

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Tuesday, September 02, 2008 Time: 7:00 PM

Work Sessions

6:00 Secondary Road Program FY 2008-2009

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 **Recognition of Shawboro Ruritan Club**
- Item 4 **Chris Hooper, Chairman Board of Elections** to present a proclamation for "Voter Awareness Month"
- Item 5 **Public Hearing and consideration of resolution to close portion of Rock Lane, Shad Lane and Shark Lane**
- Item 6 **Public Hearing and Action** PB 08-29 Moyock Land Company, LLC: Request to rezone 27.66 acres from Agricultural (A) to Conditional District – General Business (CD-GB). The property is located approximately 570 feet southeast of Puddin Ridge Road at the terminus of Moyock Commons Drive, Tax Map 15, Parcel 79, Moyock Township.
- Item 7 **Public Hearing and Action** PB 08-03 Backwoods Hideaway: Request for a Sketch Plan/Special Use Permit for a 16 lot Conservation Residential subdivision. The property is located on Northwest Backwoods Road, 1.3 miles north of the intersection with South Mills Road, Tax Map 3, Parcel 3A, Moyock Township.

- Item 8 **Public Hearing and Action** PB 08-36 Maple Industrial Park (Currituck County): Request for a Sketch Plan/Special Use Permit for 23 Commercial Lots located adjacent to the Currituck County Airport and to the rear of the Central Elementary School property, Tax Map 52, Parcels 14 and 16, Crawford Township.
- Item 9 **Public Hearing and Action** PB 08-33 Highland Properties, Inc.: Request to rezone 101.14 acres from Commercial (C) to Conditional District – General Business (CD-GB). The property is located approximately 1/4 mile south of Guinea Road on Caratoke Highway (US 168), Tax Map 22, Parcel 88, Poplar Branch Township.
- Item 10 **Public Hearing and Action** PB 08-34 Campbell/Jarvis (Poyners Rd.): Request to rezone 137 acres from Agricultural (A) to Conditional District – Residential (CD-R). The properties are located at the intersection of Tulls Creek Road and Poyners Road. The properties included in the application for rezoning are Tax Map 31, Parcels 1, 15 and 18, Crawford Township.
- Item 11 **Discussion on Requesting Game Commission to Review 4:20 p.m. Law**
- Item 12 **Consideration of Bid Award Recommendation-Raw Water Mains**
- Item 13 **Consent Agenda:**
1. Budget Amendments
 2. Jarvisburg Elementary School-Change Order #5-B&M Contractors, Inc.
 3. Appointment of Dr. Alison Boone-Heyder to Library Board
 4. Albemarle Mental Health-Fourth Quarter Fiscal Monitoring Report
 5. Approval of August 18, 2008, Minutes
- Item 14 Commissioner's Report
- Item 15 County Manager's
- Adjourn

**North Carolina Department of Transportation
Secondary Roads Construction Program**

Currituck County

FY 08-09 Anticipated Allocation

Highway Fund (GS 136-44b) \$	<u>237,152.06</u>
Highway Fund (GS 136-44c) \$	<u>79,014.07</u>
Trust Fund	<u>0.00</u>
Total	<u>\$ 316,166.13</u>

I. Paving Unpaved Roads

Programmed Paving Goal: 0.40 Miles

A. Rural Paving Priority

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
##	SR 1233	0.40	Lou Sawyer Road-Grade, Drain, Base & Pave SR 1222 to End Partial Funding (Total Estimate: \$150,000)	\$79,000

Total Miles 0.40

Subtotal \$ 79,000

* Rural Paving Alternatives

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
##	SR 1233	0.40	Lou Sawyer Road-Grade, Drain, Base & Pave SR 1222 to End Complete Funding (Total Estimate: \$150,000)	\$71,000

* In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.

II. General Secondary Road Improvements

A. Paved Road Improvements

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
SR 1147	Indiantown Road (Widen & Strengthen from 18' to 20') US 158 to NC 34; Cover Overdrafts	\$40,000
SR 1140	Aydlett Road (Widen & Strengthen from 18' to 20') US 158 to SR 1139-1.70 miles; Partial Funding; (Total Estimate: \$325,000)	\$160,000

Subtotal \$ 200,000

*Paved Road Improvements Alternatives

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
SR 1140	Aydlett Road (Widen & Strengthen from 18' to 20') US 158 to SR 1139-1.70 miles (complete funding)	\$165,000
SR 1131	Popular Branch (Widen & Strengthen from 18' to 20') NC 136 to US 158-2.27 miles	\$325,000
SR 1216	Puddin Ridge Road (Widen & Strengthen from 20' to 22') NC 168 to SR 1387-1.44 miles	\$650,000

B. Unpaved Road Spot Improvements

\$ 0

Highway Fund Subtotal \$ 279,000.00

Trust Fund Subtotal \$ 0.00

IV. Funds reserved for surveying, right of way acquisition, acquisition, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

Subtotal \$ 37,166.13

GRAND TOTAL \$ 316,166.13

YEAR - 2005

SRIQ RATING UNPAVED SECONDARY ROADS * RURAL * COUNTY 04 CURRITUCK PAGE 01
S/R PRTY S/D NAME LENGTH HOM P/H SCH CH BS IN RF #B B/R TRAF T/F T/PTS
NUMBER ROADS: 0 TOTAL MILES: 0.00
(F) INDICATES FROZEN TOP 10 PRIORITY AS REQUIRED BY GS 136-44.7(B)

YEAR - 2005

SRIQ RATING UNPAVED SECONDARY ROADS * SUBDIVN * COUNTY 04 CURRITUCK PAGE 01

S/R	PRTY	S/D	NAME	LENGTH	HOM	P/H	SCH	CH	BS	IN	RF	#B	B/R	TRAF	T/F	T/PTS
1451	1	Y	BASS COURT	.02	4								N	40	N	1240.0

NUMBER ROADS: 1 TOTAL MILES: 0.02

(F) INDICATES FROZEN TOP 10 PRIORITY AS REQUIRED BY GS 136-44.7(B)

YEAR - 2005

SRIQ RATING UNPAVED SECONDARY ROADS * HOLD-LIST* COUNTY 04 CURRITUCK PAGE 01

S/R	PRTY	S/D	NAME	LENGTH	HOM	P/H	SCH	CH	BS	IN	RF	#B	B/R	TRAF	T/F	T/PTS
1115	1F	N	SNOW'S LANE	.54	5								Y	160	N	200.0
1217	2F	N	COOPER GARRET	2.40	8								Y	100	N	130.0
1112	3F	N	WESTSIDE LANE	.25	4								Y	37	N	71.0
1202	4F	N	BULLYARD ROAD	1.90					1				N	56	N	61.3
1241	5F	N	NORTH CURRITU	1.10	4				1				N	24	N	54.9
1145	6F	N	PINEY ISLAND	.60	1						1		N	21	N	32.0
1279	7F	N	LOU SAWYER RO	.60	3								N	20	N	38.0
1212	8F	N	MARKHAM FARM	.50	2								N	22	N	34.0
1252	9F	N	STALLINS ROAD	.40	1								Y	18	N	34.0
1153	10F	N	LUKE BARCO RO	.26	1								N	16	N	22.0
1233	11F	N	LOU SAWYER RO	.40									N	10	N	10.0
1211	12F	N	LEROY FARM RD	.74									N	10	N	10.0

R/N NOW AVAILABLE

NUMBER ROADS: 12 TOTAL MILES: 9.69

(F) INDICATES FROZEN TOP 10 PRIORITY AS REQUIRED BY GS 136-44.7(B)

SRIQ RATING UNPAVED SECONDARY ROADS * HOLD-LIST* COUNTY 04 CURRITUCK PAGE 01

S/R	PRTY	S/D	NAME	LENGTH	HOM	P/H	SCH	CH	BS	IN	RF	#B	B/R	TRAF	T/F	T/PTS
1122	1F	Y	COLONIAL BEAC	.03	25								Y	350	N	5360.0
1143	2F	Y	HAMPTON ROAD	.12	8								Y	54	N	464.0
1110	3F	Y	SUMMERELL ROA	.30	12			1					Y	75	N	358.3
1103	4F	Y	HARBINGER RID	.10	5								N	30	N	330.0
1185	5F	Y	COROLLA VILLA	.05	9	1			1		1		N	80	N	1520.0
1257	6F	Y	WOODLEIGH ROA	.40	7						1		N	42	N	159.5
1133	7F	Y	NEALS CREEK L	.50	5	1					1		Y	50	N	136.0
1359	8F	Y	NO NAME	.20	3								N	28	N	118.0
1282	9F	Y	GUINEA MILL R	.08	8						1		N	58	N	720.5
1130	10F	Y	DOWDYS BAY RO	.03	2						1		N	16	N	582.7
1390	11F	Y	WHITE NECK LA	.31	6	1							N	49	N	174.8
1239	12F	Y	LAUNCH LANDIN	.05	4								N	36	N	516.0
1251	13F	Y	EAST GIBBS RO	.25	3	1							Y	27	N	121.0
1117	14F	Y	OWENS ROAD	.20	2	1						1	Y	27	N	112.0
1208	15F	Y	MAPLE KNOLL R	.30	3								N	28	N	88.0
1207	16F	Y	CENTRAL LANE	.08									N	10	N	10.0

NUMBER ROADS: 16 TOTAL MILES: 3.00

(F) INDICATES FROZEN TOP 10 PRIORITY AS REQUIRED BY GS 136-44.7(B)

**RESOLUTION
OF RECOGNITION
SHAWBORO RURITAN CLUB**

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

WHEREAS, on September 7, 2008, the Shawboro Ruritan Club celebrated sixty years in Currituck County; and

WHEREAS, the Shawboro Ruritan Club has promoted fellowship and goodwill among its members and the residents of Shawboro; and

WHEREAS, Ruritan Clubs unify the efforts of individuals, organizations and institutions in the community toward making it an ideal place in which to live; and

WHEREAS, Ruritans create greater understanding between rural and urban people on the problems of each, as well as on their mutual problems;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners would like to recognize the Shawboro Ruritan Club for sixty years of community service and substantial contributions to the well-being of the citizens of Currituck County.

ADOPTED this the 2nd day of September, 2008.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

Gene A. Gregory
Vice-Chairman

NORTH CAROLINA

COUNTY OF CURRITUCK

COUNTY OF CURRITUCK

PUBLIC HEARING NOTICE

N.C.G.S. §§ 153A-241

NOTICE is hereby given to all residents, property owners and taxpayers of the County of Currituck that the Board of Commissioners has adopted the following resolution.

BE IT RESOLVED, that the Board of Commissioners for the County of Currituck hereby declares its intentions to consider the permanent closing of that portion of Rock Lane. Shad Lane and Shark Lane described as follows:

Rock Lane

Being a certain tract of land lying and situated in Fruitville Township, Currituck County, North Carolina and being further described as follows:

Beginning at a point situated at the south west corner of Lot 15, Block 4, Section 1, Carova Beach recorded in the Currituck County Public Registry, Deed Book 116, Page 1, and Map Book 2, Page 113, and also being situated on the northeast corner of the intersection of Sandfiddler Road, a 60' public right of way and Rock Lane, a 60' public right of way. Said point of beginning also being located on the northern right of way of the aforementioned Rock Lane at a point where Rock Lane becomes a 40' public right of way.

Thence leaving said point of beginning and running and binding with the northern right of way line of the aforementioned Rock Lane and the southern line of the aforementioned Lot 15 N 88°15'00" E approximately 536.95 feet to a point, the Mean High Water Line of the Atlantic Ocean as observed on February 14, 2008. Thence running with the aforementioned Mean High Water Line S 00°43'42" E approximately 40.01 feet to a point situated on the southern right of way line of the aforementioned Rock Lane, said point also being on the northern boundary of Carova Beach Business Area, Lot A, Section 2, Carova Beach recorded in the Currituck County Public Registry, Deed Book 115, Page 453 and Map Book 2, Page 125.

