

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, November 17, 2008 Time: 7:00 PM

Regular Agenda

- 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 **Discussion on NC Division of Aging Service Breach**
- Item 4 **Public Hearing and Action** PB 04-71 Swan Beach Corolla, LLC:
Request to amend the Currituck County Unified Development Ordinance, Chapter 4: Overlay Districts, to create an Off Road Historic Village Commercial Overlay District.
- Item 5 **Public Hearing and Action** PB 04-72 Swan Beach Corolla, LLC:
Request to establish an Off Road Historic Village Commercial Overlay District on approximately 25.77 acres. The property is located on Ocean Pearl Road north of the intersection of Albatross Lane, Swan Beach. Tax Map 101, Lot 1, and Tax Map 101A, Lots C & D Section 1, Fruitville Township.
- Item 6 **Public Hearing and Action** PB 08-50 Currituck County Planning Board: Request to amend the Currituck County Unified Development Ordinance, Table of Permissible Uses, to allow wastewater treatment plants with a Special Use Permit.
- Item 7 **Public Hearing and Action** PB 08-41 Bissell Professional Group - Text Amendment for RO2 Roads and Lots: Request to amend UDO Chapter 9: Infrastructure; Chapter 2: Zoning Districts; and Chapter 10: Subdivision Requirements to allow existing larger parcels to be re-subdivided into open space subdivisions in the RO2 zoning district with sand roads that follow the configurations of

previously approved roads and lots (Carova Beach, Swan Beach, etc.).

Item 8 **Public Hearing and Action** PB 08-53 Morrison/Myers (Horgan): Request to rezone approximately 119.96 acres from Agricultural (A) to Residential (R). The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.

Item 9 **Public Hearing and Action** PB 08-48 Currituck Marina/Horgan: Request to establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on approximately 119.96 acres. The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.

Item 10 **Consideration of Bid Award for RO Outfall Pipe and Diffuser-Mainland Water System Upgrades**

Item 11 **Consideration and Action** on Member Waste Management Agreement with Albemarle Regional Solid Waste Management Authority

Item 12 **Consideration and Action** on Agreement for operation of Transfer Station with Republic Services of NC, LLC

Item 13 **Consent Agenda:**
1. Budget amendments
2. Approval of November 3, 2008, Minutes
3. Co-Signature Authority-North Carolina Cooperative Extension
4. Charge to Tax Collector Levy on Motor Vehicles for August Renewals

Item 14 Commissioner's Report

Item 15 County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Budget Amendments

Adjourn

INFORMATION TO CARELINE REGARDING THE DIVISION OF AGING AND ADULT SERVICES SECURITY BREACH

THE INCIDENT:

On Saturday, October 25, 2008, as a Division of Aging and Adult Services employee was returning from a training conference, her laptop computer was stolen from the Hertz Rental Car Shuttle. This theft happened in Atlanta, Georgia.

The Atlanta Police Department was immediately notified. The Division employee also notified Hertz and the appropriate airport authorities.

The employee has some information from a Division database on her computer. If you received a letter from the Division of Aging and Adult Services, your name, phone number, address, date of birth and nine digit social security number were on that laptop.

The laptop information is password protected. But since passwords can be beaten, your information could still be accessed.

There is no way to know if the individual who stole the computer just wanted a laptop, or whether they will try to find and use any personal information from that computer.

WHAT TO DO:

You should take steps to insure that your information is not used to obtain credit in your name.

1. Review your credit report. (Now and regularly as recommended by the credit reporting bureau or the North Carolina Attorney General's Office.)

You are encouraged to immediately access and review your credit reports from **each** of the three major credit reporting agencies. You can do this without cost by visiting the website www.annualcreditreport.com or calling them at 1-877-322-8228. Since your personal information may not be used immediately, you should check your credit reports regularly as recommended by the credit reporting agencies.

2. Contact each credit bureau to ask that they put a FREE 90 day freeze on your account. (Talk to the reporting agencies about placing a "security freeze" or a more permanent fraud alert on your account. There may be a charge for this.)

You are encouraged to place an "initial fraud alert" on your credit report with **each** of the three major credit reporting agencies. An "initial fraud alert" will be effective for 90 days. It is free. It will make it harder for someone to establish credit in your name. To place an "initial fraud alert" with the credit reporting agencies, the appropriate telephone number for each agency is:

www.Equifax.com 1-800-525-6285
www.TransUnion.com 1-800-680-7289
www.Experian.com 1-888-397-3742

As you speak to someone at the credit reporting agencies listed above, you should also discuss placing a "security freeze" to stop access to new credit in your name.

WHO TO CONTACT FOR ADDITIONAL INFORMATION ON ID THEFT:

For additional information on how to protect yourself against Identity Theft, you may contact the **North Carolina Attorney General's Consumer Protection Division at 1-877-5-NO SCAM (1-877-566-7226)** or access the NoScam website at www.noscamnc.gov. The NoScam website contains information on preventing identity theft as well as resources and forms you may find useful.

You may also wish to contact the Identity Theft Hotline at the Federal Trade Commission. That telephone number is 1-877-438-4338.

CONTACT NUMBERS:

Credit Reporting Agencies

www.Equifax.com 1-800-525-6285
www.TransUnion.com 1-800-680-7289
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**North Carolina Department of Health and Human Services
Division of Aging and Adult Services**

2101 Mail Service Center • Raleigh, North Carolina 27699-2101
Tel 919 733-3983 • Fax No. 919 733-0443

Michael F. Easley, Governor
Dempsey Benton, Secretary

Dennis W. Streets
Director

October 31, 2008

Insert Name
Insert Address
Insert City, State, Zip Code
Dear [Insert Name]:

An incident occurred which involved theft of some of your personal information. The purpose of this letter is to explain to you what has happened and to outline the steps you should take.

The Division of Aging and Adult Services (DAAS), in connection with the Home and Community Services program, receives information about the clients served by local agencies. These local agencies provide client services such as congregate meals, in home aide services, transportation, etc. The local agencies send DAAS information on the clients to whom services are provided. Formerly, that information included clients' nine-digit social security numbers as well as other identifying information. DAAS used this information it received from the local agencies for purposes connected with the Home and Community-Based Services program. Although DAAS no longer receives nine-digit social security numbers from local agencies, some of our databases still have this personal information.

On Saturday, October 25, 2008, a DAAS employee had a computer stolen that had this personal information. We have been in touch with the police department about the theft and have also contacted the North Carolina State Bureau of Investigation for its assistance in this matter.

We have determined that the computer that was stolen contained some of your personal information. Our records show that this computer contained your name, date of birth, address, phone number, and your nine-digit social security number. Although the information on the computer is password protected, your personal information is still at risk. Our concern is that your personal information that is on this computer might be used for identity theft. We are sending this letter to you so that you can take appropriate action to protect yourself from this possibility.

First, you are encouraged to immediately access and review your credit reports from **each** of the three major credit reporting agencies. You can do this without cost by visiting the website www.annualcreditreport.com or calling them at 1-877-322-8228. Since your personal

information may not be used immediately, you should check your credit reports regularly as recommended by the credit reporting agencies.

If any activity appears on your credit report which you believe is questionable, you should contact your local police department or sheriff's office and file the appropriate report(s). If you become a victim of identity theft, you should call the Identity Theft Hotline at the Federal Trade Commission. That telephone number is 1-877-438-4338.

Second, you are encouraged to place an "initial fraud alert" on your credit report with **each** of the three major credit reporting agencies. An "initial fraud alert" will be effective for 90 days. It is free. It will make it harder for someone to establish credit in your name. To place an "initial fraud alert" with the credit reporting agencies, the appropriate telephone number for each agency is:

| | |
|------------------------------------------------------------|----------------|
| www.Equifax.com | 1-800-525-6285 |
| www.TransUnion.com | 1-800-680-7289 |
| www.Experian.com | 1-888-397-3742 |

As you speak to someone at the credit reporting agencies listed above, you should also discuss placing a "security freeze" to stop access to new credit in your name.

For additional information on how to protect yourself against Identity Theft, you may contact the North Carolina Attorney General's Consumer Protection Division at 1-877-5-NO SCAM (1-877-566-7226) or access the NoScam website at www.noscamnc.gov. The NoScam website contains information on preventing identity theft as well as resources and forms you may find useful.

The Division of Aging and Adult Services is truly sorry about this theft of your personal information and the inconvenience this incident will cause. We know how worrisome this news may be to you and wish to assure you that we stand ready to assist you in this matter. We will continue to closely monitor this incident and work with law enforcement agencies in the hope that we can recover the computer and determine whether or not your personal information was accessed. If the computer is recovered and we can make this determination, we will notify you.

If you have questions or concerns please contact the CARE-LINE, Information and Referral Service at 1-800-662-7030 (English/Espanol) or TTY for only the hearing impaired at 1-877-452-2514. The CARE-LINE is open 24 hours a day, 7 days a week, including state holidays. In the Triangle area, call 919-855-4400 or 919-733-4851 (TTY for the hearing impaired).

Si tiene preguntas, favor de comunicarse con el **CARE-LINE, la línea de información y referencia al 1-800-662-7030**, (Ingles/Español), o llame al 1-877-452-2514 (este número es el TTY, número exclusivo para personas con problemas de audición). El CARE-LINE esta abierto 24 horas al día, 7 días a la semana, incluyendo días feriados. En el área del triángulo llame al 919-855-4400 (Inglés o Español) ó 919-733-4851 (TTY para personas con problemas de audición).

Again, I am so sorry this incident occurred and trust that the resource information we have provided is useful.

Sincerely,


Dennis W. Streets

Memo

To: AAA Directors
From: Dennis Streets
Subject: Security Breach
Date: November 3, 2008

Last weekend a Division of Aging and Adult Services (DAAS) staff member was at an approved, mandatory conference. While on her return, her laptop was stolen from the rental car shuttle. The laptop contained sensitive, personal, and identifying information for Home and Community Care Block Grant and Family Caregiver Support Program clients. It was reported immediately to the authorities and through the chain of command within DAAS and the Department of Health and Human Services

Efforts have been made to locate the laptop and the Department continues to work with the law enforcement authorities. At this point the laptop has not been recovered.

In accordance with North Carolina Law, all clients impacted must be notified of this breach of security—even though there was some password protection. A standard letter, approved by the Department, was mailed out today to each affected client. The letter pertains to those whose personal information in the database included name, address, phone, date of birth, and their 9-digit Social Security number. The letter contains information on how citizens need to protect themselves against identity theft and contact numbers to get more information and assistance. I am also referencing several fact sheets that contain relevant tips.

DAAS has arranged with the Office of Citizen Services/CARE-LINE to handle the initial response of this potentially high volume of calls (see attached for the information shared with CARE-LINE for their ready reference). DAAS staff will assist with more challenging calls. We cannot anticipate the impact of calls or requests going to the AAAs or local providers, but we appreciate all of the assistance that you will be asked to provide. At this time we are unsure of the response with such a large scope of citizens being impacted. We regret the impact this might have but hope you can appreciate why these measures are necessary. We know we all share the common belief to act in the best interest of our seniors and their caregivers.

DAAS is committed to being responsive and supportive of our clients who may be impacted by this security breach. This is a serious matter—assisting with resolving it is a top priority. We will be exploring ways to use our trained Victims Assistance volunteers and welcome your ideas as well. Please share this communication with your local providers. Thanks for all you do.

MEMORANDUM

TO: Planning Board

FROM: Mike Kear, Chief Planner

DATE: November 7, 2004

SUBJECT: Amendment to Chapter 4: Overlay Districts of the UDO to create an Off Road Historic Village Commercial Overlay District.

Bissell Professional Group and Currituck County Board of Commissioners have requested an amendment to the Currituck County Unified Development Ordinance, Chapter 4: Overlay Districts, and the Official Zoning Atlas. The proposed amendment has been submitted in conjunction with an overlay rezoning request of 25.77 acres in the Northern most part of Swan Beach Subdivision. The overlay rezoning request is contingent upon the approval of this amendment request. (A copy of this proposed amendment is attached for your review).

