10535-545000	Contracted Services		2,779
		<u>\$2,779</u>	<u>\$2,779</u>

Explanation: Communications (10535) - Transfer funds within budget for tower repairs due to lightning damage.

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10790-532000	Supplies	400	
10380-483000	Library Donations		400
		<u>\$400</u>	<u>\$400</u>

Explanation: Library (10790) - To increase budgeted line items to record donation by the Moyock Women's Club to purchase a rug for the library.

Net Budget Effect: Operating Fund (10) - Increased by \$400.

Commissioner's Report

Commissioner Taylor commented on the railroad crossings and ditch cleaning on Puddin Ridge Road.

Commissioner Bowden requested info on paving of NC 615 and commented on the flooding and erosion in Carova Beach because of the recent rains.

Chairman Nelms stated that the Moyock Library construction was proceeding. He also announced the Toys for Tots bike ride would be December 13, 2008.

Commissioner Etheridge read a prepared statement for the record as follows:

“Mr, Chairman, & Fellow Commissioners,

When I decided to run for elected office again in the 2004 election, I was approached by a regional group of office holders, government employees and people involved in politics who had organized a prayer group around the nationally recognized group, the Presidential Prayer Team. This group of people meets monthly in a commitment to pray for the proper governing of our citizens from the federal level, down to the local level. We take accountability partners and ask for humility and discernment in each of the positions we hold through prayer and ask for the from all who commit to public service. For me and the others it is a serious, serious commitment.

When you Commissioners Nelms, Gregory, Taylor and Bowden voted to strip me from all the boards I was serving on, on your first day in office and you then appointed me to the Senior Advisory Board, I chose to enthusiastically accept that challenge. Unfortunately, it was one of the few boards which holds day meetings, which conflicts with both my farming and financial planning work. In addition the standing meeting date conflicted with the commitment I had made to the regional prayer group I am a member of..

Based on my experience with advisory boards in the past, and my strong belief that as nonvoting members, the regular presence of elected officials at the advisory board meetings tends to have a domineering affect on the free flow of ideas and discussion, I decided I would meet independent of the official advisory board meetings and which would allow me to still serve them. This allowed me to meet my work schedules, my prior commitment to my prayer group and gave the advisory board the freedom to deliberate with its voting members.

I arranged to meet with the Coordinator of the Senior Center, Diane Bray, individually to the determine the needs of the center. I have attended senior activities and events at two of the three senior centers, I have spoken with Mrs Bray by phone and I have communicated directly with seniors at the centers about their needs. This was confirmed to Commissioner Gregory when he recently called the coordinator to inquire about my participation and she wrote a letter at my request stating the same. I am proud of my relationship with the seniors citizens of Currituck County, and with Diane Bray, the centers coordinator. It is an honor to work with and for them.

In the 10 years I served as a commissioner, prior to your election in 2006, I never had complaints about my attendance and participation on the various boards I served on. In

fact, I have served more than one term on each and every board I have ever served on prior to this board's tenure, because my service on these boards was valued.

I did what was necessary to meet my responsibilities with the Senior Advisory Board even though their day meetings conflicted with my own personal work and my prior commitment to my prayer group.

I find it so ironic that this particular board has worked so hard to make my Board participation an issue, especially in light of the fact that my term on each board ends on December 1, 2008, six weeks away. Mr Chairman you & Mr. Gregory recently met with Chairman Charles Ward of ARSWMA and asked him to submit a letter requesting my replacement. Your action follows a distinct trend by the current majority on this board to make our work as Commissioners as bitterly partisan and political as I have ever seen it.

Chairman Ward, had never sent such a letter, since there is no attendance requirement for ARSWMA. This is because the County Manager of each county is an alternate with full voting and participation rights, mainly due to the fact they have the day to day responsibility for the operation of the Solid Waste Program in their respected county. If something needs to be addressed at the transfer station, either the county manager or his designate are contacted directly, not a county commissioner. I have been told, no such correspondence has ever been issued prior to my appointment on this authority to counties like Dare and others for delegates missing meetings, in some cases for several years, since their County Managers attend the meetings and kept their Commissioners apprised of all proceedings.