Thence leaving the Mean High Water Line of the Atlantic Ocean and running and binding with the south right of way of the aforementioned Rock Lane and the north line of the aforementioned Lot A S 88°15'00" W approximately 536.24 feet to a point at the intersection of the south right of way of the aforementioned Rock Lane and the east right of way of the aforementioned Sandfiddler Road, said point also being situated at the north west corner of the aforementioned Lot A.

Thence leaving the south right of way of Rock Lane and running and binding with the east right of way of Sandfiddler Road N 01°45'00"W 40.00 feet to a point, the point and place of beginning, containing 21,464 square feet more or less.

Said parcel of land being a portion of Rock Lane, a 40' public right of way extending from the east right of way line of Sandfiddler Road to the Mean High Water Line of the Atlantic Ocean.

Shad Lane

Being a certain tract of land lying and situated in Fruitville Township, Currituck County, North Carolina and being further described as follows:

Beginning at a point situated on the south west boundary of Carova Beach Business Area, Lot A, Section 2, Carova Beach recorded in the Currituck County Public Registry, Deed Book 115, Page 453, and Map Book 2, Page 125, and also being situated on the northeast corner of the intersection of Sandfiddler Road, a 60' public right of way and Shad Lane, a 60' public right of way. Said point of beginning also being situated S 01°45'00" E 310.00 feet of the intersection of the aforementioned Sandfiddler Road and Rock Lane, a 60' public right of way and also being located on the northern right of way of the aforementioned Shad Lane.

Thence leaving said point of beginning and running and binding with the northern right of way line of the aforementioned Shad Lane and the southern line of the aforementioned Lot A S 46°45'00" E 56.57 feet to a point. Thence running and binding with the northern right of way of Shad Lane and the south line of Lot A N 88°15'00" E approximately 492.73 feet to a point, the Mean High Water Line of the Atlantic Ocean as observed on February 14, 2008. Thence running with the aforementioned Mean High Water Line S 00°35'07" W approximately 30.02 feet to a point on the Mean High Water Line. Thence running with the Mean High Water Line S 01°45'00" E 30.00 feet to a point situated on the southern right of way line of the aforementioned Shad Lane, said point also being on the northern boundary of Lot 1, Block 1, Section 2, Carova Beach recorded in the Currituck County Public Registry, Deed Book 893, Page 809 and Map Book 2, Page 125.

Thence leaving the Mean High Water Line of the Atlantic Ocean and running and binding with the south right of way of the aforementioned Shad Lane and the north line of the aforementioned Lot 1 the following two (2) courses and distances:

- 1) S 88°15'00" W approximately 491.51 feet to a point
- 2) S 43°15'00" W 56.57 feet to a point situated in the intersection of the south right of way of the aforementioned Shad Lane and the east right of way of the aforementioned Sandfiddler Road, said point also being situated at the south west corner of the aforementioned Lot 1.

Thence leaving the south right of way of Shad Lane and running and binding with the east right of way of Sandfiddler Road N 01°45'00" W 140.00 feet to a point, the point and place of beginning, containing 33,509 square feet more or less.

Said parcel of land being a portion of Shad Lane, a 60' public right of way including the intersection triangle with Sandfiddler Road extending from the east right of way of Sandfiddler Road to the Mean High Water Line of the Atlantic Ocean.

Shark Lane

Being a certain tract of land lying and situated in Fruitville Township, Currituck County, North Carolina and being further described as follows:

Beginning at a point situated at the south west corner of Lot 15, Block 4, Section 5, Carova Beach recorded in the Currituck County Public Registry, Deed Book 463, Page 574, and Map Book 2, Page 139, and also being situated N 35°07'12" E 100.00 feet of the south east intersection of Sandfiddler Road a 60' public right of way and Shark Lane, a 60' public right of way. Said point of beginning also being located on the eastern right of way of the aforementioned Sandfiddler Road.

Thence leaving said point of beginning and running and binding with the southern line of the aforementioned Lot 15 N 88°15'00" E approximately 639.62 feet to a point, the Mean High Water Line of the Atlantic Ocean as observed on February 14, 2008. Thence running with the aforementioned Mean High Water Line S 01°49'58" E approximately 20.00 feet to a point situated on the northern line of the Lot 2A, the north 100 feet of Business Area A, Section 5, Carova Beach recorded in the Currituck County Public Registry, Deed Book 353, Page 652 and Map Book 2, Page 139.

Thence leaving the Mean High Water Line of the Atlantic Ocean and running and binding with the north line of the aforementioned Lot 2A S 88°15'00" W approximately 639.65 feet to a point at the intersection of the east right of way of the aforementioned Sandfiddler Road, said point also being situated at the north west corner of the aforementioned Lot 2A.

Thence leaving the north line of Lot 2A and running and binding with the east right of way of Sandfiddler Road N 01°45'00"W 20.00 feet to a point, the point and place of beginning, containing 12,793 square feet more or less.

Said parcel of land being a 20' public pedestrian beach access extending from the east right of way line of Sandfiddler Road to the Mean High Water Line of the Atlantic Ocean.

The Petitioner having set forth the following:

WHEREAS, the portions of Rock Lane, Shad Lane and Shark Lane described above, were dedicated to the public upon approval of Carova Beach Subdivision; and

WHEREAS, the portions of Rock Lane, Shad Lane and Shark Lane proposed to be closed have never actually been opened and used by the public or by any other party within fifteen years from and after the filing or record of the plat of Carova Beach Subdivision in the office of the Register of Deeds of Currituck County, North Carolina, and the County of Currituck has never actually opened or assumed responsibility for maintaining any portion of the sections of the roads proposed for closing; and

WHEREAS, no property owner would be deprived of a reasonable means of ingress and egress to his or her property by virtue of the closing of the portions of Rock Lane, Shad Lane and Shark Lane described above.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners for the County of Currituck hereby declares its intention to consider the permanent closing of that section of Rock

Lane, Shad Lane and Shark Lane described above and that appropriate notice of public hearing of this matter be given pursuant to §§ 153A-241 of the General Statutes of North Carolina, and that the public hearing be at the Board's regular meeting at 7:00 o'clock P.M., or as soon thereafter as the matter can be reached, on the 2 day of September, 2008.

ADOPTED, the 4 day of August, 2008.

A copy of the Petition and proposed Resolution are on file with the Clerk to the Board at the Currituck County Administrative Offices, Courthouse Road, Currituck, North Carolina.

A public hearing will be held pursuant to N.C.G.S. §§ 153A-241 at 7:00 o'clock P.M., or as soon thereafter as the matter can be reached, on the 2 day of Sept, 2008, in the Board of Commissioners Meeting Room of Currituck County Administrative Office Building, Currituck, North Carolina. The public hearing will be for the purpose of determining whether or not the closing would be detrimental to the public interest, or the property rights of any individual.

The Board of Commissioners may adopt an order closing portions of Rock Lane, Shad Lane and Shark Lane described above if it appears to the satisfaction of the Board, after the public hearing, that no individual, owning property in the vicinity of the street or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his or her property.

This 5 day of August, 2008.

Sharon H. Keane
Clerk to the Board

Dates of Publication: Aug 10, 17, 24, 31

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 2, 2008
Conditional District Zoning Map Amendment:
PB 08- 29 Moyock Land Company, LLC.**

TYPE OF REQUEST: To rezone 27 acres from “Agricultural (A) to Conditional District General Business (CD-GB)”

LOCATION: Located off of Puddin Ridge Road, SR 1216, behind Moyock Commons Shopping Center.

TAX ID: Tax Map 15, Parcel 79
0025-000-0079-000

OWNER/APPLICANT: Moyock Land Company, LLC.
500 Pacific Avenue, #607
Virginia Beach, VA 23451

AGENT: Bissell Professional Group
Mark Bissell
PO Box 1068
Kitty Hawk, NC 27949

CURRENT ZONING: Agricultural (A)

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

ZONING CONDITIONS:

1. The applicant has excluded the following GB uses from the property:
 - Automotive services, repair, sales and rental
 - Boat services, repair, sales, and rental
 - Heavy equipment services, sales, repair, and rental
 - Retail sales of manufactured/modular homes
 - Landfills
2. No outdoor storage except for equipment and materials associated with utilities which must be fully screened from adjacent properties.
3. An opaque visual screen consisting of fencing and /or plant materials shall be provided along the northern property line.

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

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Moyock Commons/Residential	GB/R
SOUTH:	Agricultural/Quail Run Subdivision	A/R
EAST:	Business	GB
WEST:	Agricultural/Residential	A/R

EXISTING LAND USE: Agricultural/Undeveloped.

PROPOSED LAND USE: General Business.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies this site as **Full Service** within the **Moyock Sub-Area**. Areas designated as Full Service are those parts of the County where an extensive range of infrastructure and service investments have been provided or will be made available to the public/private sectors. These infrastructure investments may include community level or centralized water, parks schools, fire, and rescue facilities. In Full Service Areas, central wastewater treatment and disposal (public or community) is considered acceptable.

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. In addition, nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory. In an attempt to protect existing agricultural operations, efforts should be made to buffer them from encroaching development through the use of landscaping and conservation oriented design.

The policy emphasis of the 2006 plan for the Moyock Sub-Area is to properly manage the increased urban level of growth that will occur in the next decade. It will be important to closely look at traffic management on secondary and local roads. In addition, if sewage treatment collection systems are built, whether publicly or privately, all systems should be designed to be tied together into a single system in the future. It is not the County's intention that all of Moyock be developed intensely but rather create specific service centers.

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

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like. (Also see Policy HN9)

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

POLICY 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. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

POLICY CA3: LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.

PUBLIC SERVICES AND UTILITIES:

The Moyock Fire Department provides fire protection for this area. Electric, telephone, cable television, and public water are available.

TRANSPORTATION:

The site is accessible from Moyock Commons Drive and by means of two easements off Puddin Ridge Road.

FLOOD ZONE:

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

WETLANDS:

Approximately 7.5 acres of potential wetlands are located on the site.

SOILS:

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

COMMUNITY MEETING:

Bissell Professional Group conducted a community meeting at Moyock Elementary School on July 30, 2008 at 6:30 pm. Approximately 36 members of the public and 3 staff members were present. The majority of residents that spoke at the meeting were opposed to the rezoning. The main issues of concern for adjacent property owners were stormwater, the setting of a precedent for future development of the vacant acreage between the proposed rezoning property and Quail Run Subdivision, development of incompatible uses on the rezoned property, access to the proposed development, screening/buffering of

uses between adjacent properties, and designation of the area as a Full Service Area according to the Land Use Plan.

Citizens felt there are existing stormwater problems that may be further exacerbated by additional development. In addition, they felt that the existing problems should be remedied prior to additional development occurring.

All the citizens agreed that whatever development was permitted on the proposed rezoning site would set a precedent for the remaining 48 agriculturally zoned, vacant acres between Moyock Commons and Quail Run Subdivision. The citizens concurred that the developer had not provided enough information on what is proposed for the site. Additionally, they felt that the uses allowed in the general business zoning designation had not been narrowed down enough. The general consensus was that the property not be developed for commercial or retail use. Citizens overwhelmingly agreed that they prefer the adjacent properties be developed as single family residential. Regardless of how the property develops, citizens felt strongly that the new development should provide buffering/screening that surpasses the current standard.

Another concern of citizens is how the developer proposes to access the site. Everyone agreed they did not want additional traffic flow down Puddin Ridge Road and Quail Run Subdivision. Moreover, residents of Quail Run Subdivision preferred that a connection, between the neighborhood and the proposed rezoning site, not be made unless the development occurring was residential.

Residents in the area were also troubled by the fact that the proposed rezoning site and the majority of developed residential parcels was designated Full Service by the 2006 Land Use Plan. They further inquired about how the Full Service designation could be changed.

The citizens were informed about the upcoming Planning Board and Board of Commissioners meetings. The meeting adjourned at 8:45 pm.

**STAFF
RECOMMENDATION:**

Staff recommends **approval** of the request to establish a 27 acre tract from Agricultural (A) to Conditional District- General Business (CD-GB) for the following reasons:

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

1. The proposed request is in general compliance with the Full Service designation of the 2006 Land Use Plan and the Moyock Sub-Area Policy Emphasis.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006

Land Use Plan and promote compatibility between the subject property and surrounding area. (LUP Policy CA3)

3. The adjacent property to the north-east is zoned General Business and encompasses an existing commercial development (Moyock Commons).