The Staff's concerns are the following:

- Approval of this amendment and subsequent zoning request would create an increase in traffic along the beach, currently the only way to get to and from the site. There is a concern that this additional traffic will endanger people who choose to recreate along these secluded beaches.
- The Currituck County Fire Marshall has concerns about the water availability for fire suppression for the proposed buildings since there is no county water available. The North Carolina Building Code, Vol., Fire Prevention Code specifically mentions requirements for commercial areas such as all weather driving surfaces, proper turning radius, and water availability. Additionally, the NC Building Code restricts the height of commercial buildings to 35 feet in areas where there is no aerial fire apparatus. The proposal is calling for a height limitation of 42 feet.
- There appears to be an area of the northern part of this proposed site that overlaps into the U.S. Fish and Wildlife property as shown on the property survey. This boundary dispute should be resolved prior to any approval.
- According to FEMA maps, the property is located almost entirely in the 100 year floodplain and extends approximately 700 feet in the new VE (high risk) area as shown of the new Flood Insurance Rate Map (FIRM). A concern has

also been raised regarding how this proposal if built would affect the FEMA flood insurance rating for other structures in this area.

- Staff would like to have an Environmental Impact Study be prepared for the site to study the current versus proposed conditions, especially in the area of stormwater, wastewater treatment, access to the site, and how the proposed development and nearby properties will be affected by the CBRS Zone (Coastal Barrier Resource System).

Staff is recommending denial on the basis that this proposal would create further safety concerns for the recreating public using the northern beaches as well as the residents of the area. It's the staff's position that the Off Road Historic Commercial Overlay District would have more of an adverse impact on the fragile environment in this area of the Outer Banks than the traditional residential development in the RO2 zone.

PLANNING BOARD RECOMMENDATION: On April 12, 2005 the Planning Board reviewed this request and recommended denial.

PLANNING BOARD DISCUSSION;

Mr. Bell asked why the height limitation was being increased.

Mr. Bissell said that the purpose is to allow a more attractive structure, similar to the old Nags Head lifesaving station structure.

Mr. Kovacs asked what accessory lodging units are.

Mr. Bissell said that accessory lodging units are separate bungalow type structures.

Mr. Bell asked how water and sewer concerns would be addressed.

Mr. Bissell said they'd be provided on site, regulated by the State.

Mr. Hawley asked how they proposed to get the supplies to that end of the beach. Linens, food, etc.

Mr. Bissell said the same is now and that traffic would not be different than it is now, and cited examples of the log trucks and such that are going in now to build homes. The issues presented by the Fire Marshall could be addressed at the design stage.

Mr. Ferguson asked if there would be a sprinkler type fire suppression system.

Mr. Bissell said yes.

Gene Snow, co-director of Corolla Wild Horse fund, said that this will open the door to commercial development and the horses will be eliminated. The horses have been designated as a NC cultural resource. They have no where else to go, they have been pushed to the outer limits.

Tom Hudak, President of Swan Beach property owner's assn., spoke on behalf of the membership of the association. 97% of the people are in agreement to preserve the area as is and spoke against the amendment.

Ron Darrow, resident of Carova, said he and his wife wanted to see the area stay as it is as well. He is afraid that this will be the first of many commercial developments in this area, and spoke against the amendment.

Nyla Johnson, Corolla Wild Horse fund, lives in Moyock and works at the beach. She spoke against the proposed amendment and the preservation of the horses.

Gene Walters, resident, spoke against the amendment.

Doris Jordan, Norfolk, spoke about the beautiful environment and spoke against the amendment. She said the investors are the only ones who will benefit from this proposal and the environment is the issue, not the money that will be made.

Carl Newton, resident of Swan Beach, spoke against the amendment and for the preservation of the environment in the area.

Linda Spencer, resident, spoke against the amendment.

Bill Vann, Fire Chief of Carova Beach, said a letter was written by the fire dept expressing concerns about fire issues. The fire department cannot get high enough in the air in the event of a fire and wonders if the developer or the county is willing to provide manpower to this area.

PLANNING BOARD ACTION

Mr. Kovacs motioned to deny the request as presented. Mr. Keel seconded the request. Motion passed unanimously.

Since the Planning Board meeting the applicant has made some slight modifications to the text amendment. The changes include reducing the maximum height of the buildings down to 35', eliminating bridal trails and stables. The maximum amount of accessory lodging units was changed from 15 – 2 bedroom units to 10 bedrooms per acre.

PB 04-71
UDO AMENDMENT REQUEST

Bissell Professional Group and Currituck County Board of Commissioners requests the following amendment to the Currituck County Unified Development Ordinance:

PB 04-71: Amendment to Chapter 4: Overlay Districts of the UDO to create an Off Road Historic Village Commercial Overlay District.

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 the following sections be amended:

Chapter 4: Overlay Districts, Section 4.8 Off Road Historic Village Commercial Overlay

1. The Off Road Historic Village Commercial Overlay District is a floating district intended to provide a vital, place-appropriate, and community-enhancing area of limited commercial activities to serve existing and developing residential subdivisions in the County. These uses are in addition to the RO2 uses authorized in Chapter 2.
2. The Off Road Historic Village Commercial Overlay District designation shall only apply to contiguous parcels of land greater than 20 acres with common ownership, and shall have a specific height limitation of **42 35** feet.
3. The Off Road Historic Village Commercial Overlay District designation shall only apply to parcels within the RO2 zoning district.
4. Permitted Uses - The following uses shall be permitted by right and require only a zoning permit(s):
 - a. Post Office
 - b. Fire/Emergency Medical/Sheriff's Satellite Office (County leased facilities)
 - c. Churches, Synagogues, and Temples
 - d. Convenience Stores
 - e. Inn (not to exceed 50 bedrooms)
 - f. Real Estate Offices
 - g. Professional Offices
 - h. Accessory lodging units not to exceed **15 — 2 bedroom units (30 bedrooms total) - 10 bedrooms per acre**
5. Conditional Uses - The following uses may be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners:
 - a. Retail Shops
 - b. Seafood Market

- c. Theatres
 - d. Outdoor recreation areas, including parks, picnic areas, nature trails, **bridle paths,** **riding stables,** playgrounds, boat ramps, and customary concessions connected therewith
 - e. Restaurants- Restaurants maybe permitted subject to other requirements of this chapter and provided that the following minimum conditions be met: (i) the restaurant shall not feature a drive-though window service whereby patrons are served while seated in a motor vehicle; and (ii) the restaurant shall include facilities for indoor seating and consumption of food and/or beverages.
6. Dimensional Requirements – Unless otherwise specified in this ordinance, dimensional standards in Chapter 2 shall apply.
7. Specific Development Requirements:
- a. Street Design and Construction Standards
 - (i) All streets serving any uses within the Off Road Historic Village Commercial Overlay District shall be designed to meet the requirements of NCDOT.
 - (ii) "Hatteras" Ramps, a minimum of 24 feet in width shall be provided in those areas that are consistent with the dynamics and character of the site.
 - (iii) All streets serving any uses within the Off Road Historic Village Commercial Overlay District shall be constructed in a manner consistent with NCDOT guidelines but will at a minimum utilize compounded (compacted) subgrade materials and surfaced with minimum of three (3) inches of shell or other similar substance.
 - (iv) Roadside drainage swales shall be installed a minimum depth of 15 inches with side slopes not greater than 3:1. Associated drainage plans and improvements shall be required and approved by the Currituck County Engineer and meet the requirements of Chapter 6 of the UDO.
 - (v) All construction standards shall be made n accordance with Exhibit A, attached hereto and incorporated herein by reference
 - b. All utilities shall be placed underground for all uses within the Off Road Historic Village Commercial Overlay District.
8. Parking
- a. All required parking shall meet the use standards in Chapter 8.
 - b. All vehicle accommodation areas shall be improved in accordance with the street construction standards in paragraph 7 (a) above.
9. Signs
- a. All signs shall comply with Chapter 4: Overlay Districts, Outer Banks Overlay District for all uses within the Off Road Historic Village Commercial Overlay District.

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or volatile 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.

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 2008.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: April 122, 2005
PLANNING BOARD RECOMMENDATION: Denial
VOTE: _____AYES 10 _____NAYS 0 _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Zoning Staff Report: PB 04-72

Swan Beach Corolla LLC, - Rezoning

Board of Commissioners

** Please note this staff report was prepared in 2005 and does not necessarily reflect current conditions. Any changes will be notated using a combination of italics and bolding.*

TYPE OF REQUEST: Request for rezoning three lots containing a total area of 25.77 acres from residential (RO2) to a commercial overlay zone.

LOCATION: This site is located in Fruitville Township (Outer Banks) at the Northern most section of Swan Beach along Ocean Pearl Road, an undeveloped public right-of-way.

TAX ID: Tax Maps 101A-C-1, 101A-D-1 & 101-1.

PROPERTY OWNERS: Swan Beach Corolla, LLC

APPLICANTS: Bissell Professional Group/Mark S. Bissell

| | | |
|----------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| ZONING: | <u>Current Zoning</u> Outer Banks Limited Access Residential (RO-2) | <u>Proposed Zoning</u> Off Road Historic Historic Village Commercial Overlay |
|----------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|

ZONING HISTORY: Property has been zoned Outer Banks Limited Access Residential (RO2) since 1989.

| | | |
|-------------------------------------|----------------------|------------------------|
| SURROUNDING ZONING/LAND USE: | <u>Zoning</u> | <u>Land Use</u> |
| NORTH: | Federal Lands | Wildlife Preserve |
| SOUTH: | Residential (RO2) | Residential (RO2) |
| EAST: | Public Trust Lands | Atlantic Ocean |
| WEST: | Residential (R02) | Residential (R02) |

EXISTING LAND USE: Vacant.

PROPOSED LAND USE: The applicant has stated that the reason for the request is to create a commercial Off Road Historic Village to serve existing and developing residential subdivisions in the County.

LAND USE PLAN: The 1990 Land Use Plan shows this property as "Limited Transition" (***The 2006 Land Use Plan designates this property as Limited Service in the Carova Sub-Area.***) The purpose of this class is "to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/are geographically

remote from existing towns and municipalities”. This class is intended for residential developments with densities of three units per acre or less. This class also contains nonresidential areas along major transportation routes. This rezoning request is **not** consistent with the 1990 Land Use designation.

**PUBLIC SERVICES
AND UTILITIES:**

Carova Volunteer Fire Department provides fire protection for this area. Electric and telephone are currently available at this location.

TRANSPORTATION:

Property has approximately 636 feet of frontage on the east side of Ocean Pearl Road (an unimproved road) and approximately 857 feet of frontage on the west side of Ocean Pearl Road. The nearest public road to this site is approximately four miles to the south. Vehicular access to this section of the Outer Banks is restricted to 4 wheel drive vehicles only. Visitors and residents of this area either access the area by boat via Currituck Sound or travel along the beach until they locate a Hatteras Ramp suitable to crossover to access one of the several platted right of ways within the Swan Beach Subdivision, none of which meet the minimum standards of a public roadway. Most roads in the subdivision are sand and are poorly drained.

FLOOD ZONE:

According to FEMA maps, the property is located entirely within the 100 year floodplain and extends approximately 700 feet in the new VE (high risk) area as shown of the new Flood Insurance Rate Map (FIRM).

SOILS:

According to the Currituck County Soil Survey, the property consists of approximately 95 percent of soils suitable for on-site septic systems.

STAFF COMMENTS:

- With the exception of the north side, all this property is surrounded by residential (RO2) zoning. The U. S. Government owns the lands to the north known as the Currituck National Wildlife Refuge.
- Granting of this zoning request would create an increase in traffic along the beach, currently the only way to get to and from the site. There is a concern that this additional traffic will endanger people who choose to recreate along these secluded beaches.
- The Currituck County Fire Marshall has concerns about the water availability for fire suppression since there is no county water available. The North Carolina Building Code, Vol., Fire Prevention Code specifically mentions requirements for commercial areas such as all weather driving surfaces, proper turning radius, and water availability. Additionally, the NC Building Code restricts the height of commercial buildings to 35 feet in areas where there is no aerial fire apparatus.