Then there is your blatant hypocrisy, Commissioners Taylor and Bowden each of you have failed to meet the minimum attendance requirements in accordance with the by-laws of the boards you currently serve on. Mr Chairman in fact you have failed to meet the stated minimum attendance requirements on two of the boards you currently serve on.

Yet there are no sensational headlines or requests to the Chairman of each of these boards, for them to send letters requesting replacement of any of you. In the case of your request of Chairman Ward, you had the full authority to replace me on your own, no such letter was required, because ARSWMA has no attendance requirements, unlike each of your boards. You used politics again to taint a process that had never been used in that way-ever. What a shameful legacy for Currituck to have.

So, Mr Chairman, I ask that each of you hold yourselves to the same standards you hold me to and step down from any boards you currently are appointed to, that you are in violation of meeting their minimum attendance policies and therefore are disqualified to serve on. None of you were willing to do so at last week's meeting where you removed me from the ARSWMA. Which of you today, in front of the citizens of Currituck watching tonight or one of the later rebroadcasts is willing to vote to hold yourself to the same standard you are holding me to? Commissioner Nelms, are you? Commissioner Taylor, are you? Commissioner Bowden are you? Commissioner Gregory do you have the same outrage at their lack of attendance as it appears you do mine? Remember right is right and wrong is wrong.

I am sure each of you has individual reasons why you could not meet the minimum attendance requirements of your Boards. I am sure each of you are proud and privileged as I am to represent the County at each and every event we can include in our schedules. It can be very demanding and often difficult task to juggle the demands and satisfy all the requests we receive. I have proudly served Currituck County, for over 30 years in one capacity or another, whether it has been as a elected Commissioner, appointed government official or as a officer/member in the various civic groups I have been a member of. It has been an honor and privilege to do so and I will continue to do so in whatever capacity I have the privilege to serve.

Currituck County deserves better than this. Our citizens deserve better than hypocritical, political grandstanding just 3 weeks shy of an election. I am ashamed to see our governing become so divisively partisan and I look forward to a change in direction to end this embarrassing chapter in our county's history. I have already personally starting trying to change my behavior when I decided against pursuing a legal complaint for what in my opinion could be deemed as a Communicating of Threats against you, Mr Chairman for your statement, "YOUR DAYS ARE NUMBERED!", which you shouted at me across the room in apparent anger. In spite of the urging of those eye witness who heard you, and legal consul to pursue a legal complaint against you, I decided it would only exacerbate and play the political gotcha game of "power and control" you have started, Currituck County's future is to important and as "equals among equals", I will not condone this type of behavior I can't and I absolutely refuse to go there.."

County Manager's Report

Mr. Scanlon, County Manager, stated that DOT was removing mail boxes and other obstruction on the right-of-ways because they were a hazard to traffic.

Adjourn

There being no further business, the meeting was adjourned.

**CURRITUCK COUNTY
BOARD OF COMMISSIONERS
RESOLUTION OF
ACKNOWLEDGEMENT**

WHEREAS, the Currituck-Dare Community Foundation is an affiliate of the North Carolina Community Foundation; and

WHEREAS, the Currituck-Dare Community Foundation was established to serve the needs of local non-profit organizations, donors and charitable causes; and

WHEREAS, the Currituck-Dare Community Foundation is part of more than 650 community foundations that help transform our neighborhoods through the power of philanthropy; and

WHEREAS, the members of the Currituck-Dare Community Foundation are committed to supporting and respecting the uniqueness of each non-profit agency; and

WHEREAS, the Currituck-Dare Community Foundation is committed to increasing public awareness of the valuable and diverse services provided to the community.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY, declares the month of November 2008 as "NONPROFIT AWARENESS MONTH" and extends its sincere congratulations to the charitable nonprofits serving our community for their dedicated and unselfish service to the community and sincere gratitude to the residents of Currituck County whose volunteer spirits and donations make these organizations strong.

Adopted this 3rd day of November 2008.