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. All development should be constructed and maintained so that adjacent properties are not unreasonably burdened with surface water as a result of such development. It is recommended that the applicant conduct a stormwater analysis to identify downstream impediments. These impediments may restrict flow to a point of making development prohibitive and must be addressed by the applicant. This problem should be corrected by storing excess stormwater on site or improving downstream flow with the consent of all property owners adjacent to the drainage way.
2. This site is accessed by Moyock Commons Drive and two unimproved easements off Puddin Ridge Road through residential areas. The 2006 Land Use Plan advises that access to higher intensity development should not be permitted through a lower intensity development. Therefore, it is recommended that if the site should be developed for nonresidential uses, sole vehicular access should be provided via Moyock Commons Drive (LUP Policies TR11, CD2). For the purposes of adding a zoning condition, staff would recommend the vehicular access exclusion apply only to nonresidential uses. Should a mixed use or multifamily project be proposed, access restrictions could be determined as part of the SUP process based on the contemplated development intensity. However, an SUP may not be required for a nonresidential use, so it would be appropriate to consider this type of access restriction as part of the zoning change.
3. The applicant has excluded several GB uses on the property. Staff would also recommend that the following uses be excluded due to potential secondary impacts on adjoining residential properties (LUP Policies CD5, CD7):
 - Carwash
 - Mini Warehousing
 - Mobile Homes

4. Staff initially suggested that office warehousing uses be allowed with restrictions on hours of operation. This concern was discussed at the Planning Board meeting; however, staff feels this may not be an appropriate zoning condition due to difficulty of enforcement.
5. In an effort to reduce dangerous or disabling glare and avoid illumination of adjacent residential properties, it is recommended that (CD 5, CD 7):
 - All exterior luminaries, including security lighting, should be full cut-off fixtures.
 - The maximum height for exterior light fixtures should be 25 feet above natural grade; but, should not exceed the building height if the buildings are less than 25 feet.
 - The maximum illumination at the property line should not exceed 1.5 foot-candles measured at ground level by a measuring device.
 - The maximum permitted foot-candle should not exceed 15 at any commercial location.
6. It is suggested that a 50 foot buffer of existing vegetation be retained along the northwest side of the property along "E" Street (as shown on the site plan) and parcel number 014B00000650000. In areas where the buffer does not meet or exceed the above requirement, additional plantings should be incorporated (Policies CD 5, CD 7). The applicant has expressed concern with the buffer width; however, considering the uncertainty of development intensity, staff feels it is appropriate to plan for the worst case scenario.

PLANNING BOARD DISCUSSION – August 12 meeting

Mr. West asked for clarification on the amount of wetlands on the site.

Mr. Woody stated the wetlands map shows approximately 7.5 acres of potential wetlands located on the site, which it could be more or less wetlands. The map is based on general data and not site specific.

Mr. Bissell stated that they received this afternoon a copy of the draft report from the environmental consultant to perform a wetland delineation on the site. The indication is that there is actually less than 7/10's of an acre of wetlands on the property. Mr. Bissell stated that they did have a community meeting and had a good turnout. Mr. Bissell stated that most the people attending the meeting were really against any type of development on the property. They have worked with the planning staff to narrow the use of the site and to eliminate what cannot be put on the site. The biggest concerns that they heard from the community meeting was drainage issues, wetlands, provide more details to what is proposed on the site, and provide more restrictions as to what can and cannot go on the site.

Mr. Bissell stated there is a drainage project that Mike Doxey is working with NCDOT to improve the drainage to the north of Puddin Ridge Road. The landowner has met with Mike to find ways to participate and to help with the drainage project so it can extend further up on his property. Mr. Bissell stated that the board cannot expect his client to solve all the existing drainage problems that have existed for years, but he is willing to do what he can. As far as the development of this property, any submittal of a site specific development plan will required a downstream analysis and a stormwater analysis. This project will not make the drainage situation worse it will make it better.

Mr. Bissell stated that there are really no wetlands to speak of on the site. As far as a more detail development plan his client doesn't have one right now. Mr. Bissell stated that Currituck County has approved numerous projects this year without a site specific development plan and this is not any different. Mr. Bissell stated it is premature to place more restrictions like it was mentioned.

Mr. Bissell addressed the outstanding staff concerns: (1) In agreement; (2) They would consider restricting the access but would like to wait until the site specific development plan to address this; (3) Currently there is a existing carwash and mini warehousing on the Currituck commercial zone tract and if this was done on this tract, it could be done adjacent to the other existing uses and buffered in such a way that it would not have a major impact; (4) Agreement with delivery restrictions; (5) Agreement with lighting; (6) It was Mr. Bissell's understanding that it was a 25 ft. buffer and not a 50 ft. buffer.

Mr. Woody stated the ordinance requires a 25 ft. buffer, but would like to see the Planning Board's comments on this.

Mr. Bissell stated the property is in an area slated for development and in a full service district which staff has recommended for approval.

Mr. Kovacs stated that in #3, under the outstanding staff concerns, mobile homes be excluded. Mr. Kovacs asked Mr. Bissell if he would be in agreement of this.

Mr. Bissell stated there are no plans for mobile homes for this site.

Mr. West stated the letter that Mr. Bissell had submitted stating that only 7/10's of the property had wetlands was from the environmental consultant and not the Army Corps of Engineers who are the ones that make the determination of wetlands on property.

Mr. Bissell stated the letter is requesting that the Army Corps of Engineers visit the site and concurred with this analysis which is in the letter. He stated that he did not pass out all the data sheets but would be happy to do so.

Mr. West asked Mr. Bissell that this letter really is just asking the Army Corps of Engineers to make a determination of the wetlands on this property.

Mr. Bissell stated that the letter does show that it has been delineated in accordance with the Corps of Engineers 1987 wetlands delineation manual and only the areas marked has the characteristics for it to be classified as wetlands. He stated that Mr. West is correct in his assumption.

Mr. Winslow thanked the board, Mr. Bissell and property owners for attending the community meeting on July 30th. A lot of good questions and answers came from the meeting. Mr. Winslow is concerned with the Lindsay ditch flooding and it should be accounted for.

Ms. Kinney stated that the White Pines access should not be opened. She submitted a petition against the rezoning which has over 50 signatures.

Ms. Scaff provided a picture showing flooding in her yard and is concerned with the drainage.

Mr. Scaff stated he is concerned with drainage and the Board of Commissioners need to protect existing homeowners.

Ms. Lusk stated that the drainage will continue to be a problem because of the stormwater run off and soil conditions. She is scared what the first parcel will be used for and what precedent this will set for the two existing parcels. Ms. Lusk stated that in Chapter Two of the UDO you can see what can be put on this property. Ms. Lusk stated that Moyock needs to have more residents that will keep property values up and it doesn't need more commercial encroaching on residential. She is concerned with multi-family housing that general business zoning would open up. Ms. Lusk would like to see it kept residential.

Mr. Bissell stated this will not be adding 27 acres to the drainage system because these 27 acres are already a part of the system. Mr. Bissell and the owner understand that a problem exists for drainage and when a site specific development plan is submitted this will be addressed at this time. Mr. Bissell stated these issues have been addressed by the staff recommendations. Mr. Bissell stated they have offered a lot of restrictions than what was recommended. This property has been in the full service district for a long time and it has too much value to remain farmland. Mr. Bissell is asking for the board's agreement that the property be rezoned.

Mr. Keel stated that if he knew what was going on the property then he could look at the drainage, but without knowing it makes it difficult.

Mr. West asked Mr. Bissell if he could be more specific to what will be going there.

Mr. Bissell stated a lot of things are being kicked around but nothing specific.

Mr. West stated that he thought conditional zoning was to allow the applicant to say what he will be doing with the property rather than what he isn't going to do with it.

Mr. Bissell stated that conditional zoning also allows the board to add conditions that the UDO would not allow you to do.

Mr. Kovacs stated that a wastewater treatment plant was a big part of the planning board meeting last month; would Mr. Bissell consider adding this as an exclusion to this site.

Mr. Bissell stated he didn't think this is reasonable question.

Mr. West stated the big issue is drainage and stormwater. He doesn't know how the planning board can address the drainage issues which involve landowners, NCDOT, and railroads that they have no control over. A lot of different agencies need to be involved to make it happen. Mr. West stated that the county needs to help the residents who have a flooding problem and being impacted by heavy rains. Mr. West stated he is concerned with a treatment plant 40,000 gallons vs. a 500,000 gallons plant.

Mr. Keel asked Mr. Woody if a sewer treatment plant could be put in an agricultural zoning district without a conditional use permit. Is this correct?

Mr. Woody stated that you could apply for a permit through the state, but from a county perspective they are approved administratively in every zoning district.

Mr. Midgette asked if the UDO would need to be changed to require a Special Use Permit for a wastewater treatment plant.

Mr. Woody stated that an amendment to the UDO to specify that a Special Use Permit be required for a wastewater treatment plant.

Mr. West asked if someone wanted to come in and put a wastewater treatment plant on a piece of property they would not need to have a public hearing.

Mr. Woody stated it is permitted by right of the UDO.

ACTION

Mr. Kovacs motioned to recommend denial to rezone 27.66 acres from Agricultural (A) to Conditional District – General Business (CD-GB) because it is not enough information to what will be going on the property and the drainage problems. Mr. Keel seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION – July 8 meeting

Mr. Keel asked that when conditional zoning was approved more specifics would be known as to what was going on the property.

Mr. Woody stated that a couple of cases have come to the Planning Board for conditional zoning for which conditions specify what the use will be and included a layout. Mr. Woody stated that conditional zoning is a tool that is flexible and is used in a way that makes sense for each situation.

Mr. Bell asked about the access to the property.

Mr. Woody stated that the applicant expressed that Moyock Commons Drive would be his primary access to the property. Mr. Woody stated if other access to the property were used that improvements would have to be made.

Mr. West stated that since there were easements on Puddin Ridge Road that it may not be possible to make improvements.

Mr. Woody stated that on Quail Drive the improvements have been done, but on Puddin Ridge Road the easement is 50 feet wide which would allow for a proper road to be installed.

Mr. Bissell stated he is in agreement with staff recommendations and this request is compatible with a full service district that conforms to the county's LUP and UDO. They have added additional zoning conditions to protect the adjacent property even though they do not have a specific site development plan they have identified uses that they feel are incompatible. Mr. Bissell stated they understand that the wetlands need to be protected and solve the drainage problems. They have had an environmental consultant take a look at the site which has identified only small pockets of delineated wetlands on the property. The drainage from the site runs at the south end of Moyock Commons. A development plan would be submitted showing that the drainage and the pre-development drainage would be met. Good points were made on connectivity. Mr. Bissell stated that a carwash or mini warehousing on the property could be designed so it would have no secondary impact on the area. Mr. Bissell stated that a possible use of the property would be some type of wastewater system and the carwash would be a way to utilize the water.

Mr. West asked Mr. Bissell if a possible use of the property would be for a wastewater system.

Mr. Bissell stated the applicant has a Letter of Intent with the County on a joint venture of a wastewater treatment and disposal system in the Moyock area. If this were approved the treatment system would be located on the southeast portion of the property adjacent to the Currituck Commercial Center.

Mr. West stated that the wastewater treatment system would be approximately 500,000 gallons, did Mr. Bissell know what the Food Lion size was.

Mr. Bissell stated 40,000 gallons.

Mr. West was trying to show what a 500,000 gallons treatment facility would look like vs. a 40,000 gallons facility.

Mr. Bissell stated the system would not be a drain field system, that it would be infiltration pond system similar to what is at Moyock Commons.

Mr. West asked about the odor/smell to residents.

Mr. Bissell stated they would not expect any odor to residents because it would be located in the southeast corner of the property which is about 1,000 feet from the nearest resident.

Mr. Kovacs asked what the size of the plant is at Eagle Creek.

Mr. Bissell stated it is 360,000 gallons.

Mr. Kovacs stated that Eagle Creek's system has an odor which can be smelled by residents.