STAFF

RECOMMENDATION:

Staff recommends denial from RO2 to commercial zone for the following reasons:

- There is no basic infrastructure to support this use (i.e. roads, water, etc).
- This area is not eligible for any Federal Flood Insurance as it has been designated as a Coastal Barrier Resources Act (CBRA) Zone by Congress.
- Commercial Zoning will likely induce or stimulate growth at a quicker pace.
- This rezoning is not consistent with either the existing (1990) or Future County Land Use Plan, which has yet to be adopted.
- ***The proposal is not consistent with the subsequently adopted 2006 Land Use Plan.***

PLANNING BOARD

RECOMMENDATION:

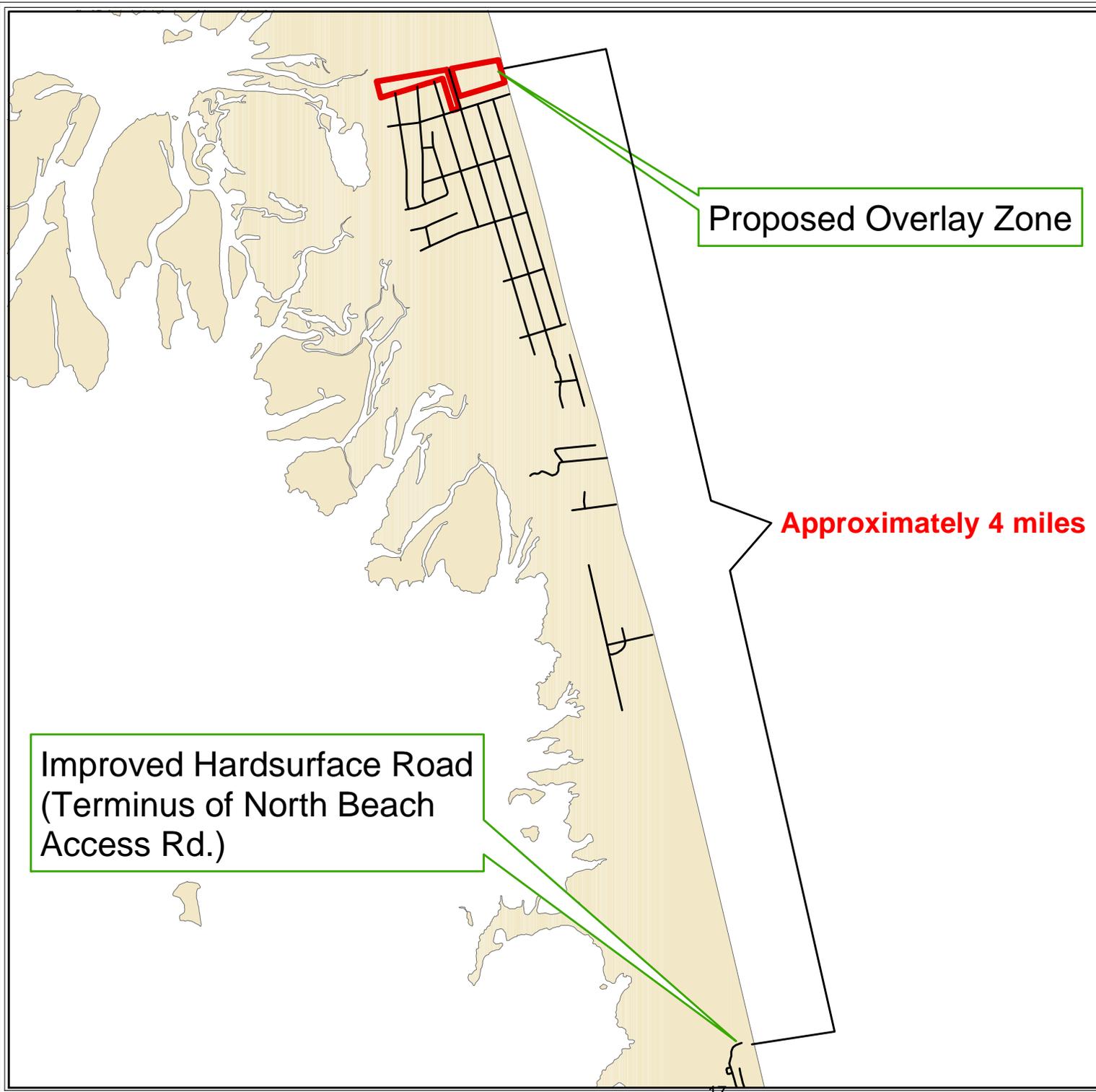
On April 12, 2005 the Planning Board reviewed this request and recommended denial.

PLANNING BOARD DISCUSSION:

Mr. Bissell stated that he understands that the people do not want change, but he doesn't feel that this proposal is driving the change.

PLANNING BOARD ACTION

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



**Proposed Swan Beach
Off-Road Historic
Village Commercial
Overlay Zone
(PB 04-70)**

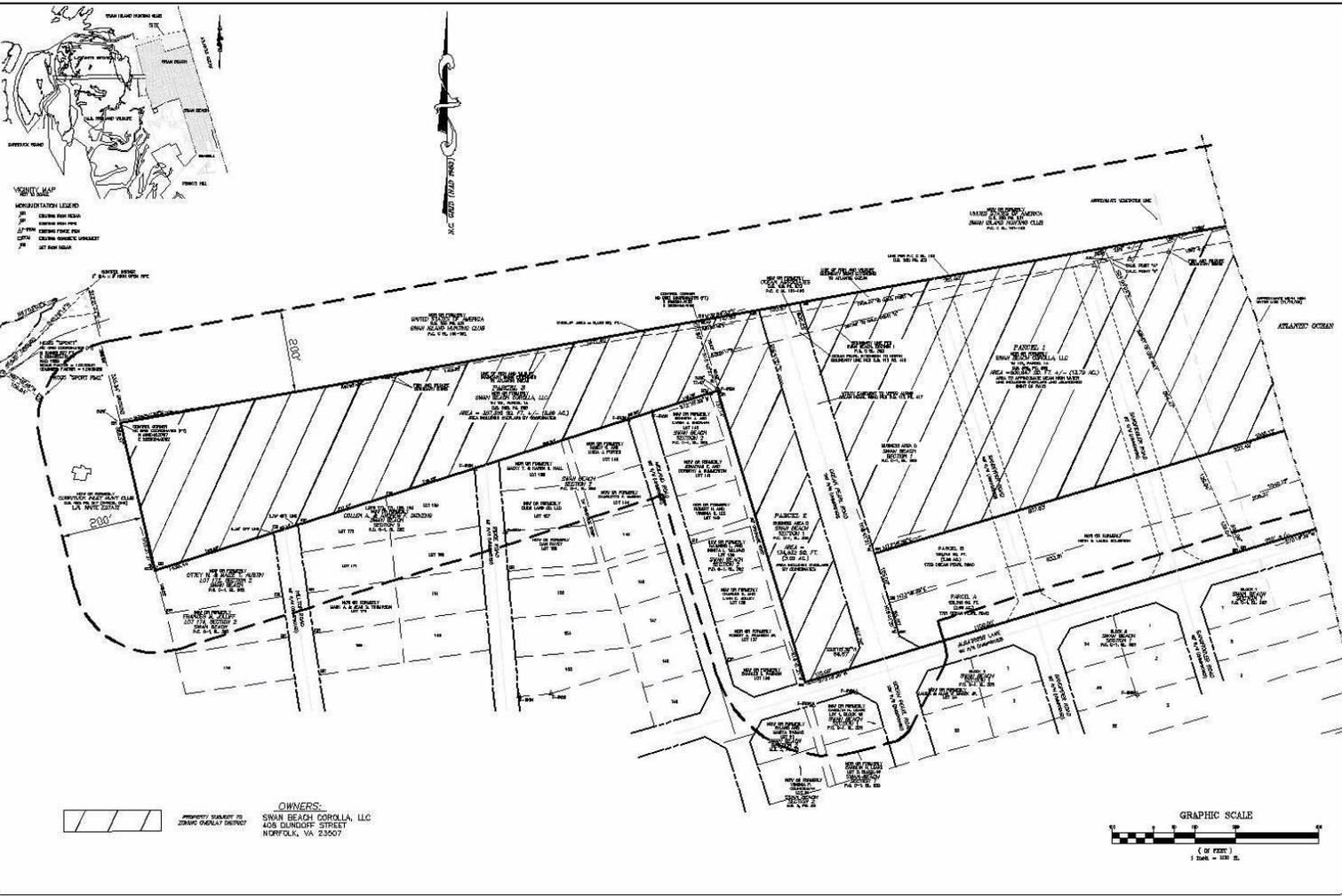
**Proximity to Nearest
Improved Road.**

Proposed Overlay Zone

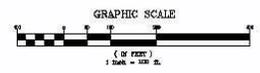
Approximately 4 miles

Improved Hardsurface Road
(Terminus of North Beach
Access Rd.)





OWNERS:
 SWAN BEACH COROLLA, LLC
 408 LINDSEY STREET
 NORFOLK, VA 23507



RESSELL
 Surveying & Mapping, Inc.
 1000 W. 10th St., Norfolk, VA 23502
 Phone: 757-622-1111
 Fax: 757-622-1112
 www.resSELL.com

SWAN BEACH COROLLA, LLC
 PREPARED BY: SWAN BEACH COROLLA, LLC
 CHECKED BY: [Name]
 DATE: [Date]

ZONING OVERLAY MAP
 PRELIMINARY

| | |
|---------------|-------------------------|
| NO. OF SHEETS | 1 |
| SHEET NO. | 1 |
| DATE | 10/20/11 |
| PROJECT NO. | 102405P1 |
| PROJECT NAME | SWAN BEACH COROLLA, LLC |



Swan Beach Preserve

• FISHING & GAME RETREAT •

BEACON
 ARCHITECTURE + DESIGN, P.L.L.C.
 P.O. BOX 1827, KITTY HAWK, NC 27949
 (252) 441-6767 ext. (252)261-6945 fax



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: November 10, 2008

Re: PB 08-50 Wastewater Treatment Plants

The Currituck County Planning Board recently requested that staff develop a text amendment to require a special use permit for wastewater treatment plants. Currently the Unified Development Ordinance permits wastewater treatment plants (utility facilities) “by-right” in all zoning districts. This means that a wastewater treatment plant would be permitted in any zoning district with an administrative approval.

The Planning Board is recommending that a special use permit be required for the establishment of any wastewater treatment plant due to its often incompatible nature with surrounding land uses. The special use permit process requires a public hearing and approval by the Board of Commissioners, rather than relying on an administrative approval. Considering the range of secondary impacts commonly associated with a wastewater treatment plant, this type of oversight is common in other governmental jurisdictions.

A copy of the proposed text amendment and meeting minutes from the October Planning Board meeting are attached. Should you have any questions, do not hesitate to contact me at 232-6029.

**Wastewater Treatment Plants
PB 08-50
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts and Chapter 17: Definitions to establish and require a special use permit for wastewater treatment facilities.

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 Section 2.5 Permitted Uses Table is amended by adding in alphabetical order the following underlined language:

| Use | LUC | Zoning Districts | | | | | | | | | | | Special Requirements |
|----------------------------------------|-----------|------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------------------|
| | | A | RA | R | RO1 | RO2 | RR | GB | C | LBH | LM | HM | |
| <u>Wastewater Treatment Facilities</u> | <u>IV</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | |

Item 2: That Section 17.2 Definitions is amended by adding in alphabetical order the following underlined language:

Section 17.2 Definitions

Wastewater Treatment Facilities

Any facility used for the treatment of sewage. The term shall not include on-site septic tank systems or similar in-ground systems approved by Albemarle Regional Health Services.

Item 3: 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.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

PLANNING BOARD DISCUSSION

No discussion.

ACTION

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance to allow wastewater treatment plants with a Special Use Permit. Mr. West seconded the motion. Motion carried unanimously.



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners

From: Planning Department

Date: November 10, 2008

Re: PB 08-41 Bissell Professional Group- RO2 Roads and Lots

Bissell Professional Group is proposing a series of amendments that will affect road and subdivision standards for the RO2 (Outer Banks Limited Access Residential District) area. The purpose is to allow existing larger parcels to be re-subdivided into open space subdivisions in the RO2 zoning district. The intention is for the proposed subdivision to follow the basic configuration of previously approved roads and lots.

In summary, the request seeks to change the following Unified Development Ordinance (UDO) standards for the RO2 district:

- Amend the road standards from NCDOT minimum requirements to graded, sand roads;
- Allow lots to have a 7:1 depth to width ratio in RO2 open space subdivisions;
- Allow the relocation of platted lots or open space parcels from other areas of a subdivision to allow a transfer of density to ocean front lots. The minimum lot size would remain at 2.75 acres with the option of clustering down to 1.5 acres with a requisite dedication of open space;
- Provide that ocean access right-of-ways shall be required to be 30 feet in width instead of 45 feet;
- The requirement for wooden ramps or "Hatteras" ramps is deleted at the request of the fire department; and,
- The Administrator shall determine the amount of any maintenance bonds at the time of Final Plat recordation.

Attached please find a narrative of the request submitted by Bissell Professional Group, the proposed text amendment changes, and meeting minutes from both the September and October Planning Board meetings.

Staff concurs with the following assessment by Bissell Professional Group that these changes conform to the 2006 Land Use Plan. Should you have any questions in advance of the meeting, please contact Ben Woody or David Webb at 232-3055.

Bissell Professional Group Submitted the following narrative with their application:

Submitted by Bissell Professional Group

**REQUEST FOR
UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENTS FOR
ZONING, INFRASTRUCTURE, AND SUBDIVISION REQUIREMENTS**

Item 1:

Several Currituck County UDO references to street and road standards for the RO2 district conflict with the Currituck Land Use Plan as well as current CAMA regulations for the district. Paragraphs pertaining to RO2 within the UDO include requirements for paved or gravel road surfaces.

The Currituck Land Use Plan policies in regard to road construction within the RO2 district state the following:

POLICY OB6:

Concerning the OFF-ROAD AREAS OF THE OUTER BANKS, Currituck County shall not permit or encourage the provision of growth-inducing facilities and services to these areas, including for example, commercial services, centralized sewage treatment and hard surface roads.

POLICY OB8:

In order to protect WILD HORSES, Currituck County shall not permit nor encourage the provision of hard surface roads in the off-road area of Carova.

The UDO requirements for road surfaces within the RO2 district are also in conflict with CAMA regulations within the district, which prohibit hardened and gravel surfaced roadways.

The UDO requirements of a 45' minimum right-of-way is deemed unnecessary for the vehicle beach accesses within the RO-2 district. The 45' minimum width is in accordance with the current *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question by the North Carolina Department of Transportation, Division of Highways (NCDOT). Streets within the RO-2 district will not be dedicated to the NCDOT, therefore future vehicle beach accesses within the RO-2 district should not be required to meet the 45' minimum width, but should meet a minimum 30' R/W width.

Item 2:

The Currituck County UDO references to lot geometry require lots in all subdivisions, in every district, to have a single restrictive width-to-depth ratio with a maximum of 1:4, which was designed for mainland Currituck with 40,000 sq.ft. lots, providing for a 100' minimum lot width in an open space subdivision. The RO-2 district allows for a

minimum lot size of 65,340 sq.ft. in an open space subdivision. Due to some of the irregular parcel arrangements, varying shorelines, as well as existing topography, drainage and ecological features within the RO-2 district, adhering to this ratio would not be in the best interest for preserving the unique qualities of this district. For these reasons as well as for the purpose of maximizing transfer and tax base values, a less restrictive width-to-depth ratio would be more appropriate for the RO-2 district, while still providing a minimum 100' front lot width.

Item 3:

Due to the existing parcel configuration within the RO-2 district, issues of providing the required open space and transferring the development densities across right-of-ways between adjacent parcels have been problems for the design of open space subdivisions within the district. It is desired to have a mechanism for the creation of larger contiguous open space areas to maximize their potential usage and enjoyment by the population of proposed developments, with the possibility of public dedication of these areas.

To alleviate the above conflicts, Bissell Professional Group requests the following amendments to the Currituck County Unified Development Ordinance:

**RO2 Roads and Lots
PB 08-41
UDO AMENDMENT REQUEST
Bissell Professional Group**

Request to amend UDO Chapter 9: Infrastructure; Chapter 2: Zoning Districts; and Chapter 10: Subdivision Requirements to allow existing larger parcels to be re-subdivided into open space subdivisions in the RO2 zoning district with sand roads that follow the configurations of previously approved roads and lots (Carova Beach, Swan Beach, etc.)

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 section 9.1.8 Street Standards within the RO2 District be amended as follows by deleting the strike though text and adding the underlined text:

- A. ~~The streets constructed in a major subdivision shall comply with all of the standards as set forth by the North Carolina Department of Transportation and other applicable state regulations with regards to the construction of roads and streets intended to be dedicated for assumption for maintenance by the North Carolina Department of Transportation.~~
- A. It is not the intent of Currituck County to require hard surfaced roads and streets in the RO2 district. Roads in RO2 district are therefore exempt from NCDOT design and construction standards, but shall be graded, drained and stabilized in accordance with the provisions of this ordinance. The design of such roadways shall be reviewed approved by the County Engineer or his their designee.
- B. The developer shall stabilize and maintain the rights-of-way so established outside of the ~~paved portion~~ travel way of such street by establishment of vegetation or other means to the extent reasonably possible under the circumstances.
- C. The developer shall comply with all the rules, regulations and requirements of Chapter 10 of this Ordinance with regard to major subdivisions.
- D. If access to the beach requires crossing a dune line, the developer shall obtain all proper CAMA Permits and if legally possible, establish a ~~beach ramp~~ graded beach access.
- E. The developer shall stabilize and maintain the rights-of-way adjoining and along the ~~paved or gravel portions~~ travel ways of the road or street by establishment of vegetation or other means to the extent ~~reasonable~~ reasonably possible.

- F. Whenever a developer wishes to subdivide a tract or parcel of land which is within the future alignment of Ocean Pearl, Ocean Trail, Sandfiddler, and/or Sandpiper, the developer shall comply with the following regulations:
1. Establish a right-of-way of a minimum width of 100 feet that is capable to connect to and follow the lines of the roads mentioned above;
 2. All streets shall be oriented/designed to connect with existing or proposed streets shown on previously recorded plats to provide for a continuous right-of-way to adjoining properties;
 3. No developer shall be required to maintain more than one major access street or road of 100 feet in width through his subdivision to adjoin with adjoining properties. Any streets which are not necessary for continuous access through the developer's property and which may have been shown on previously recorded plats, may be abandoned or deleted by the developer so long as one continuous access of 100 feet in width is maintained through his property to adjoin the neighboring properties to provide for continuous and contiguous access north and south parallel with the Atlantic Ocean.
- G. The amount of the security shall be determined by the ~~board~~ Administrator in all subdivisions in the RO2 District including private access subdivisions and major subdivisions.
- H. In the RO2 District, the ~~board~~ Administrator shall determine the amount of such bond in view of all of the surrounding conditions and circumstances.
- I. Prior to the Final Plat Approval, the developer shall demonstrate to the reasonable satisfaction of the Administrator ~~Board of Commissioners~~ that the private roads proposed in such development will be properly maintained. Such demonstration shall include a written plan that explains who will maintain the streets, how they will be stabilized and maintained, and how such maintenance shall be financed.
- J. When a private road is created under this section, the developer shall establish a homeowners association that satisfies the criteria spelled out in Section 10.6, convey to that association title to the right-of-way of such streets and roads, and obligate the homeowners association to maintain such streets.
- K. No final plat that shows lots served by roads or streets authorized under this section may be recorded unless the final plat contains the following notation:
- "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 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 overwash or periods of heavy rains that may impede access to the individual homesites. It is the sole responsibility of the owners to provide an improved access to their properties."

- L. Developer shall furnish the initial purchaser of a newly created lot in the RO2 District a disclosure statement outlining the maintenance responsibilities for the road as provided in GS 136-102.6(f) and as set forth in this section. Said disclosure statement shall fully and completely disclose the status (whether public or private) of the street upon which the house or lot fronts. If the street is designated by the developer and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance.
- M. In order to minimize the flooding of streets and to assure proper drainage within the RO2 zoning district, all subdivision plats, including private access subdivisions shall submit a drainage plan prior to final plat approval.
- N. The developer shall comply with the following regulations for creation of a private access subdivision in the RO2 District in addition to the other requirements of private access subdivisions in other districts:
 - 1. When possible, a 45 foot right-of-way shall be given, but in no event shall the access be less than 20 feet in width; and,
 - 2. The right-of-way serving the lots must have a graded and drained surface ~~stabilized with a minimum of three inches of gravel or aggregate all weather base.~~ and stabilized shoulder area.
- O. No single right-of-way may serve more than five lots, including any residual parcels, if any, regardless of size and require plat approval by the administrator.
- P. All proposed Vehicle Right-of-Ways east of Sandfiddler Road within the RO-2 district shall meet a minimum 30 foot width.

Item 2: That section 2.6.3(G) Lot Requirements, be amended as follows by adding the underlined text:

- G. Lots in all subdivisions, except lots within major open space subdivisions in the RO-2 District, shall not have a depth greater than four times the width measured at the front building setback line except where the board finds that the physical dimensions of the tract provide no other practical alternative. Lots within major

open space subdivisions in the RO-2 District shall not have a depth greater than seven times the width measured at the front building setback line.

Item 3: That section 10.4 Open Space Standards, be amended as follows by adding the following new underlined text:

10.4.1 Applicability and Definition

- A. All major subdivisions shall provide permanent open space. This shall not apply to subdivisions with 20 lots or less or where all the lots are 5 acres or larger.
- B. The location of open space shall be consistent with the policies contained in these provisions and other long range documents adopted by the Currituck County Board of Commissioners.
- C. For purposes of this section, open space means an area that:
 - 1. Is not encumbered with any structure unless such structure is for recreational purposes available and accessible to all residents of the subdivision or general public, including indoor tennis courts, swimming pool and other facilities;
 - 2. Is not contained within a street right-of-way or otherwise devoted to use as a roadway, parking area not associated with the use of open space or above ground waste disposal facilities;
 - 3. Is legally and practicably accessible to the residents of the development out of which the open space is taken;
 - 4. Is not encumbered by underground septic lines, any part of a sewage disposal system, or any above ground or below ground structure;
 - 5. May include farmland and tree farms;
 - 6. Is capable of being used and enjoyed for passive recreation, such as walking, jogging, or being improved for more active recreational use;
 - 7. Does not include any CAMA wetlands; and,
 - 8. Includes any part of any man-made or natural lakes or ponds provided they are completely surrounded by the development and under the ownership of the developer or homeowners association.
- D. Within the RO-2 district in major open space subdivisions, the transfer of existing lots that do not meet the current minimum lot size and width requirements; and existing or proposed lots or proposed open space areas, are permitted to transfer

across rights-of-way between adjacent undeveloped parcels in order to facilitate subdivision design, for development of detached single-family dwellings that is appropriate for the district.

Item 4: 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 volatile 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.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2008.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES ____NAYS _____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES ____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

PLANNING BOARD DISCUSSION – September 9, 2008 meeting

Mr. West stated that the existing lot lines are parallel to the ocean; with this text amendment it will extend the lot lines. Will this create any restrictions to access up and down the beach?

Mr. Webb stated no, the beach is a state declared public access way.

Mr. Keel asked if people who own lots in the same area could they extend their property line.

Mr. Webb stated yes.

Mr. West stated he was not thinking so much as building, but ownership of the property if the property line was extended. Mr. West asked about the transfer density to ocean front lots.

Mr. Webb stated they will still remain at 1.5 acres lots. The minimum lot size in the RO2 area is a 120,000 sq. ft. which is just under three areas.

Mr. West asked what is the benefit of transferring open space?

Mr. Webb stated if they had to do a lot depth to width ratio 4:1 then the lots would be about 260 feet wide instead of the 100 feet.

Mr. Woody stated that many times wetlands do get put in open space and one advantage of this is that you do promote preservation of wetlands.

Ms. Turner asked if the lot that they want to make open space is it already open space.

Mr. Webb stated no that it is a developable lot.

Ms. Turner stated they aren't trading open space for open space when they are creating open space and taking the density from the open space and applying it to the ocean front lots.

Mr. West stated that on the mainland often times open space that is designated open space is wetlands, and he agrees with Mr. Woody that the land should be preserved for a quality of water, but it has to be preserved anyways because it is wetlands.

Mr. Keel stated that this text amendment will affect many people.

Mr. Webb stated it will have a direct affect on Swan Beach.

Mr. Woody stated he went to a community meeting at the Carova Fire Department to review what is being proposed. There are three things, street closings, text amendment and the subdivision proposal. The people are still learning about these issues and there is some concern.

Mr. Kovacs stated he has some concerns with the lot depth to width ratio. One reason the county went to a 1:4 ratio is because of the long narrow lots that the developer tries to get the most for their profit.

Ms. Turner stated that ocean front lots tend to be long and narrow, but would not want to see everywhere.

Mr. Kovacs stated if you have 7:1 ratio this will take away from street access for the internal lots.

Mr. Bissell stated that the way the UDO is written now there are some internal conflicts with hard surface roads. Mr. Bissell stated it will create a standard for non paved roads. A 30 ft. standard for beach access has been addressed. Mr. Bissell asked if the board had any questions.

Mr. Kovacs asked who will maintain these roads.

Mr. Bissell stated that an association will be set up and they will be responsible.