Mr. Bissell stated it would be a different kind of system and better designs have been made since the one in Eagle Creek was installed.

Mr. Kovacs stated to put a treatment system next to a residential area is not a good practice.

Mr. West stated that the Moyock area needs some type of wastewater treatment system, but this may not be the right location for one.

Mr. Bissell stated this is one of the locations that the county would like to see this done.

Mr. West stated the soils are questionable in the area.

Mr. Woody stated that the ordinances for Conditional Zoning requests recommends that the applicant hold a neighborhood meeting. The applicant did not have a neighborhood meeting before this request came to the Planning Board.

Mr. Midgette asked Mr. Bissell if he was aware that he was to have a neighborhood meeting.

Mr. Bissell stated yes.

Mr. Winslow stated that the Lindsay ditch cannot handle anymore drainage. The county needs to talk with the State of NC to put in more drainage pipes underneath Hwy. 168. Mr. Winslow is concerned that the water will drain on his farm which will destroy crops which mean no income. His concern is with the drainage issue.

Ms. Scaff provided pictures of the drainage problems in this area. Drainage is her main concern.

Mr. Scaff stated that drainage is a problem in the area and his concern.

Ms. Lusk stated she served on the Stormwater District Committee which was formed to address the problems of drainage in the Moyock area. Ms. Lusk is concerned with the soil, bacterial problems, residential areas given less priority to commercial, odor, lack of covets, lack of attractive shrubbery, wetlands and emergency services. Moyock is being developed without consideration to the residential areas.

Mr. Bissell stated that what he is hearing the main issue is drainage, wastewater treatment system is suitable for this location, and additional shrubbery/screening, but primarily the drainage needs to be improved. Mr. Bissell stated that according to the county's ordinances if this property is developed 6.3 inches of rainfall must be retained on the site. This project would not add to the drainage issue, but may help it. Mr. Bissell stated they are not asking for the wastewater system tonight and this is something that may or may not happen. They plan to add attractive shrubbery as a buffer which the planning department will enforce. The property is compatible with this request, full service area, LUP and UDO.

Mr. West asked clarification on the soil type.

Mr. Woody stated the soils map indicates the property contains primarily non-suitable soils for on-site septic systems.

Mr. West asked if the Food Lion treatment plant is the same type of soil.

Mr. Woody stated yes. If a development plan was submitted then the county's engineer would ensure that the site is being developed to the local and state regulations.

Mr. West asked if the county has worked with Mike Doxey to solve the drainage problem in this area.

Mr. Woody stated he would contact Mr. Doxey and pass this information to him.

Mr. Webb stated that the county has made a request to the Department of Transportation approximately 4 years ago and does not know what the hold up is.

Mr. Bissell stated that the drainage problems need to be addressed, but that is a Special Use Permit issue and not a rezoning issue.

Mr. Midgette asked Mr. Bissell if the Planning Board tabled this request would he be willing to hold a community meeting to address some of these issues.

Mr. Bissell stated yes.

ACTION

Mr. West motioned to table this item so a community meeting can be held to address these issues with neighboring residents. Mr. Etheridge seconded the motion. Ayes: Mr. Etheridge, Mr. Keel, Mr. Winter, Mr. West, Mr. Bell and Mr. Midgette. Nays: Mr. Kovacs. Motion carried.



PB 08-29 Moyock Land Co., LLC.
 Rezoning: A to CD-GB



PB 08-29 Moyock Land Co., LLC.
 Rezoning: A to CD-GB



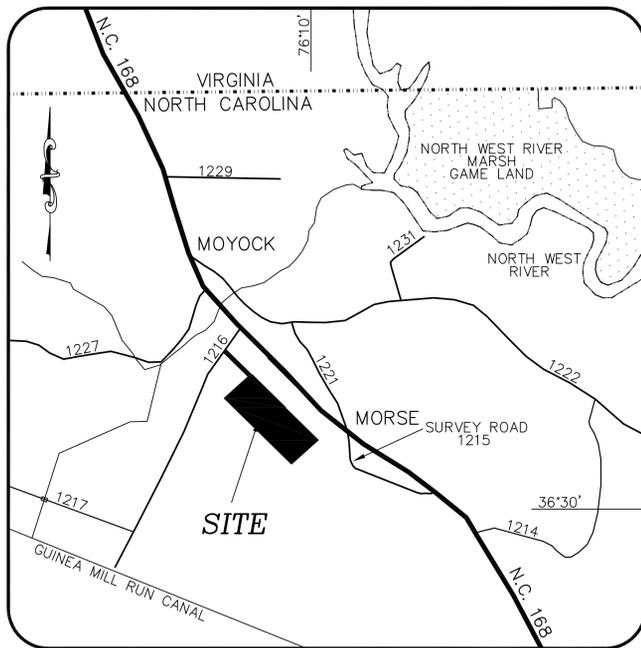


PB 08-29 Moyock Land Co., LLC.
 Rezoning: A to CD-GB



PB 08-29 Moyock Land Co., LLC.
 Rezoning: A to CD-GB



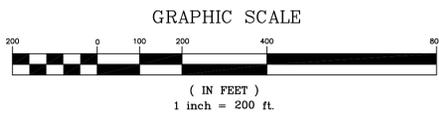
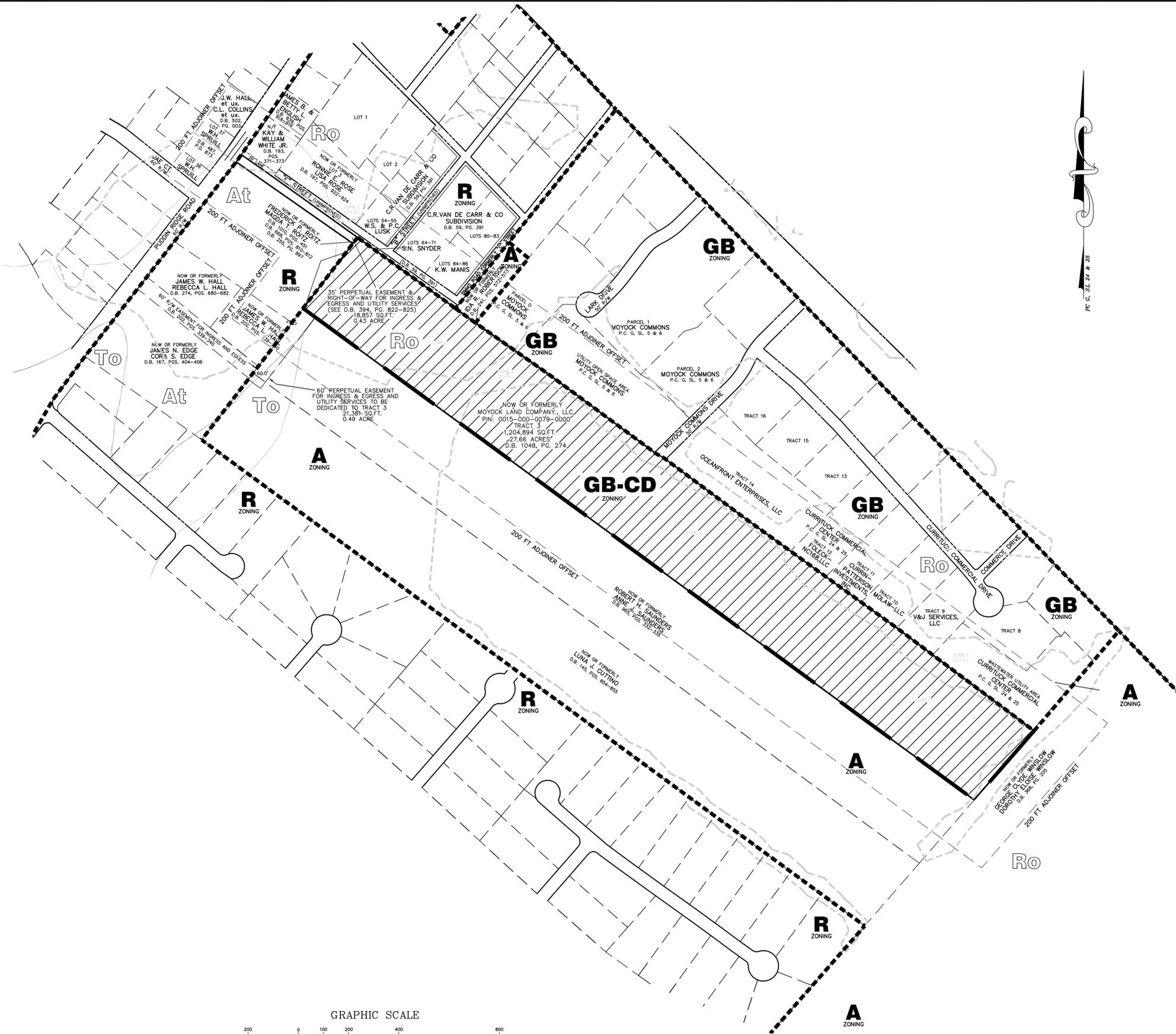


VICINITY MAP

NOT TO SCALE

- NOTES:
- PROPERTY OWNER(S): MOYOCK LAND COMPANY, LLC
500 PACIFIC AVENUE
#607
VIRGINIA BEACH, VA 23451
 - THIS PROPERTY IS IDENTIFIED ON CURRITUCK COUNTY TAX MAP #015 AS PARCEL 79. P.I.N. IS 0015-000-0079-0000.
 - THIS PROPERTY LIES IN FLOOD HAZARD ZONE X AND ZONE X (G.F.A.) AS SHOWN ON THE F.E.M.A. F.I.R.M. COMMUNITY PANELS #3720802100 J AND #3721803100 J REVISION DATE: 12/16/2005
 - TOTAL PROJECT AREA: 27.6 ACRES ±
 - EXISTING PROPERTY ZONING IS AGRICULTURAL (A) WITH PROPOSED ZONING AS GENERAL BUSINESS (GB) - CONDITIONAL DISTRICT

LEGEND	
	PROPERTY LINE
	SUBJECT PROPERTY
	200 FT OFFSET
	EXISTING ZONING BOUNDARY
	PROPOSED ZONING BOUNDARY
	F.E.M.A. F.I.R.M. LINE
	AUGUSTA FINE SANDY LOAM
	ROANOKE FINE SANDY LOAM
	TOMOTLEY FINE SANDY LOAM
	PROPOSED "GB-CD" ZONING AREA



Bissell Professional Group
3012 North Eastern Highway
Kitty Hawk, North Carolina 27949
FAX (252) 281-1760

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

THIS DOCUMENT IS THE SOLE PROPERTY OF BPG, INC. OF KITY HAWK, NORTH CAROLINA. THE REPRODUCTION IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN CONSENT OF BPG, INC. IS STRICTLY PROHIBITED. BPG, INC. COPYRIGHT 2005.

PROJECT: **MOYOCK LAND CO., LLC**
NORTH CAROLINA
CURRITUCK COUNTY
MOYOCK TOWNSHIP

CONDITIONAL ZONING REQUEST

REVISIONS	
NO.	DATE

DATE: 05-15-08	SCALE: 1"=200'
DRAWN: BPG	CHECKED: JWH
DESIGN: QMW	APPROVED: BPG

SHEET: **1** OF **1**

CAD FILE: **438800RZ**

PROJECT NO: **4388**

**STAFF ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 2, 2008
PB 08-03 Backwoods Hideaway**

ITEM: PB 08-03 Backwoods Hideaway: Sketch Plan/ Special Use Permit for a 16 lot Conservation Residential Subdivision

LOCATION: Northwest Backwoods Road, 1.3 miles north of the intersection with South Mills Road

TAX ID: 0003-000-003A-0000

ZONING DISTRICT: Agricultural (A)

OWNER: Old Brothers, LLC
Swain & Temple, LLC
PO Box 62
Moyock, NC 27958

ENGINEER: Hyman and Robey, PC
PO Box 339
Camden, NC 27921

NARRATIVE OF REQUEST:

- Old Brothers, LLC is requesting approval of a sixteen lot conservation subdivision.
- According to the Development Impact Statement submitted December 10, 2007:
 - The development will have homes that are 1,600 SF or larger with a minimum of 3 bedrooms and 2 bathrooms.
 - The average value of a home/ lot will be \$259,800
 - The projected property taxes would be \$15,796 per year.
- The Yield Plan indicates 14 lots can be created that meet that required three acre minimum lot size, after four- one acre lots are created.
- The proposed plan shows 16 possible lots with a size that exceeds 40,000 square feet.
- This lot configuration and density will only be possible if the applicant can demonstrate that the open space requirements can be met.