Mr. Bissell stated they requested the text amendment go to the TRC, for which text amendments don't typically go, so they can get input from staff members. Mr. Bissell provided an overview of the 7:1 ratios. Mr. Bissell stated they are proposing an open space subdivision. Mr. Bissell stated that based on a previous interpretation a few years ago by the Board of Adjustment, they could probably do this by right because the board stated that the creation of roadways across a parcel doesn't necessarily create separate parcels. With this text amendment it makes it clearer that the UDO allows it.

Ms. Turner stated it makes sense with the oceanfront lots, but not the inland lots.

The Planning Board is concerned with changing the UDO and the impact it will have. They want staff to review it more.

Mr. Midgette asked if the applicant could proceed without the text amendment.

Mr. Woody stated the owner of the property can create a subdivision without the text amendment, but to what extent he is not sure.

ACTION

Mr. West motioned to table the text amendment for RO2 roads and lots and that board members email Mr. Woody their questions so they can be addressed by staff. Mr. Keel seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION – October 14, 2008 meeting

Mr. Kovacs stated if this text amendment was approved by the Planning Board it would set a precedent on the Outer Banks, as well as the mainland requiring the same consideration.

Mr. Webb stated this request is only pertaining to the RO2 zoning district.

Mr. West asked if this was approved, how many new lots would be created.

Mr. Webb stated approximately 548 additional lots.

Mr. Kovacs referred to the ocean lots asking if a storm comes through and washes away part of this lot, would they now be non-conforming lots?

Mr. Webb stated it would be regulated by Coastal Management regulations and not county regulations. Once a lot is platted even if at a later date it becomes a non-conforming lot, the county ordinance allows you to build a house. Subdivision approval occurs at a point in time;

basically you take a snapshot of all the ordinances in place at that time and create a subdivision.

Mr. Kovacs asked if this is approved will the general business go away with this request.

Mr. Webb stated that there is currently no general business zoning in the RO2 area.

Mr. Bissell stated it is a misunderstanding on the 548 lots. There is no difference in the number of lots developed if this amendment is adopted vs. the number of lots developed if it is not passed. Mr. Bissell stated it is not 548 lots, but it is closer to none. The minimum lot size is 2.75 acres and it is just a difference in how you configure the lots.

Mr. Woody stated that unless you had these lots surveyed, you would not know if there is a net increase in lots.

Mr. Bissell stated the purpose is not to get more lots; the purpose is to get lots that are more appropriate with the configuration of the parcels in the development. Mr. Bissell stated that the residents are concerned with minimizing the clearing of the Maritime Forrest in a traditional tract of land. The 7:1 ratio is a benefit because you have 70% less roadway than you would have with a 4:1 ratio.

Mr. Riggs provided an overview of the history in this area.

Mr. Bissell stated if they went with a 4:1 ratio in Section 2 they would end up with 2 ocean front lots instead of 3 and 5 interior lots instead of 4.

Mr. West stated with the 4:1 ratio you would have fewer ocean front lots, but more internal lots.

Ms. Turner asked why the open space language needs to be in the text amendment since there are no existing open space parcels.

Mr. Woody stated that zoning districts have standards that are unique to that zoning district, which is why the open space language is included in this request.

Mr. Bissell stated they have had a local meeting and there was also a meeting at the local fire department which was well attended.

Mr. Woody stated he attended both meetings. Both the applicant and citizens worked diligently and tried to find compromises. All parties have worked hard to find a solution.

Ms. Wilson stated she lives in North Swan Beach and she represents the four wheel drive community. She attended the meeting at the local fire department and had another meeting with Mr. Bissell, Mr. Riggs and Mr. Woody. They had many concerns which were addressed and corrected. The biggest concern is the 7:1 reconfiguration. Mr. Bissell stated with the 7:1 ratio there will be less roads and maritime forest disturbance. The concept of an open space subdivision, if it doesn't result in more lots, is very appealing if it only involves the reconfiguration of lots. Ms. Wilson stated they were very appreciative of Mr. Bissell addressing their concerns, including some concerns that were safety issues. Ms. Wilson stated that in all fairness, speaking for the community this proposal has presented them with many challenges, but they have been discussed and met and they have come to an agreement that they are not protesting this request.

Mr. Webb stated that the applicant can take all these parcels and do a single recombination. By doing this amendment, it saves the applicant six to eight months in process.

Ms. Turner stated that in the proposal they are not taking back deeded open space and re-subdividing it; how do you reword this in the text amendment?

The board discussed how it would be reworded in the text amendment. It was suggested in Item 3, D. add the word "proposed" before open space. It would read "proposed lots and proposed open space".

Mr. Bissell stated that the proposed open space would be offered to the county and if they did not want it, it would be offered to a conservation group.

The board discussed who owns the property from the property line to the ocean.

Mr. Webb stated the property owner, but he cannot restrict public use.

ACTION

Ms. Turner motioned to recommend approval of the Text Amendment for RO2 Roads and Lots with staff recommendations and the addition of language added to Item 3, D. "proposed" open spaces. Mr. Winter seconded the motion. Ayes: Ms. Turner, Mr. Bell, Mr. Keel, Mr. Kovacs and Mr. Winter. Nays: Mr. West and Mr. Midgette.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: November 17, 2008
Zoning Map Amendment:
PB 08- 53 Currituck Marina**

TYPE OF REQUEST: To rezone 119.96 acres from Agricultural (A) to Residential (R)

LOCATION: 291 West Side Lane, adjacent to Kilmarlic

TAX ID: Tax Map 112, Parcel 3C, Poplar Branch Township

OWNER: Denny Horgan
291 West Side Lane
Powells Point, NC 27966

AGENT/APPLICANT: Tim Morrison/Edward Myers
2600 South Virginia Dare Trail
Nags Head, NC 27959

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Residential (R)

ZONING HISTORY: The property was zoned Agricultural (A) on April 2, 1989.

SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|-----------------------|-----------------|
| NORTH: | Undeveloped | Conservation |
| SOUTH: | Albemarle Sound | N/A |
| EAST: | Kilmarlic Subdivision | Limited Service |
| WEST: | Undeveloped | Conservation |

EXISTING LAND USE: Undeveloped

PROPOSED LAND USE: Mixed use development with public marina

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies this site as **Full Service** and **Conservation** within the **Point Harbor Sub-Area**.

Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors.

Central wastewater treatment and disposal whether public or community is considered reasonable in the Full Service Areas.

Base development densities for the Full Service Area is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning. Commercial development in Full Service Areas should be designed to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design.

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas.

The policy emphasis of the Point Harbor Sub-Area is to allow this area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Vegetative buffers should be required/maintained along shorelines to preserve public access and open space at the waters edge and to protect water quality in the sound

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

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

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. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.

PUBLIC SERVICES AND UTILITIES:

The site is located within the Jarvisburg Elementary School District. The Lower Currituck Volunteer Fire Department provides fire protection for this area. Public water is available to this site from the Kilmarlic Subdivision.

TRANSPORTATION:

The site is accessible by vehicle from West Side Lane and presumably by boat from the Intracoastal Waterway.

FLOOD ZONE:

The entire site is located in Flood Zone AE(7).

WETLANDS: Approximately 95 acres of wetlands are located on the site (including the existing lake and canal). The remaining 23 acres primarily consists of uplands.

SOILS: The Currituck County Soils map indicates the property contains primarily non-suitable soils and limited amounts of suitable soils.

**STAFF
RECOMMENDATION:**

Staff recommends **approval** of the request to rezone 119.96 acres from Agricultural (A) to Residential (R) for the following reasons:

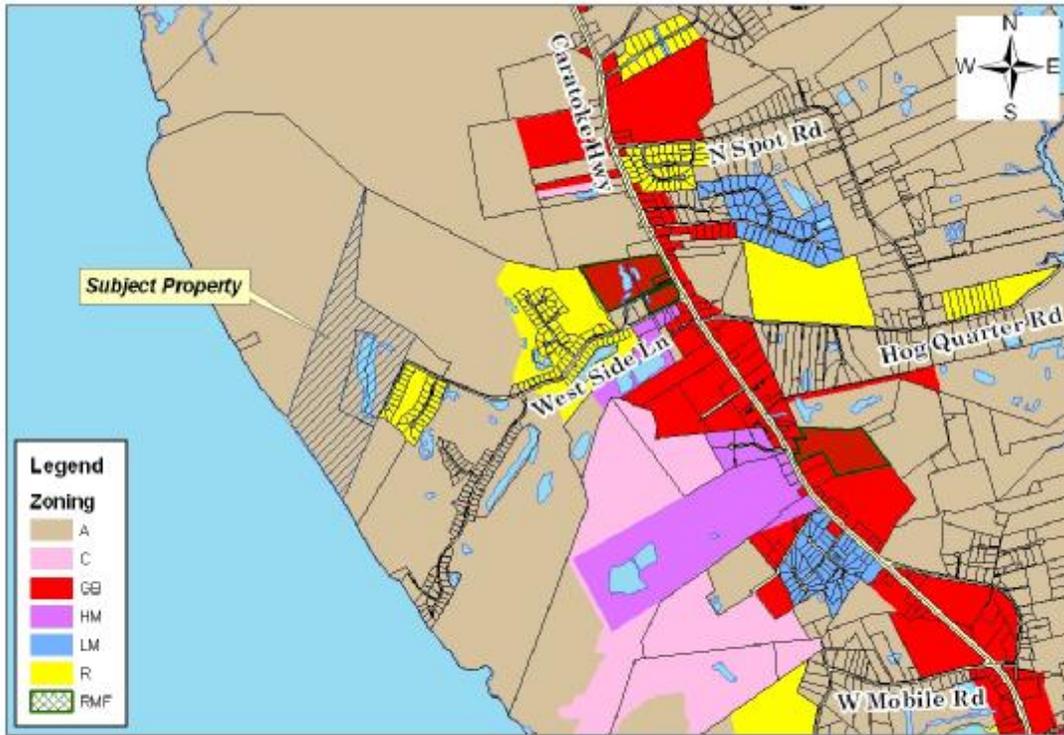
1. The proposed request is in general compliance with Full Service designation of the 2006 Land Use Plan and the Point Harbor Sub-Area Policy Emphasis.
2. The subject property is adjacent to the Kilmarlic subdivision and is in keeping with the character of the surrounding area.
3. Adequate infrastructure capacity such as improved roads and public water are directly accessible to the site.

PLANNING BOARD DISCUSSION

No discussion.

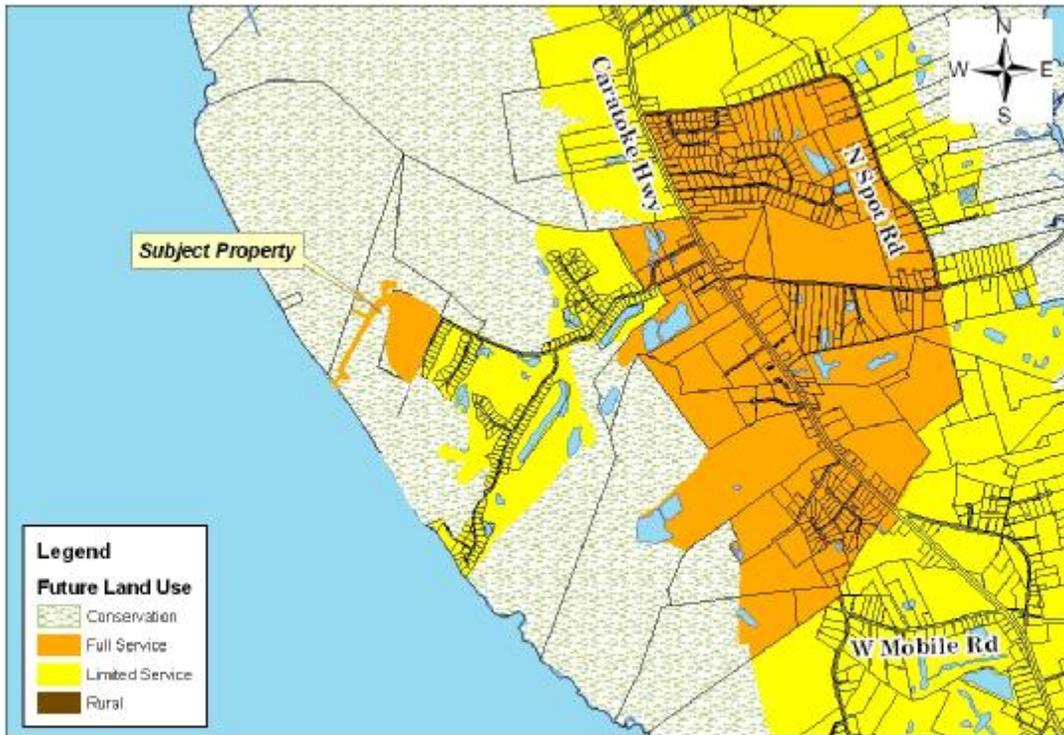
ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone approximately 119.96 acres from Agricultural (A) to Residential (R) according to the 2006 Land Use Plan. Ms. Turner seconded the motion. Motion carried unanimously.