PRESENT USE: Vacant forest

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Agricultural/ Low Density Residential	Zoned: A
SOUTH:	Agricultural/ Low Density Residential	Zoned: A
EAST:	Agricultural/ Low Density Residential	Zoned: A
WEST:	Wetlands	Zoned: A

SCHOOL DISTRICT: Moyock

SIZE OF SITE: 54.4 acres

NUMBER OF LOTS: 16

DENSITY: 0.29 unit per acre

MINIMUM LOT SIZE: 40,000 SF for the first 4 lots, then three (3) acre minimum

ZONING and SUBDIVISION

HISTORY: This site was zoned Agricultural on the 1989 zoning atlas. A 2 lot minor subdivision of 6.36 and 7.83 acres was recorded August 11, 1989 (Plat Cabiner D, Slide 115). A one lot 38,947 SF minor subdivision lot was created on November 1, 1991 from the parent parcel (Plat Cabinet D, Slide 367). A survey of the parcel was recorded on April 2, 1985 (Plat Cabinet B, Slide 53) that showed a partition that was not a subdivision. The 1985 plat received no county approval.

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

WATER: There is no county water available on Northwest Backwoods Road. The applicant is planning to use individual wells for each home site.

FIRE: This development is located within the jurisdiction of the Moyock Volunteer Fire Department.

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

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

OPEN SPACE:

A Conservation Subdivision requires 45% open space after the primary conservation areas, including wetlands, and 10% of the land for road right-of-ways has been deducted. The primary conservation areas on this tract total 16.39 acres. The required open space is 14.657 acres. The plan dated 8-1-2008 indicates 11.87 acres of open space that is not primary conservation area. An additional 2.79 acres of upland open space is required.

DRAINAGE:

The applicant is proposing roadside ditches and property line swales to drain into roadside ditches on Northwest Backwoods Road and the wetlands to the west of the property. NC DOT has not commented on the proposed stormwater system.

TECHNICAL REVIEW STAFF:

On June 18, 2006, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved as is.
2. **Currituck Soil & Water Conservation** - Approved as is.
3. **Currituck County Fire Services**–Approved with the following comment: Will water be available? (no)
4. **Currituck County Water Department**- Approved with the following comments and conditions:
Cash payment for the waterline escrow will be due.
16 lots x \$5000 = \$80,000 tap fees
The first 10 lots are 100' each and the remaining 4 lots are 20' each for a total of 1,080 feet.
1,080' x \$25 = \$27,000; Plus the total amount of piping to cover the sub-division times \$25 and the complete piping total plus 20%
5. **Currituck County Planning and Inspections, Inspections Division**-Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **Currituck County GIS** - Approved as is.
8. **County Parks & Recreation Department** - No comments received.

9. Currituck County Emergency Management – No comments received.

10. NC Department of Transportation: Approved with following comments: turn lanes maybe required on SR 1218 (Northwest Backwoods Road) with future development.

11. N C Dominion Power - No comments received.

12. Sprint Telephone – Approved with no comment,

SPECIAL USE PERMIT CRITERIA:

Through the special use permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows (Section 11.7(F)(12)):

- a. *The application is complete.*
Based on staff review all required information has been submitted for review.
- b. *The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an “S”.*
A conservation subdivision with single family homes is a permitted use in the Agricultural zoning district.
- c. *The conditions proposed meet or exceed the minimum requirements of this ordinance and are agreed to by the applicant.*
The ordinance can be met if the required changes are made to the plan.
- d. *The special use will not endanger the public health or safety.*
Public health and safety will be addressed through the Preliminary Plat permitting process as required by the UDO and NC laws.
- e. *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 residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.
- f. *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 this area as Conservation class within the Moyock sub-Area. 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.

Much of the land included in the Conservation classification is environmentally sensitive and therefore already protected through existing, federal, state, and local regulations. However, for areas within the classification that would be considered developable, uses such as agriculture, agriculture related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted. With the exception of agricultural related uses, nonresidential uses should not be encouraged. It is anticipated that any uses within the Conservation area would be served by individual on-site water and wastewater.

The policy emphasis for the Moyock Sub-Area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

The proposed density of this development is 1 unit per 3.4 acres, less dense than the recommended density of 1 per 3 acres. Because the sketch plan is lower than the recommended density and complies with the Moyock sub-area statements, this application **complies** with the 2006 Land Use Plan if the Natural Heritage Areas are fully protected.

- g. 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).*

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study was used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

	Available Capacity at build out of approved Sketch Plans	Demand	Remaining Capacity if approved
Backwoods Hideaway-16 lots			
Elementary School	64	4	60
Middle School	43	1	42
High School	46	2	44

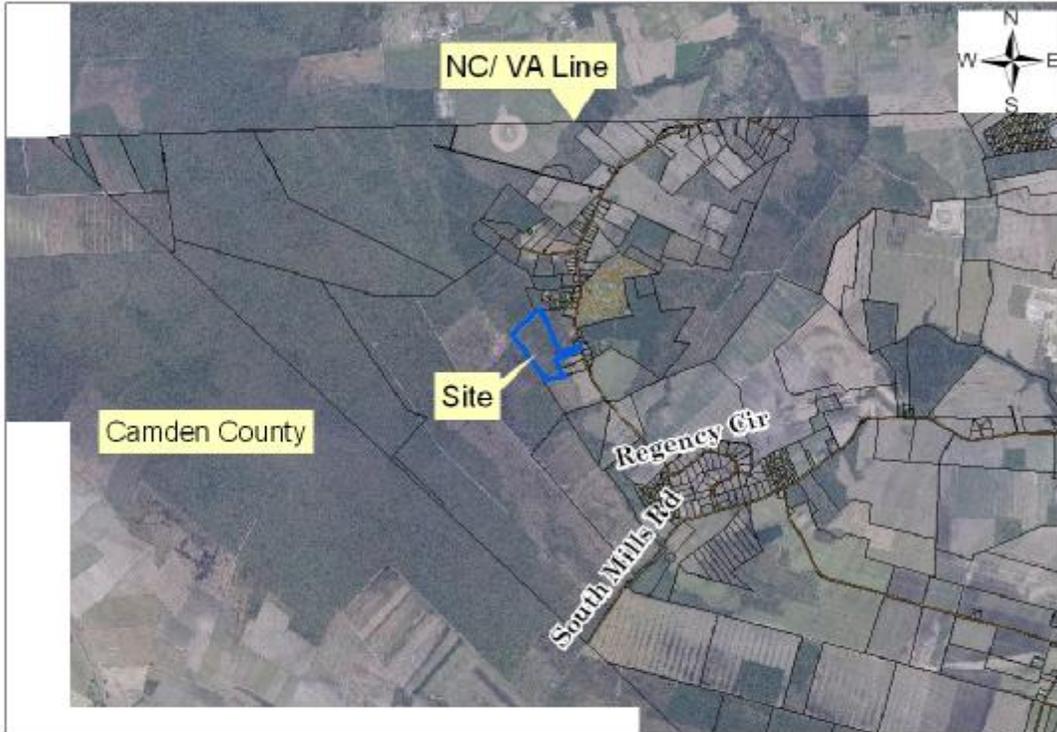
STAFF RECOMMENDATION:

Staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments, subject to a finding that adequate public facilities exist, and subject to the following conditions and plan corrections:

Code and Technical Review Committee Requirements:

1. A corrected sketch plan that meets the requirements of the UDO for a conservation subdivision shall be submitted for review and approval by the Planning Department prior to the special use permit being issued.
2. The revised sketch plan shall provide 14.657 acres of upland open space.
3. The revised plan shall show the following in accordance with UDO section 10.3.8(I):
 - a. Provide a 50 foot buffer between all lots and wetland areas.
 - b. No land disturbing activities, including timbering, shall occur within the primary conservation open space. This is to ensure compliance with the N.C. Natural Heritage Program’s designation as part of the “Green Sea” Natural Heritage Area.
 - c. The NC Natural Heritage Program shall approve a management plan for all conservation areas prior to Preliminary Plat approval and advise on best management practices for the subdivision.
 - d. A conservation easement approved by county staff shall be placed on all areas designated as conservation areas.
 - e. A pedestrian circulation system with hard surface loop trails shall be shown on the plan and installed prior to Final Plat.
4. The revised plan shall identify the home sites, which are required to be no closer than 50 feet from primary conservation areas.(10.3.8(G))

5. The applicant shall submit a recreational amenity plan for review and approval by the Planning Department prior to the special use permit being issued.
6. All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission.
7. A 404 wetlands delineation map approved by the US Army Corps of Engineers will be required with submission of the Preliminary Plat.
8. The open space table shall be corrected to reflect that all areas designated as wetlands by delineation or N.C. wetland maps shall be primary conservation areas. (10.3.8)
9. No land disturbance activities including clearing or grading shall take place prior to the Planning Department issuing the authorization to construct.
10. Correct the parcel identification number to 0003-000-003A-0000.
11. The applicant shall construct all required improvements including roads, drainage systems, and street trees; and have them inspected and certified prior to submission of the Final Plat.