PB 08-48 & PB 08-53
Currituck Marina: CD-PUD

0 1,250 2,500 5,000 Feet
Currituck County Planning Department



PB 08-48 & PB 08-53
Currituck Marina: CD-PUD

0 1,200 2,400 4,800 Feet
Currituck County Planning Department



**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: November 17, 2008
Zoning Map Amendment:
PB 08- 48 Currituck Marina**

TYPE OF REQUEST: To establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on 119.96 acres

LOCATION: 291 West Side Lane, adjacent to Kilmarlic

TAX ID: Tax Map 112, Parcel 3C, Poplar Branch Township

OWNER: Denny Horgan
291 West Side Lane
Powells Point, NC 27966

AGENT/APPLICANT: Tim Morrison/Edward Myers
2600 South Virginia Dare Trail
Nags Head, NC 27959

CURRENT ZONING: Agricultural (A): PB 08-53 if approved will establish Residential (R)

PROPOSED ZONING: Conditional District-Planned Unit Development Overlay (CD-PUD)

ZONING CONDITIONS: Uses

1. Limited to mixed residential uses, neighborhood serving retail uses, restaurants, traditional uses associated with a marina, and other items contained in the Currituck Marina Conceptual Plan.
2. Maximum gross residential density shall not exceed 2.0 dwelling units per acre.
3. No more than 50 residential dwelling units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency.
4. No more than 100 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public.
5. No more than 150 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed.

Transportation

1. Multimodal pathways a minimum of six feet in width shall be provided throughout the development. This shall include interconnected sidewalks, bikeways and natural trails.

2. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.

Landscaping/Screening

1. All inland, non-tidal and coastal wetlands shall remain undisturbed. Delineated CAMA, 404 and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development.
2. There shall be no development, land disturbing, or logging activities in areas designated by the 2006 Land Use Plan as Conservation
3. Existing mature trees within 300 feet of the mean high water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable.
4. When developing within 300 feet of the shoreline, precedence should be given to “soft” stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers.
5. In commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2 inches in caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size.
6. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2,000 square feet of gross floor area.

Site Design/Architectural

1. The proposed development will be in accordance with the Currituck Marina conceptual site plan.
2. Maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area.
3. Residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest; variation in exterior architectural materials or styles; and, inclusion of front porches, projecting bays, or vestibules.
4. Commercial structures, including mixed use structures, shall be subject to the following requirements:
 - a. Building facades shall incorporate the traditional architectural style or vernacular of the general area.
 - b. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
 - c. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way or area designated for residential uses.

Water Access

1. Public access to the waterfront and Albemarle Sound shall required and include at a minimum a marina, public boat launching and parking, and multimodal pathways.
2. The marina shall include docking for a minimum of ten vessels.
3. The marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program.
4. No permanent structures shall be built within 100 feet of the mean high water mark, or on or over a pier.
5. Waterfront property within 100 feet of the mean high water mark shall remain in common open space.

DENSITY: Approximate gross density (including wetlands) – 2.0 du/acre
 Approximate net density (excluding wetlands) – 10.4 du/acre

ZONING HISTORY: The property was zoned Agricultural (A) on April 2, 1989.

SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|-----------------------|-----------------|
| NORTH: | Undeveloped | Conservation |
| SOUTH: | Albemarle Sound | N/A |
| EAST: | Kilmarlic Subdivision | Limited Service |
| WEST: | Undeveloped | Conservation |

EXISTING LAND USE: Undeveloped

PROPOSED LAND USE: Mixed use development with public marina

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies this site as **Full Service** and **Conservation** within the **Point Harbor Sub-Area**.

Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Central wastewater treatment and disposal whether public or community is considered reasonable in the Full Service Areas.

Base development densities for the Full Service Area is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning. Commercial development in Full Service Areas should be designed to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design.

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas.

The policy emphasis of the Point Harbor Sub-Area is to allow this area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Vegetative buffers should be required/maintained along shorelines to preserve public access and open space at the waters edge and to protect water quality in the sound

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

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

The applicant has included a zoning condition that prohibits development within areas of the site designated as Conservation Area by the 2006 Land Use Plan. There is county water and fire protection readily available to the site, as well as vehicular access from a State maintained road. The surrounding land uses include the Kilmarlic subdivision and golf course, a regional health and racquet club, and approximately 25 acres of land zoned for multifamily uses (4 du/acre). Centralized sewage treatment is also proposed for the development.

POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.

By zoning condition, the subject property is required to provide public access to the Albemarle Sound. The construction of residential dwelling units is contingent upon successful permitting and operation of the marina.

POLICY PA5: PUBLIC AND PRIVATE MARINAS offering access to area waters should be encouraged when developed in accordance with the CAMA specific use standards for marinas (i.e. docks for more than 10 vessels). Marinas shall not be approved, however, that are incompatible with nearby land uses or whose designs fail to meet the environmental quality and development standards of the County's Unified Development Ordinance.

The zoning conditions will require the marina to provide docking for a minimum of 10 vessels and participate and become a Certified Clean Marina in the North Carolina Clean Marina program.

POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged.

The request includes a mixture of uses including townhomes, condominiums, retail uses, a restaurant, and a public marina. Pedestrian elements have been included to ensure the development is walkable.

POLICY WQ6: Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.

The zoning conditions require the preservation of mature trees around the perimeter of the site. When developing within 300 feet of the shoreline, precedence should be given to “soft” stabilization approaches. Additionally, property within 100 feet of the shoreline shall remain in common open space.

POLICY ML3: The interests of Mainland Area residents in having ACCESS TO THE AREA’S OCEAN AND ESTUARINE WATERS shall be fostered through County actions to increase the number of additional public access sites at a rate commensurate with the population growth of the Currituck County. Included in the actions taken to increase public access shall be a consideration given to transportation needs, including boat docks and ferry services.

The subject property will provide the county’s first direct western public access south of the Intracoastal Waterway.

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.

By zoning condition, all inland, non-tidal and coastal wetlands shall remain undisturbed and will be placed in a conservation easement or preservation trust preventing individual ownership or development.

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.

The permitted gross density of 2 dwelling units per acre is based on the total acreage of the tract. Although wetlands are typically included in the county’s UDO density calculations (gross), the Division of Coastal Management has indicated they will exclude wetlands from their density calculations (net). This creates a conflict between the UDO and Land Use Plan, which may arise during the CAMA Major permitting process.

**PUBLIC SERVICES
AND UTILITIES:**

The site is located within the Jarvisburg Elementary School District. The Lower Currituck Volunteer Fire Department (Kilmarlic Station) provides fire protection for this area. EMS coverage is provided from the Grandy

Volunteer Fire Department Station. Public water is available to this site from the Kilmarlic Subdivision.

TRANSPORTATION: The site is accessible by vehicle from West Side Lane and presumably by boat from the Intracoastal Waterway.

FLOOD ZONE: The entire site is located in Flood Zone AE(7).

WETLANDS: Approximately 95+/- acres of wetlands are located on the site (including the existing lake and canal). The remaining 23+/- acres primarily consists of uplands.

SOILS: The Currituck County Soils map indicates the property contains primarily non-suitable soils. There are limited amounts of suitable soils which are located in the areas proposed for development.

**STAFF
RECOMMENDATION:**

Staff recommends approval of the request to establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on 119.96 acres for the following reasons:

1. The proposed request is in general compliance with Full Service designation of the 2006 Land Use Plan and the Point Harbor 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.
3. This request establishes the mainland's first direct western public access south of the Intracoastal Waterway. Additionally, the construction of residential units is contingent upon proper permitting and operation of the marina, which includes becoming a Certified Clean Marina in the North Carolina Clean Marina program. (LUP Policies PA1, PA5, ML3)
4. The subject property is adjacent to the Kilmarlic subdivision and is in keeping with the character of the area. Surrounding land uses include a golf course, a regional health and racquet club, and approximately 25 acres of land zoned for multifamily uses. (LUP Policy HN1)
5. Adequate infrastructure capacity such as improved roads and public water are directly accessible to the site. The applicant is also proposing a centralized wastewater system which will limit environmental impacts on environmentally sensitive areas. (LUP Policy PP2)

6. As depicted on a conceptual site plan submitted as part of the application, this request includes a mixture of uses including townhomes, condominiums, retail uses, a restaurant, and a public marina. (LUP Policy CD8)
7. All inland, non-tidal and coastal wetlands will remain undisturbed and placed in a conservation easement or preservation trust preventing individual ownership or development. (LUP policy ES2)
8. The preservation of mature trees around the perimeter of the site and adjacent to the shoreline is required. Additionally, property within 100 feet of the shoreline shall remain in common open space. (LUP Policy WQ6)

PLANNING BOARD DISCUSSION

Mr. West asked how many restaurants will be on the site.

Mr. Woody stated there is one restaurant near the waterfront and conceivably another could locate in the commercial building.

Mr. West asked if public access to the water will be free to the public.

Mr. Woody stated it will be a free public access where you could launch your boat, but you could not dock your boat without a fee.

Mr. West stated this is a good example of what they intended conditional use zoning to be, which spells out what they are going to do.

Mr. Kovacs asked if this is an age restrictive development.

Mr. Woody stated no.

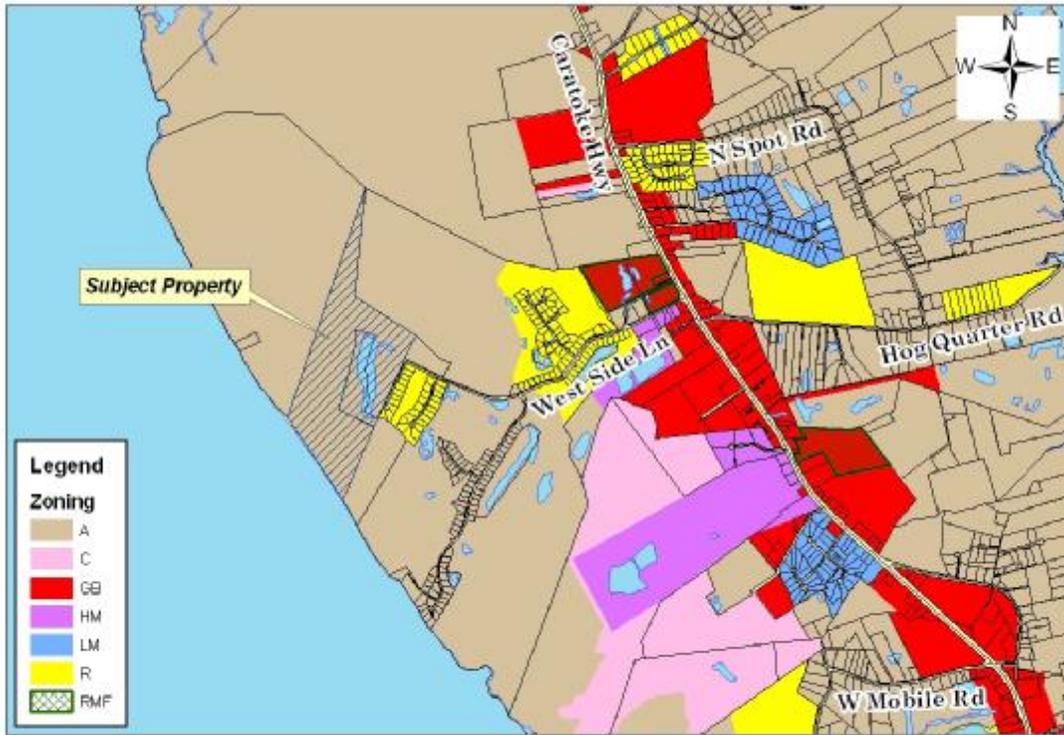
Mr. Morrison stated the development will be geared towards an active retirement age.

Mr. West asked what the total number of units is.

Mr. Morrison stated 240 units.

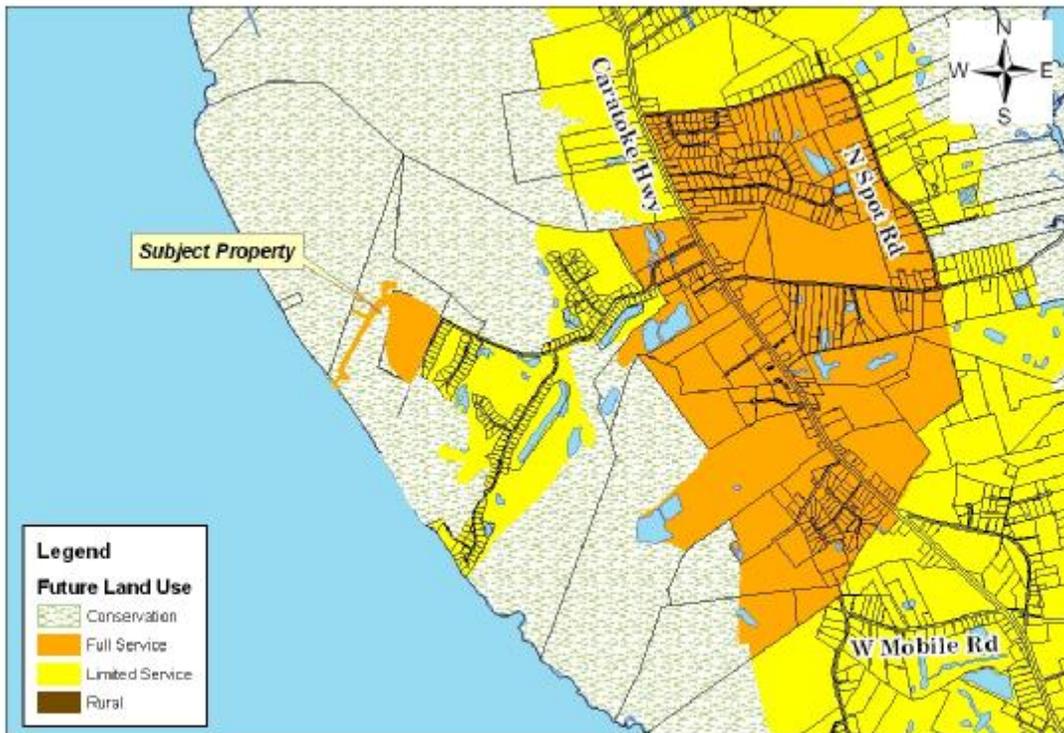
ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations to establish a Conditional District-Planned Unit Development Overlay Zone (CD-PUD) on approximately 119.96 acres according to the 2006 Land Use Plan. Mr. Winter seconded the motion. Motion carried unanimously.



PB 08-48 & PB 08-53
Currituck Marina: CD-PUD

0 1,250 2,500 5,000 Feet
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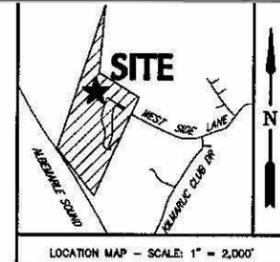
PB 08-48 & PB 08-53
Currituck Marina: CD-PUD

0 1,200 2,400 4,800 Feet
Currituck County Planning Department



Conceptual Site Layout Plan Of Currituck Marina

West Side Lane
Powells Point, NC



Site Data

Total Site Area: ±119.96 Ac
Area Rezoned to CD-PUD: ±119.96 Ac

Residential Units:

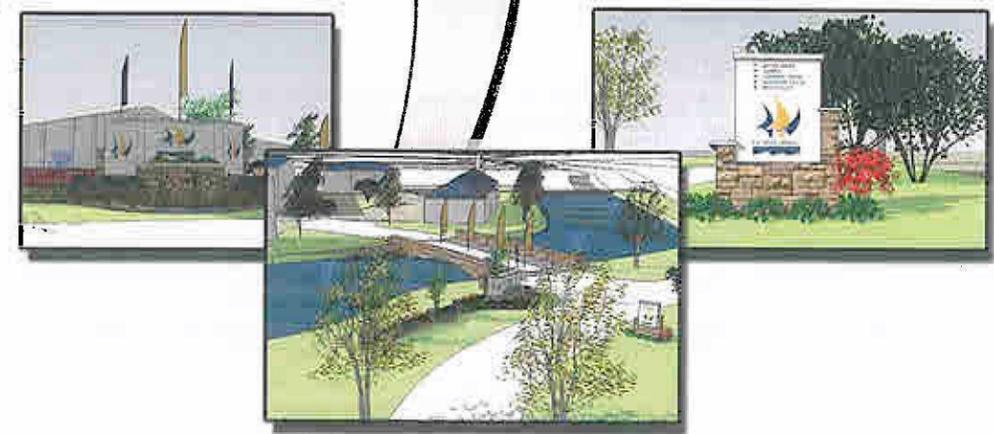
Townhomes:
Condos:
Duplex Units:
Single Family Condos:

Commercial Area:

Light Retail: 4,600 sf
Sales Office: 600 sf
Restaurant: 4,500 sf

Other Amenities:

Marina
Boat Slips
Launch Facility
Clubhouse

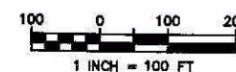


Entrance Signage Concepts

DATE: 08/15/08

Exhibit For Conditional Rezoning

Concept drawings are general in nature and are intended only to illustrate development potential for a property; they should not be relied upon as a basis for any financial or legally binding transaction.



MSA, P.C.

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MSA PROJ. # 07177



MEMORANDUM

To: Board of Commissioners

From: Eric T. Weatherly, P.E.
Currituck County Engineer

Ref: RO Outfall Pipe and Diffuser
Bid Award Recommendation
Mainland Water System Upgrades

Date: November 7, 2008

Background

As part of the Mainland Water System Upgrades, bids were received for the new Reverse Osmosis (RO) Water Treatment Outfall Pipe and Diffuser. Funds have been allocated for this work in the Mainland Water System budget.

Analysis

Attached is a recommendation of award letter from the consulting engineer, Arcadis. This letter includes the list of bidders and a breakdown of each bid. The recommendation is to award the project to Mad Dawg, Inc. in the amount of \$982,000.

The project consists of a 12" pipe that will be directional bored from the shoreline at the end of Newbern Landing Road out 2000' into the Albemarle Sound. The pipe will exit on the bottom of the Sound where a 40' long by 12" diffuser pipe will be installed. Pilings will be installed along the diffuser for protection. The diffuser will be located on the bottom of the Sound in 7' of water.

The Mainland Water System Expansion project is going well and remains on schedule. Although this bid was higher than expected, there are funds in the overall Mainland Water System Upgrades fund to allow us to move forward with this bid.

Conclusion

We concur with the recommendation of award for the outfall pipe and diffuser. With your approval of the award, the County Manager will execute the contracts for construction of the project.



Mr. Daniel F. Scanlon II
Manager, Currituck County
Post Office Box 39
Currituck, North Carolina 27929

Subject:
Recommendation of Award
Mainland Water Treatment Plant RO Outfall Pipe and Diffuser

Dear Mr. Scanlon:

On September 4, 2008, no bids were received for the Mainland Water Treatment Plant RO Outfall Pipe and Diffuser project. The project was re-advertised and two bids were received on September 16, 2008. The low bidder was T.A. Loving Company with a bid of \$1,179,000.00, well above the County's project budget of \$440,000. Bid rejection notices were sent to the two bidders on October 3, 2008, and the project was re-advertised with modifications to the project. On October 28, 2008, three bids were received and opened. Two bids are believed to be responsive as set forth in the Contract Documents. Seaside Environmental Constructors, Inc., the third highest bidder, did not acknowledge Addendum #3 and their bid was not considered responsive. A certified tabulation of these bids is attached.

The Low Bidder was Mad Dawg, Inc. with a base bid amount of \$982,000.00 for constructing the 2000 ft. RO Outfall Pipe and Diffuser.

All required permits for the construction of the Mainland Water Treatment Plant RO Outfall Pipe and Diffuser have been received, including NC DOT Right-of-Way Encroachment Agreement, CAMA Major Permit, 401 Water Quality Certification, USACOE 404 Permit, and US Coast Guard Private Aids to Navigation Permit. Temporary construction easements have also been obtained from property owners. No other permits were required for the RO Outfall Pipe and Diffuser.

The completion of the RO Outfall Pipe and Diffuser project is critical to the startup of the Mainland Water Treatment Plant RO Expansion, expected to be substantially complete by May 12, 2009. To maximize the early completion

ARCADIS G&M of North Carolina,
Inc.
801 Corporate Center Drive
Suite 300
Raleigh,
North Carolina 27607-5073
Tel 919 854 1282
Fax 919 854 5448
www.arcadis-us.com

WATER RESOURCES

Date:
29 October 2008

Contact:
David Briley

Extension:
142

E-mail:
David.briley@arcadis-us.com

Our ref:
NC706021.2000

Mr. Daniel Scanlon
29 October 2008

bonus offered, Crowder Construction Company must complete the RO Expansion by March 12, 2009. Further modifications to the project scope may compromise the design and/or quality of construction, and will delay the construction schedule. Based upon these comments, we recommend that the County award the project to Mad Dawg, Inc. in the amount of \$982,000.00 in accordance with the certified bid tab.

Sincerely,

ARCADIS G&M of North Carolina, Inc.

A handwritten signature in black ink, appearing to read 'David S. Briley', with a long horizontal flourish extending to the right.

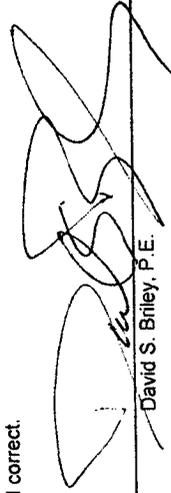
David S. Briley, P.E.
Project Manager

BID TABULATION

Mainland Water Treatment Plant RO Outfall Pipe and Diffuser
 Currituck County, North Carolina
 ARCADIS Project No. NC706021
 Bid Opening: October 28, 2006, 1:00 P.M.

| | Seaside Environmental Constructors, Inc. | T.A. Loving Company | Mad Dawg, Inc. |
|-------------------------------------------------------------------------------|------------------------------------------|---------------------|-------------------|
| Contractor's License No. | 55044 | 325 | 60947 |
| Bid Bond | 5% | 5% | 5% |
| Acknowledgement of Addendum 1, 2, & 3 | Acknowledged Addenda 1 & 2 | YES | YES |
| Item 1: Installation of 14" HDPE pipeline via horizontal directional drilling | \$690,000.00 | \$662,000.00 | \$712,000.00 |
| Item 2: Furnishing 14-inch HDPE pipe | \$120,000.00 | \$80,500.00 | \$126,000.00 |
| Item 3: Butt weld fusion of 14-inch HDPE pipe | \$55,000.00 | \$12,500.00 | \$35,000.00 |
| Item 4: Furnishing and installing outfall discharge diffuser header | \$130,000.00 | \$200,000.00 | \$60,000.00 |
| Item 5: Furnishing and installing 3 timber piles, including signage | \$80,000.00 | \$15,000.00 | \$5,000.00 |
| Item 6: Sitework and erosion control | \$8,000.00 | \$95,000.00 | \$25,000.00 |
| Item 7: Tie-in with existing 12-inch PVC membrane concentrate | \$5,000.00 | \$10,000.00 | \$12,000.00 |
| Item 8: Testing Allowance | \$4,000.00 | \$4,000.00 | \$4,000.00 |
| Total Base Bid | \$1,292,000.00 | \$1,079,000.00 | \$982,000.00 |
| Deductive Alternate 1: 12" Fusible C900 PVC Outfall Pipe in lieu of HDPE pipe | -\$30,000.00 | -\$40,000.00 | No deduct offered |

This Bid Tabulation is certified to be true and correct.
 ARCADIS G&M of North Carolina, Inc.