PB 08-03 Backwoods Hideaway



PB 08-03 Backwoods Hideaway

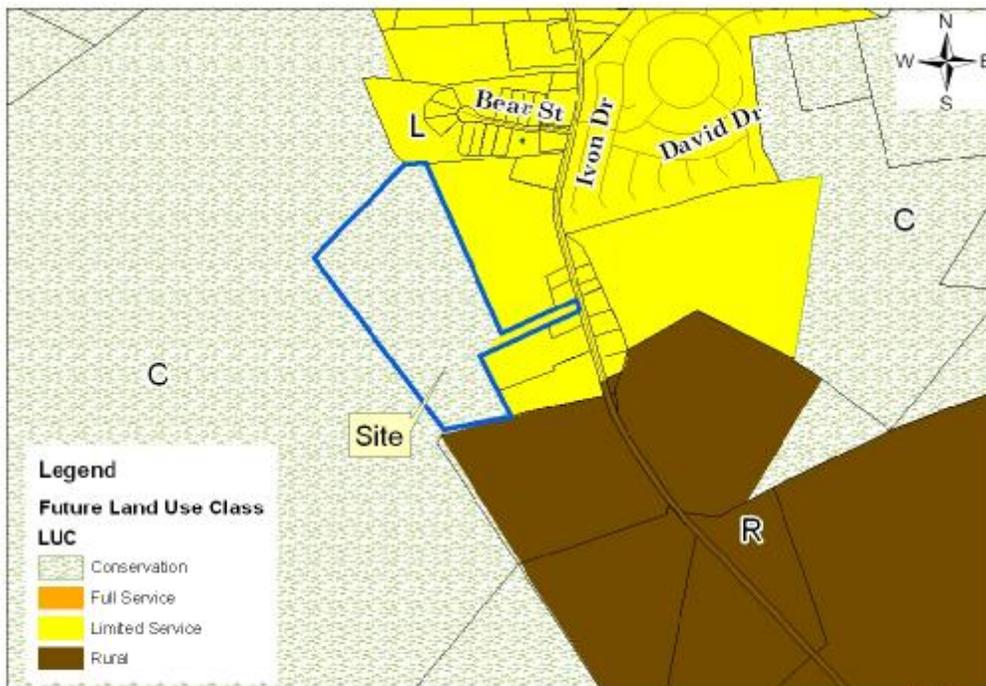




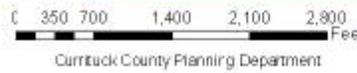
PB 08-03 Backwoods Hideaway



Currtuck County Planning Department

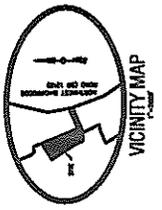


PB 08-03 Backwoods Hideaway



Currtuck County Planning Department





VICINITY MAP



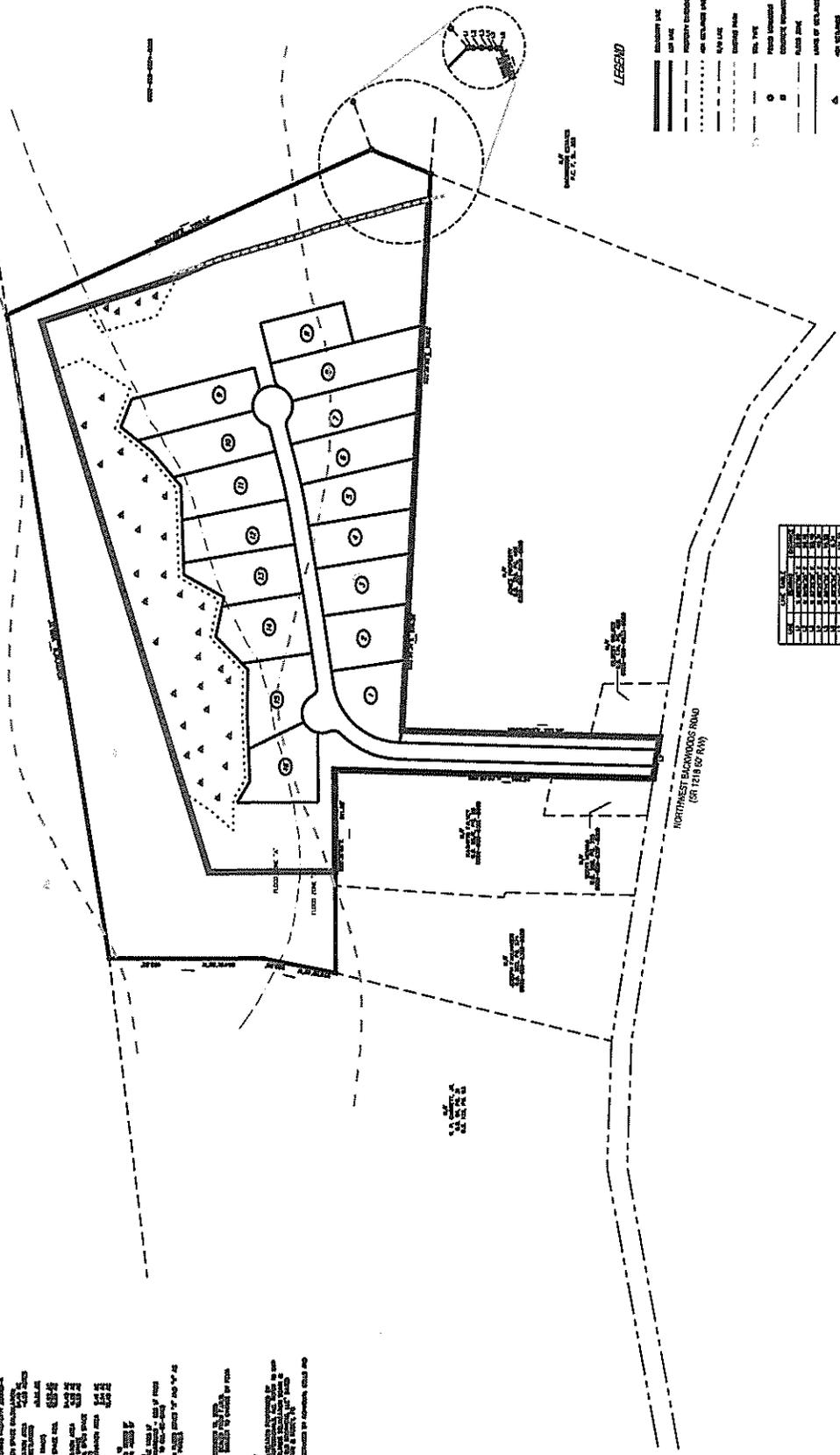
L. CAROL L. SMITH, A. P.L.C. (BY ORDER OF THE ARCHITECT)
 1000 W. HARRIS AVE., SUITE 1000, CARY, NC 27513
 TEL: 919.467.1000 FAX: 919.467.1001
 WWW.LCSMITH.COM
 THIS PLAN IS THE PROPERTY OF L. CAROL L. SMITH, A. P.L.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF L. CAROL L. SMITH, A. P.L.C.



HYMAN & ROBEY
 ARCHITECTS
 1000 W. HARRIS AVE., SUITE 1000
 CARY, NC 27513
 TEL: 919.467.1000 FAX: 919.467.1001
 WWW.HYMANROBEY.COM

HYMAN & ROBEY
 ARCHITECTS

**CONSERVATION
 OPEN SPACE
 SKETCH PLAN
 FOR
 BACKWOODS
 HIDEAWAY**
 MOYOCK TOWNSHIP
 CURRITUCK COUNTY
 NORTH CAROLINA



LEGEND

- Boundary line
- Lot line
- Property boundary
- Wetland boundary
- 1/4" lot
- 1/2" lot
- 3/4" lot
- 1" lot
- 1 1/2" lot
- 2" lot
- 3" lot
- 4" lot
- 6" lot
- 8" lot
- 10" lot
- 12" lot
- 15" lot
- 20" lot
- 25" lot
- 30" lot
- 35" lot
- 40" lot
- 45" lot
- 50" lot
- 55" lot
- 60" lot
- 65" lot
- 70" lot
- 75" lot
- 80" lot
- 85" lot
- 90" lot
- 95" lot
- 100" lot
- 105" lot
- 110" lot
- 115" lot
- 120" lot
- 125" lot
- 130" lot
- 135" lot
- 140" lot
- 145" lot
- 150" lot
- 155" lot
- 160" lot
- 165" lot
- 170" lot
- 175" lot
- 180" lot
- 185" lot
- 190" lot
- 195" lot
- 200" lot
- 205" lot
- 210" lot
- 215" lot
- 220" lot
- 225" lot
- 230" lot
- 235" lot
- 240" lot
- 245" lot
- 250" lot
- 255" lot
- 260" lot
- 265" lot
- 270" lot
- 275" lot
- 280" lot
- 285" lot
- 290" lot
- 295" lot
- 300" lot
- 305" lot
- 310" lot
- 315" lot
- 320" lot
- 325" lot
- 330" lot
- 335" lot
- 340" lot
- 345" lot
- 350" lot
- 355" lot
- 360" lot
- 365" lot
- 370" lot
- 375" lot
- 380" lot
- 385" lot
- 390" lot
- 395" lot
- 400" lot
- 405" lot
- 410" lot
- 415" lot
- 420" lot
- 425" lot
- 430" lot
- 435" lot
- 440" lot
- 445" lot
- 450" lot
- 455" lot
- 460" lot
- 465" lot
- 470" lot
- 475" lot
- 480" lot
- 485" lot
- 490" lot
- 495" lot
- 500" lot
- 505" lot
- 510" lot
- 515" lot
- 520" lot
- 525" lot
- 530" lot
- 535" lot
- 540" lot
- 545" lot
- 550" lot
- 555" lot
- 560" lot
- 565" lot
- 570" lot
- 575" lot
- 580" lot
- 585" lot
- 590" lot
- 595" lot
- 600" lot
- 605" lot
- 610" lot
- 615" lot
- 620" lot
- 625" lot
- 630" lot
- 635" lot
- 640" lot
- 645" lot
- 650" lot
- 655" lot
- 660" lot
- 665" lot
- 670" lot
- 675" lot
- 680" lot
- 685" lot
- 690" lot
- 695" lot
- 700" lot
- 705" lot
- 710" lot
- 715" lot
- 720" lot
- 725" lot
- 730" lot
- 735" lot
- 740" lot
- 745" lot
- 750" lot
- 755" lot
- 760" lot
- 765" lot
- 770" lot
- 775" lot
- 780" lot
- 785" lot
- 790" lot
- 795" lot
- 800" lot
- 805" lot
- 810" lot
- 815" lot
- 820" lot
- 825" lot
- 830" lot
- 835" lot
- 840" lot
- 845" lot
- 850" lot
- 855" lot
- 860" lot
- 865" lot
- 870" lot
- 875" lot
- 880" lot
- 885" lot
- 890" lot
- 895" lot
- 900" lot
- 905" lot
- 910" lot
- 915" lot
- 920" lot
- 925" lot
- 930" lot
- 935" lot
- 940" lot
- 945" lot
- 950" lot
- 955" lot
- 960" lot
- 965" lot
- 970" lot
- 975" lot
- 980" lot
- 985" lot
- 990" lot
- 995" lot
- 1000" lot

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

COVER
 SHEET NUMBER
1

CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS
MEETING DATE: September 2, 2008
PB 08-36 Maple Industrial Park

ITEM: PB 08-36 Maple Industrial Park, Sketch Plan/ Special Use Permit for 23 Commercial Lots

LOCATION: Adjacent to the Currituck County Airport and to the rear of the Central Elementary School property.

TAX ID: Parcel 1: Map 52, Parcel 14 (0052000014A0000)
Parcel 2: Map 52, Parcel 16 (005200000160000)

**OWNER/
APPLICANT:** Currituck County
PO Box 39
Currituck, NC 27929

ENGINEER: McKim and Creed
380 Clevand Place
Virginia Beach, VA 23462

NARRATIVE: Currituck County is proposing development of the 115 acre Maple Industrial Park. The subject project includes a portion of the airport property and the tract with the Cooperative Extension Center. The boulevard constructed for the Extension Center (Aviation Parkway) will be extended into the airport property and connect to a road leading to the terminal building and hangars.

The commercial building types typically found at this proposed project will be one and two-story metal frame buildings built on grade with concrete slab foundations. Typical building sizes could range from 5,000 square feet to 50,000 square feet.

The target markets for this proposed subdivision are regional and national manufacturing, distribution and service-oriented companies, especially those with a strong aviation aspect or inter-modal transportation dependence. This project will place a significant block of heavy-manufacturing zoned land into service, creating one of Currituck County's first industrial parks with exclusive HM zoning and access to the Currituck Regional Airport.

CURRENT ZONING: Airport Property is zoned Heavy Manufacturing (HM)
Tract II is zoned Agricultural (A)

ZONING HISTORY: The airport property was zoned HM on the 1989 zoning atlas. Tract 2 was zoned A on the 1989 zoning atlas.

LAND AREA- TOTAL: Airport Property: 554.51 acres
Parcel 2: 33.48 acres

**LAND AREA-
SUBDIVISION:** 115 acres

OPEN SPACE: Open space is not required for a commercial subdivision. However, 29.42 acres of utility open space will be created for a waste water plant and stormwater ponds.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Vacant Wetlands, Residential	A
SOUTH	Elementary School, vacant woodlands	A and GB
EAST:	Agruicultural	A
WEST:	Residential, Residential Airpark	A and RAD

EXISTING LAND USE: Well fields and shooting range

UTILITIES: Telephone and electric service are available to the site.

TRANSPORTATION: The site is accessed from US 158 (Shortcut Road)

FLOOD ZONE: The area for the lots is outside of flood zones (Zone X). Some remaining parts of the airport property to the northeast are in zones AE (4) and Shaded X.

SOILS: The Currituck County soils map shows this land is a mix of suitable and marginal soils for on-site septic.

WATER SERVICE: Public water for domestic use and fire protection will be provided by the Currituck County public water supply system. Assuming wastewater flows at 80% of water demands, the water system usage would be 192,500 gallons per day. The Industrial Park will be fed by a 10" water main. The County water system has adequate supply and pressure to serve this project.

WASTEWATER:

The Industrial Park will provide central sewer consisting of collection, treatment and disposal. The collection system will consist of gravity sewer with 2 major pump stations to convey wastewater to a central treatment facility. Treatment will be provided to a very high standard to minimize disposal setbacks. Disposal will be provided through high rate infiltration ponds.

Demand at build-out for the Industrial Park is estimated at 154,000 gallons per day. In order to allow future connection by the surrounding facilities, it has been determined the wastewater system site could accommodate up to 300,000 gallons per day. Total cost of the collection and 300,000 treatment facility is estimated at \$10,200,000.

The County is investigating the possibility of creating a Phase I to the Industrial Park consisting of lots 3-6 and 23. These lots would be served by onsite treatment facilities. All treatment facilities will be designed to have no impact on ground water quality.

DRAINAGE:

The preliminary drainage design calls for lot line swales to feed stormwater into roadside ditches. Two stormwater ponds will collect the stormwater until it is released into the on-site wetlands areas.

Technical Review Committee

A TRC meeting was held on June 18, 2008 and the reviewing agencies had the following comments and requirements:

1. **NCDOT:** Approved with the following comments:
Waiting for comments from Traffic Branch for any required improvements to US 158
2. **CURRITUCK COUNTY SOIL AND WATER:** Approved with the following comments:
Show existing shooting range and loop road.
3. **CURRITUCK COUNTY ENGINEER/ PUBLIC WORKS:** Approved with the following comments:
 - a) Illustrate the well field road and the shooting range on the plan. Note the shooting range will need to be relocated.
 - b) Stormwater Pond 1 needs to be in the Park property or have an easement.

4. **CURRITUCK COUNTY WATER DEPARTMENT:** Approved as is.
5. **CURRITUCK COUNTY FIRE SERVICES:** Approved with the following conditions:
I wish for fire hydrant located in the bulb of cull de sac to be moved to the base of the bulb. This is so the cull de sac is still functional to turn apparatus around during operations.
6. **CURRITUCK INSPECTIONS DEPARTMENT:** No comments at this stage.
7. **N.C. DIVISION OF COASTAL MANAGEMENT:** The plan was reviewed with no comment.
8. **ALBEMARLE REGIONAL HEALTH SERVICES:** No Comments Received
9. **CURRITUCK COUNTY RECREATION:** Approved with the following comment: This will take away a good portion of trails. There may be some complaints by the public, mostly horse back riders.
10. **CURRITUCK COUNTY EMERGENCY MANAGEMENT:** No comment.
11. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comments: Addresses will be assigned by GIS during the Preliminary Plat phase and before Final Plat. Street names were previously approved.
12. **NC OFFICE OF STATE ARCHEOLOGY:** Approved as is.
13. **EMBARQ (Hester Jones):** Approved with the following comments: Provide a plan that will show where the new road and utility connections will be for existing buildings at the airport. There will need to be cable facilities relocated if airport road is closed.

SPECIAL USE PERMITS 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.*

The application has met the submission requirements for a special use permit.

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

A subdivision is a permitted use.

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

If all of the conditions are adopted, the proposal will meet the requirements of the UDO.

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

This development will be required at the Preliminary Plat stage to demonstrate it meets applicable environmental laws.

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 existing forest will provide a buffer for the industrial uses from the school and adjacent agricultural and residential uses.

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

These properties are in the **Full Service Area** within the **Barco/Coinjock/Airport sub-area**. With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.

The policy emphasis of this 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. Further, as the area comes into its own as a distinct community center, the reciprocal needs of homes and businesses will feed off each other, adding even more growth to the area. As is the case with the Courthouse area, care should be taken to encourage quality development and the preservation of open space in conjunction with development approvals.

Because this will serve as a part of the airport community center, this proposal **complies** with 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).

The development impact statement indicates that this proposal will not exceed the existing county facilities.

STAFF RECOMMENDATION

Staff recommends **approval** of the application subject to satisfaction of the TRC comments, and subject to the following conditions:

CODE and SPECIAL USE PERMIT REQUIREMENTS:

The development shall comply with all requirements of the Currituck UDO.

STAFF RECOMMENDED CONDITIONS:

1. Staff recommends that no further on-site wastewater systems be allowed in this subdivision until a cost-benefit analysis is done to show why the sewage treatment plant is not being built at the beginning of the project. This should include a revision to the wastewater figures to reflect the addition of the county recreation center. This analysis should also include information on how on-site septic systems would affect water quality versus a central wastewater system.
2. Staff recommends a hard surface pedestrian access system be integrated into existing recreational trails.
3. A center turn lane should be installed on US 158 to accommodate the 300 trips per hour estimated for full build out. NCDOT will provide the requirements for road improvements at the Preliminary Plat stage.
4. A plan should be made to move the Sheriff's Department shooting range. A shooting range would not be a compatible use to industrial type businesses.

PLANNING BOARD DISCUSSION

Mr. West stated that as this project goes forward the county needs to keep in mind the flight patterns or no fly zone because larger aircrafts will be coming in.

Mr. Bishop stated that the county is always looking to purchase property close to the airport to create an additional buffer for the airport. Mr. Bishop stated that one of the projects the planning department is working on is an airport overlay zone.

Mr. John Snowden stated he lives on the northeast end of the airport and he is a neighbor of the airport. This is a pretty large project. Mr. Snowden asked when this comes to the Board of Commissioners will the notification be expanded from the 100 or 200 feet to inform residents. Mr. Snowden stated that Central Elementary School is an adjoining property owner of the airport, as well as landowners on the southeast side. When you start to talk about the residential areas on the northeast and southwest side that is far outside the notification range, but they will be affected by increase pollution from a heavy manufacturing area, increase noise pollution, and from increase operations at the airport because we are serving industries who will want access to the airport. If you are putting 23 new businesses in, logically it will increase the air traffic in this area. The county well field is right around this property. Mr. Kovacs is worried about having a wastewater treatment plant in his backyard; I'm worried about having an industrial area around our water supply. Mr. Kovacs you drink this water I believe if you are on county water. In 2004 I reported in the newspaper, this is fact, there was a fuel spill at the airport that county employees did not report to the Division of Water Quality and only after Mr. Snowden called and made questions about it, did they come down and find that there were substantial levels of diesel and possible jet fuel in the ground. This is disturbing to Mr. Snowden that the county is not responsible to call the officials to have them come down to check it out. The county had to remove soil and the Division of Water Quality came back and tested and more soil had to be removed, so there was a violation. Is the county a good steward of our resources and water here? This leads to pattern a behavior with pushing this project forward without regard for the effect on the surrounding neighbors. I have well water and I water my fields that I grow produce in with well water that is in the same water table that they are possible polluting. People buying my product that I am manufacturing, in addition to the newspaper that I publish. Will you have restrictions on full cutoff fixtures because I can look across the field and ten years ago there was no light coming from there and now I get a nice beacon that sweeps my windows every 10 seconds? The county is not being a good neighbor. If I open a printing plant and put it in a neighborhood like this and I ran my plant all hours of the night, having deliveries and things, I would be shut down in probably 15 minutes from complaints. We complain about air traffic over there but nothing is ever done. Nothing has been done in the seven years that Mr. Snowden has published the newspaper. Mr. Snowden stated he has made suggestions on how to litigate the issues. The county as a neighbor operating an airport is a very poor neighbor. What kind of neighbor will they be when they have the 23 acres industrial site? This is what Mr. Snowden is asking the board to consider. Tonight you considered the impacts of a commercial development adjacent to residential property in Moyock and because there is a possibility of water pollution, increase run off the board decided to table it last month instead of sending a recommendation forward. I suggest tonight that the board send a recommendation to the Board of Commissioners (BOC) that until they come up with a plan to use the resources that they have now, demonstrate that they want to make this airport a better place, and a better neighbor, that the planning board is not going to rubber stamp putting this industrial park through. All the water on this property runs off into Coinjock Bay. Are we going to eat fish that have industrial pollution in them? We want to keep Currituck Sound clean. We don't want run off which it is a potential. The county has

demonstrated by fact that they do not acknowledge a fuel spill until a private citizen called the newspaper. Increased light and noise pollution from the airport is a concern of Mr. Snowden's. Mr. West mentioned flight paths; they don't pay attention to the flight paths now. They fly over my house which is far left. The big picture here is they are not paying attention to the rules that are in place, the county is not operating by its own ordinances. Are they going to operate by ordinances of the industrial park? When the whole big picture is for us to accept industry and pretty much to hell with what people around them want. Mr. Bishop made a point that the county is encouraging acquisition of land, are they forcing the residents out? We didn't have a say in making this a full service area. The planning board needs to put yourself in this position and you got this heavy industrial area in your backyard. Mr. Kovacs you didn't want a wastewater treatment plant in your backyard; do you want this in your backyard? This not only does it effect my quality of life, it effects every one who drinks county water. Traffic on Maple Road, waste management trucks have been told not to drive on Maple Road because it is a residential area and the speed limit is 45 mph. Are we going to do something in our Special Use Permit to stop this? Are we doing enough to protect our neighbors? This is the big, big question...are we doing enough to protect the neighbors? We are going to put an airport overlay zone in there to restrict the heights. You are taking my property rights away. You are telling me what I can and cannot do with my property. Are you compensating me for this? I can't put a windmill to generate energy because it interferes with the airport. They aren't supposed to be flying over my house. So ask yourself is the county being a good steward with what they have and will they be a good steward. Mr. Snowden is also concerned with adequate buffers.

Mr. Bishop stated that the county does have an entire set of restrictive easements which discuss items as radioactive discharge, excessive noise, ground vibration, and discharge of odors. The county manager, county engineer, and facility director have been very clear on their thoughts on possible uses within this park and their concerns with the protection of the water system. Mr. Bishop stated the property is heavily wooded and they will be keeping the existing trees for a buffer, plus the existing wetlands buffer that already exists on the north of the property.

Mr. Kovacs asked if a town meeting could be held for this case to address the residents concerns.

Mr. Woody stated that typically you don't have a town meeting for a subdivision plan approval, but there is no reason that you could not have one. Mr. Woody stated that anything that is suggested to him, he will take back to the county manager tomorrow morning. The planning department will do a small area plan that is specific to the airport area which will include the economic potential and guide growth around the airport. The planning department will have a series of community meetings with the residents to work through some of these issues and try to find a way that the airport can grow and respect the rights of the adjacent land owners.

Mr. West stated he would like to see a community meeting held to address some of the issues with the residents.

Mr. Midgette asked Mr. Bishop if this item was to be tabled to hold a community meeting would he be okay with this.

Mr. Bishop stated that this project is a NC State Site Certification Project that has larger industrial site readily available for industrial clients. Mr. Bishop stated he does have several

interested industrial clients for this site. If this case was tabled it would affect one of the industrial clients because of their timeline.

ACTION

Mr. West motioned to recommend approval with staff recommendations and that notification for the 9/2/08 Board of Commissioners meeting is expanded for a Sketch Plan/Special Use Permit for 23 commercial lots. Mr. Keel seconded the motion. Ayes: Mr. Bell, Mr. Winter, Ms. Robbins, Mr. Keel, Mr. Etheridge, Mr. West, and Mr. Midgette. Nays: Mr. Kovacs. Motion carried.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 2, 2008
Conditional District Zoning Map Amendment:
PB 08- 33 Highland Properties, Inc.**

TYPE OF REQUEST: To rezone 101.14 acres from “Commercial (C) to Conditional District General Business (CD-GB)

LOCATION: Located on Caratoke Highway, approximately ¼ mile from Guinea Road, south on Hwy 168

TAX ID: Tax Map 22, Parcel 88
002200000880000

OWNER/APPLICANT: Highland Properties, Inc.
378 Caratoke Hwy.
Moyock, NC 27958

AGENT: Brian Innes
378 Caratoke Hwy.
Moyock, NC 27958

CURRENT ZONING: Commercial (C)

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

ZONING CONDITIONS:

1. The applicant has excluded the following GB uses from the property:
 - Reclamation landfill
 - Security landfill
 - Demolition landfill
 - Convenience Center
2. Outdoor storage must be fully screened from public rights of way using a combination of landscaping or opaque fencing.

ZONING HISTORY: The property was zoned:

- Commercial (C) on June 21, 2004.
- Agricultural (A) on April 2, 1989

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural, vacant land	A/R
SOUTH:	Agricultural, vacant land	A/R
EAST:	Agricultural, vacant land, & low density residential	A
WEST:	Commercial & Residential, vacant land, & residential	C/R/A

EXISTING LAND USE: Agricultural/Undeveloped.