By  Date 10/24/06

Date

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)



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th 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> |
| 55818-561000 | Professional Serv - Wells | 56,431 | |
| 55818-562000 | Professional Serv - H2O Plant | 1,425 | |
| 55818-563000 | Professional Serv - Dist Sys | 11,673 | |
| 55818-592003 | H2O Plant - Outfall Diffuser | 580,000 | |
| 55818-588002 | Contingency - Water Plant | | 450,149 |
| 55818-588004 | Contingency - Tanks | | 73,290 |
| 55818-592002 | H2O Plant - Ground Storage | | 63,907 |
| 55818-593002 | Dist Sys - 14" Tie High Cotton | | 1,517 |
| 55818-593003 | Dist Sys - 12' Gravel Road | | 1,296 |
| 55818-593006 | Dist Sys - Tulls Creek Booster | | 59,370 |
| | | <u>649,529</u> | <u>649,529</u> |

Explanation: Mainland Water Construction (55818) - To close our the ground water storage tank, 14" tie line to the High Cotton tank and the 12' gravel road to the tank, to transfer residuals from these projects to fund shortfalls for the outfall diffuser and to reduce budget for the Tulls Creek Booster Pump which came in under budget estimates.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th 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> |
| 10510-540000 | Worker's Compensation | 66,805 | |
| 10530-540000 | Worker's Compensation | 104,138 | |
| 10511-545000 | Contract Services - Jail | | 10,000 |
| 10350-468000 | Sale of Fixed Assets | | 10,609 |
| 10390-499900 | Fund Balance Appropriated | | 150,334 |
| 61818-540000 | Worker's Compensation | 25,544 | |
| 61360-471000 | Tap & Connection Fees | | 25,544 |
| | | <u>196,487</u> | <u>196,487</u> |

Explanation: Sheriff (10510); Emergency Services (10530); Jail (10511) - To increase appropriations for FY 2008 worker's compensation audit adjustment.

Net Budget Effect: Operating Fund (10) - Increased by \$191,867.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009038

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th 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 <u>Decrease Revenue or Increase Expense</u> | Credit <u>Increase Revenue or Decrease Expense</u> |
|-----------------------|----------------------------|----------------------------------------------------------|-----------------------------------------------------------|
| 10640-532005 | Supplies - Agriculture | 1,310 | |
| 10330-449900 | Miscellaneous Grants | | 1,310 |
| | | <u>1,310</u> | <u>1,310</u> |

Explanation: Cooperative Extension (10640) - To increase appropriations to record grant award by the NC Department of Agriculture and Consumer Services for the Currituck County Pesticide Container Recycling Program.

Net Budget Effect: Operating Fund (10) - Increased by \$1,310.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
November 3, 2008

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 Bowden, Gregory, Taylor and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to amend the agenda by deleting Items 8 and 9. Commissioner Bowden seconded the motion. Motion carried.

- 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 (R01) 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 (R01) 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

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.

Chairman Nelms, reviewed progress on the Moyock Library, Water Plant and Communication Tower.

Edith and Earl Brickhouse, Senior Tar Heel representatives, updated the Board on legislation presented to the General Assembly.

Richard Barkalow, expressed his displeasure on the canceling of the Christmas parade.

Carl Ferebee, expressed his concerns with the time it is taking to get his mother's house built under the CDBG Program.

Cliffie Ferebee, wanted to know when she could expect her house to be finished.

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

Public Hearing and Action PB 08-46 Twiddy Family Partnership, LLC: Request to rezone .29 acres from Outer Banks Standard Residential (R01) 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.

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.

Ben Woody, Planning Director, reviewed this case and previous case together.

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.

- 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

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: | 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**.

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 .30 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 nearby 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.

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 0.30 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.

Chairman Nelms opened the public hearing.

Jeff Malarney, represented the applicant, and was present to answer questions.

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

Commissioner Bowden moved to approve both requests and stated that is was consistent with the Land Use Plan. Commissioner Gregory seconded the motion. Motion carried.

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.

Sworn testimony was given prior to making any statements.

Ben Woody, Planning Director, reviewed the request.

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.

Chairman Nelms opened the public hearing.

Melissa Henry Shell, stated that her questions had been answered.

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

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

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.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request

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 form 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.

Chairman Nelms opened the public hearing.

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

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

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

**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.**

Ben Woody, Planning Director, reviewed the request.

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.

Chairman Nelms opened the public hearing.

Commissioner Etheridge requested that a public hearing be held at the sketch plan.

Commissioner Bowden moved to adopt the manual Resolution.
Commissioner Gregory seconded the motion. Motion carried.

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

Board commended the staff for their work on this plan.

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

Deleted

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

Deleted

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

Commissioner Taylor moved to approve. Commissioner Etheridge 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 |
| 10440-561000 | Professional Services Fund Balance | 11,631 | |
| 10390-499900 | Appropriated Article 39 Sales & Use Tax | 34,890 | |
| 10320-411000 | | | 46,521 |
| | | \$46,521 | \$46,521 |

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.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|--------------------------------|--------------------------------------------|--------------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 27608-545000 | Contract Services Fund Balance | 7,000 | |
| 27390-499900 | Appropriated | | 7,000 |
| | | \$7,000 | \$7,000 |

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.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|--------------------------------------------|--------------------------------------------|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |

| | | | |
|--------------|-------------|-------|-------|
| 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.

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

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

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



6311 Eric Creek Parkway, Suite 05-669
 Raleigh, NC 27617
 919 251 3142

Invoice

| Date | Invoice # |
|------------|-----------|
| 10/23/2008 | 80078 |

Bill To:
 Wayne Leary
 Manager
 Currituck County Airport
 PO Box 98
 Maple Hill 27955

Please Refer Payment To:
 NCDOT Division of Aviation
 ATN: Teri Allen
 1560 Mail Service Center
 Raleigh, NC 27699-1560

| PO Number | Invoice | Reg | Ship | Via | F.O.B. | Project |
|-----------|------------|-----|------|-----|--------|------------------------|
| | On Receipt | OT | | | | 2007 SCASD NC Airlinks |

| Quantity | Item Code | Description | Unit Price | Amount |
|--------------|--------------------|------------------------------------------------------------------------------------------------------------------|--------------|---------------------|
| | 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://dmsas.dot.gov/docm-ages/pdf101467242_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

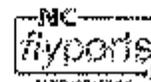
Current Airport Customer Data

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 had 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

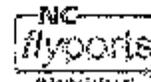
Restroom Facilities

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

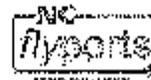
Marketing Collateral Materials; both print and electronic media

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 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

Dave.Thomas@ncdot.gov
(919)251 - 9142

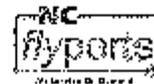
With over 25 years experience in executive level planning, scheduling, and cost analysis with four airlines, Dave Thomas' background in economic development and analysis brings tremendous experience to the NCFlyPorts project. Mr. Thomas' aviation expertise includes extensive work in small community air 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

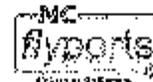
Project Development Associate

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.

919.251.9142 8311 Briar Creek Parkway, Ste #105-369, Raleigh, NC 27617



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.

**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.

Commissioner's Report

Commissioner Taylor reminded people to vote tomorrow.

Adjourn

There being no further business, the meeting adjourned.



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS

Barry C. Nelms, Chairman
Gene A. Gregory, Vice-Chairman
Ernie Bowden
J. Owen Etheridge
Janet L. Taylor

County Manager's Office
Post Office Box 39
Currituck, North Carolina 27929-0039
Telephone (252) 232-2075 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON II, CPA
County Manager

DONALD I. McREE, JR.
County Attorney

GWEN H. KEENE, CMC
Clerk to the Board

October 29, 2008

Dean Johnny Wynne, Dean College of Agriculture and Life Sciences
Dr. Jon F. Ort, Assistant Vice Chancellor, Associate Dean and Director
North Carolina State University
Campus Box 7602
Raleigh, NC 27695-7602

RE: Limited Delegation of Co-Signature Authority for Program Delivery of Contracts made to Currituck County as well as authorization for Fiduciary Representation of County Director in Management of County Resource Allocations for the North Carolina Cooperative Extension, Currituck County

Dear Dean Wynne and Dr. Ort:

Under the limitations expressed in this letter and any other limitations deemed appropriate and properly communicated by Currituck County, Currituck County hereby delegates the following authorities to the COUNTY COOPERATIVE EXTENSION DIRECTOR, North Carolina Cooperative Extension in Currituck County:

- (1) THE COUNTY COOPERATIVE EXTENSION DIRECTOR is authorized to co-sign externally-sponsored agreements (those made by agencies/sponsors other than the County, or NC State University) made with the county or a non-profit affiliate of the county for purposes of carrying out NC Cooperative Extension programs within Currituck County. This **co-signature** does not contractually bind the County or non-profit affiliate unless accompanied by an authorizing signature of the County or non-profit affiliate. The signature, when required by the Grantor, acknowledges the scope of work and asserts that the scope of work is reasonable and attainable with the resources anticipated.
- (2) THE COUNTY COOPERATIVE EXTENSION DIRECTOR is authorized to execute procurement transactions against an operating budget and directed grant and contract resources assigned by NC Cooperative Extension in Currituck County. Such authorization must comply with all rules, regulations and policies of the Currituck County operating principles.

Dean Johnny Wynne, Dean College of Agriculture and Life Sciences
Dr. Jon F. Ort, Assistant Vice Chancellor, Associate Dean and Director
October 29, 2008
Page 2

All aspects of performance or non-performance by NC State University Cooperative Extension ("NC State") employees shall be governed by the Memorandum of Understanding between the Board of County Commissioners, The North Carolina Cooperative Extension Service at North Carolina State University and the North Carolina Cooperative Extension Program at North Carolina A&T State University dated October 31, 2006, as modified. NC State employees acting responsibly under this delegation of authority shall do so as representative agents of the County and in recognition that the County is fully responsible for all fiduciary obligations associated with the conduct of County business including, but not limited to, proper financial and programmatic stewardship of allocated County resources and directed grants and contracts.

Sincerely,

Daniel F. Scanlon, II
County Manager

c: Dr. Wanda Sykes, NE District Extension Director
M. Rodney Sawyer, Jr., County Extension Director



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-3568 (FAX)

MEMORANDUM

TO: Board of County Commissioners

FROM: Tax Office ^{TS}

DATE: October 29, 2008

SUBJECT: Charge Levy on Motor Vehicles for August Renewals

Please charge to the Tax Collector the levy on motor vehicles for August Renewals. The Following is a breakdown of the assessment and the total tax due.

ASSESSMENT

\$ 20,840,608

TAX AMOUNT

\$ 66,689.93

TS/lew

10/27/2008 09:26 COUNTY OF SHERIDAN
 LILLIAN WILSON MOTOR VEHICLE TAX SCHEDULE - CYCLE 8
 2008 MOTOR VEHICLE SUMMARY

IP# 268
 lmvncscr1

TAX CHARGES

| 2007 COUNTY WIDE #0.32 | VALUE: | 454,414 | LEVY: | 1.45410 | TAX: | 1,454.10 |
|------------------------|--------|------------|-------|-----------|------|-----------|
| 2008 COUNTY WIDE #0.32 | VALUE: | 20,386,194 | LEVY: | 65,235.83 | TAX: | 65,235.83 |

GRAND TOTALS VALUE: 20,840,608 LEVY: 66,689.93 TAX: 66,689.93

** END OF REPORT - Generated by Lillian Wilson **

10/27/2008 11 28 100000 OF CURTIUM
 10/27/2008 100000 TAX RECEIVABLES GENERATION JOURNAL ENTRIES
 11-28-08 TAX RECEIVABLES GENERATION JOURNAL ENTRIES

100000 OF CURTIUM
 COUNTY OF CURTIUM
 TAX RECEIVABLES GENERATION JOURNAL ENTRIES

YEAR/PERIOD/JOURNAL: 2009 4 40640 EFFECTIVE DATE: 10/27/08

10000 0010-0000-1110-08 TAXES REC - 2008 LEVY 66,689.93 00
 10000 0010-0000-2281-00 DEFERRED REVENUE - TAXES REC 00 66,689.93

JOURNAL TOTALS 66,689.93 66,689.93



BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 17th 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> | |
| 15447-545000 | Contract Services | \$ | 40,000 | | |
| 15447-516100 | Signs | \$ | 5,000 | | |
| 15320-415000 | Occupancy Tax | | | \$ | 45,000 |
| | | | | | |
| | | | <u>\$ 45,000</u> | | <u>\$ 45,000</u> |

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - To appropriate funds for shrubs and gravel at public parking areas and for additional signage on the Outer Banks.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$45,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

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| <u>Account Number</u> | <u>Account Description</u> | Debit | | Credit | |
|-----------------------|----------------------------|-------------------------------------------------|--------------|-------------------------------------------------|--------------|
| | | <u>Decrease Revenue or Increase Expense</u> | | <u>Increase Revenue or Decrease Expense</u> | |
| 15442-540000 | Worker's Compensation | \$ | 5,380 | | |
| 15320-415000 | Occupancy Tax | | | \$ | 5,380 |
| | | | | | |
| | | <u>\$</u> | <u>5,380</u> | <u>\$</u> | <u>5,380</u> |

Explanation: Occupancy Tax - Tourism Promotion (15442) - To appropriate funds for additional worker's compensation for FY 2008 required after audit.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$5,380.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board