PROPOSED LAND USE: General Business.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies this site as **Rural** within the **Moyock Sub-Area**. Areas designated as Rural are preferred for open space and agricultural preservation. Rural areas are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area.

Preferred uses include very low-density dispersed development associated directly with farm uses. Population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres.

The policy emphasis of the 2006 plan for the Moyock Sub-Area is to properly manage the increased urban level of growth that will occur in the next decade. Moyock Sub-Area residential development densities should be medium to high depending upon available services. In areas where central sewer is proposed/existing, additional services are available, and the character of the surrounding areas supports it, higher density development ranging from 3-4 units per acre could be considered through the use of overlay zones. If sewage treatment collection systems are built, whether publicly or privately, all systems should be designed to be tied together into a single system in the future.

There are existing environmentally sensitive areas that cannot support higher density development and do not have access to services that are therefore classified in either the Conservation or Rural Areas. It is not the County's intention that all of Moyock be developed intensely but rather create specific service centers.

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

POLICY ES1: New development shall be permitted to locate only in areas with **SUITABLE SOIL** and where **ADEQUATE INFRASTRUCTURE** is available. For existing development located on poor soils, and where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.

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 HN3: Currituck County shall encourage residential development that satisfies the objective of avoiding traditional suburban sprawl:

- 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.

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

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

POLICY WQ3: Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.

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.

POLICY ML4: Currituck County recognizes that the appearance and traffic moving function of the NC 168/ US 158 CORRIDOR is of exceptional importance to both the near term quality of life and long-term economic prospects for residents and property owners in the Mainland Area.

PUBLIC SERVICES AND UTILITIES:

The Moyock Fire Department provides fire protection for this area. Public water is available.

TRANSPORTATION:

The site is accessible from Caratoke Hwy (Hwy 168).

FLOOD ZONE:

This site has been designated an AE flood zone (within the 100 year floodplain) by FEMA with a Base Flood Elevation of 5 feet.

WETLANDS:

Approximately 74 acres of potential wetlands are located on the site.

SOILS:

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

STAFF

RECOMMENDATION:

Staff recommends **approval** of the request to rezone 101.14 acres from "Commercial (C) to Conditional District General Business (CD-GB) for the following reasons:

Justifications for approval:

1. The proposed request is in general compliance with the 2006 Land Use Plan Moyock Sub-Area Policy Emphasis. The subject property is bounded on 3 property lines by Full Service Areas, as designated by the 2006 Land Use Plan, as close as 200 feet.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance.
3. A 100 acre parcel across Caratoke Highway, to the west, is zoned Commercial.
4. This property was rezoned to Commercial (C) in 2004. The principal difference between Commercial and General Business zoning classifications is the ability to develop residential uses in the General Business classification.

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. This site is currently accessed by a gravel easement off of Caratoke Hwy. The 2006 Land Use Plan encourages minimizing access points for commercial development. Therefore as this property is developed, it is recommended that site access be

limited to one access point from Caratoke Highway (LUP Policies TR 4, ML 4, CD2)

2. This site is adjacent to Rowland Creek Canal which is a tributary of Rowland Creek and Tulls Creek. In an effort to preserve water quality, priority should be given to the retention and preservation of wetlands. It is recommended that no more than one-tenth of one acre of development or land disturbing activities, except for roads, utilities, or other necessary public improvements, occur in Army Corps of Engineers delineated 404 wetlands. In addition, a 50' buffer along the upland portion of the property adjacent to Rowland Creek Canal (on north-west side of the property) is requested. No land disturbance or development should occur in this buffer area except as needed for required maintenance of the canal. Maintenance of the canal would require approval from the necessary state and local agencies (LUP Policies ES2, WQ 3, WQ 4, WQ 6)
3. Installation of a Type D Buffer is suggested between incompatible commercial and residential uses (Policies CD 5, CD 7). This concern was discussed at the Planning Board meeting; however, to accommodate a mixed use development, staff feels this may not be necessary to add as a condition of the rezoning.
4. The applicant has excluded several General Business uses on the property. Staff would also recommend that all uses of mobile homes be excluded due to the incompatibility with other uses in the General Business District and concerns with soil suitability (LUP Policies ES1, HN1, HN 3):

PLANNING BOARD DISCUSSION

Mr. West stated that the planning staff has addressed the issue of access under #1 in outstanding staff concerns, but that this property is located on an elevated curve and the staff and applicant should work closely with NCDOT.

Mr. Woody stated the applicant is agreeable to one access point and they will work closely with NCDOT.

Mr. West asked if the county owned or had a long term agreement for the water tower on this property.

Mr. Woody stated the tower is located in an easement.

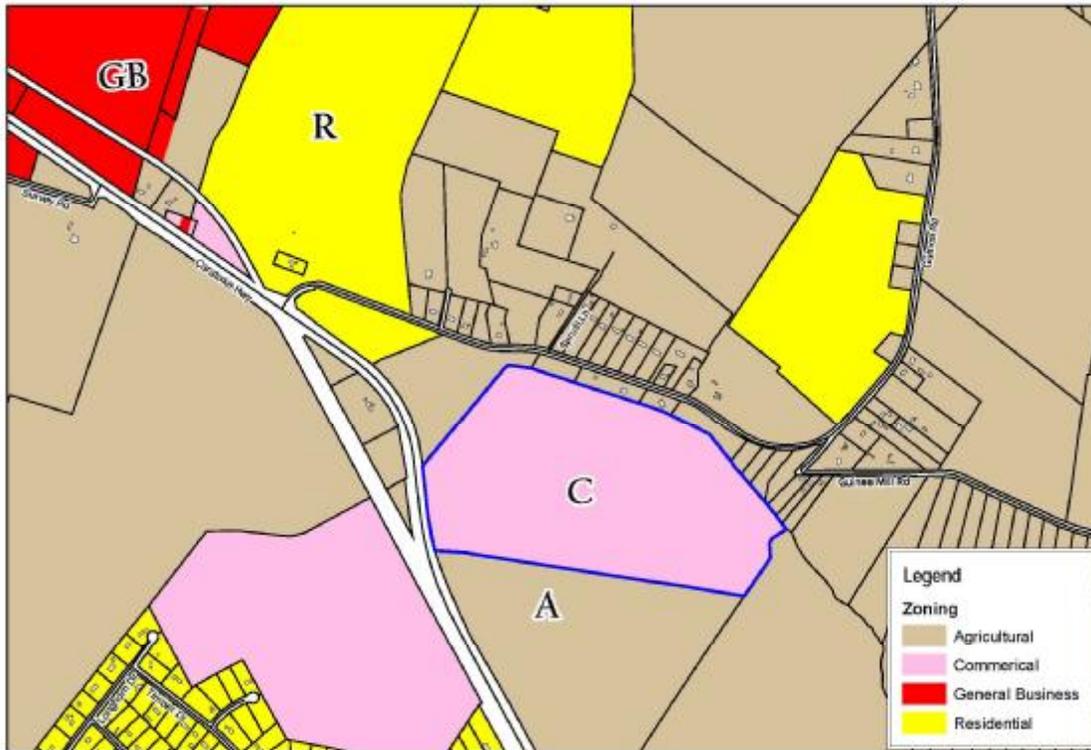
Mr. Kovacs asked why this is being presented as a General Business (GB) zoning if housing for an assisted living facility is going on this site.

Mr. Innes stated they have obtained a driveway permit from NCDOT which provides only one access point to the property. The property which the water tower is located has been donated to the county. They are looking at building an assisted living facility with non-assisted living in the other half of the building. As a prerequisite for the sale of the property a GB zoning district will be required. They also plan to have a hotel on this site which also requires a GB zoning district.

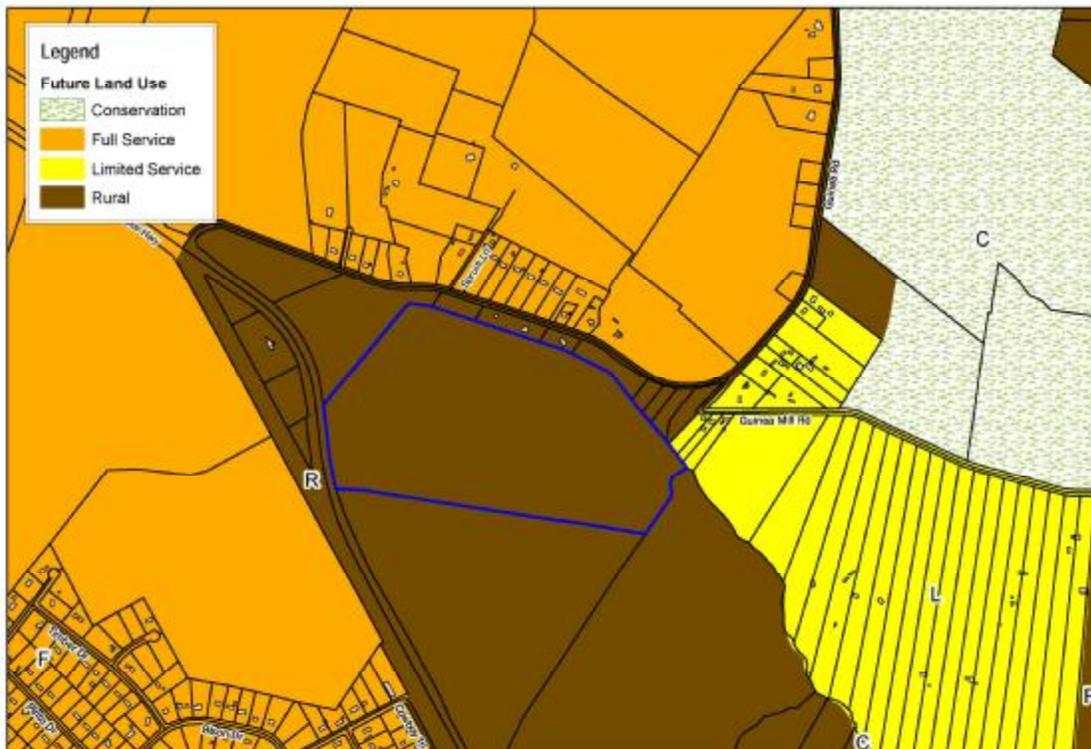
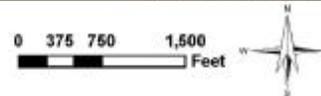
Mr. Kovacs stated he hopes this assisted living facility goes through.

ACTION

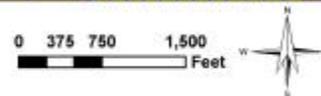
Mr. Kovacs motioned to recommend approval with staff recommendations to rezone 101.14 acres from Commercial (C) to Conditional District General Business (CD-GB) as presented. Ms. Robbins seconded the motion. Motion carried unanimously.

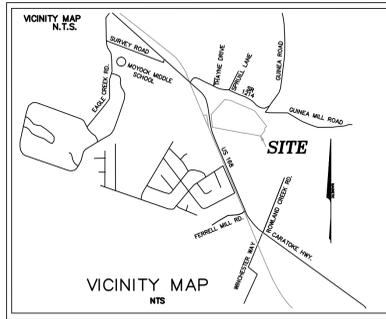


**PB 08-33 Highland Properties, Inc.
 Rezoning C to CD-GB**



**PB 08-33 Highland Properties, Inc.
 Rezoning C to CD-GB**





EXISTING SYMBOLS

○ TELEPHONE PEDESTAL	— STORM PIPE
⊕ POWER POLE	— WATERLINE
— GUY WIRE	— SANITARY SEWER
● IRON PIN	— CONSERVATION EASEMENT
○ BOREHOLE	— PROPOSED TOP OF BANK
○ FIRE HYDRANT	— PROPOSED CENTERLINE
○ WATER METER	▨ FILL AREA
○ WATER VALVE	▨ RIP RAP CLASS A1
--- CONTOUR - INDEX	
--- CONTOUR - INTERMEDIATE	
OH E - ELECTRIC - OVERHEAD	
--- EXISTING EDGE OF ASPHALT	
--- PROPOSED EDGE OF ASPHALT	
▲ EXISTING WETLANDS	

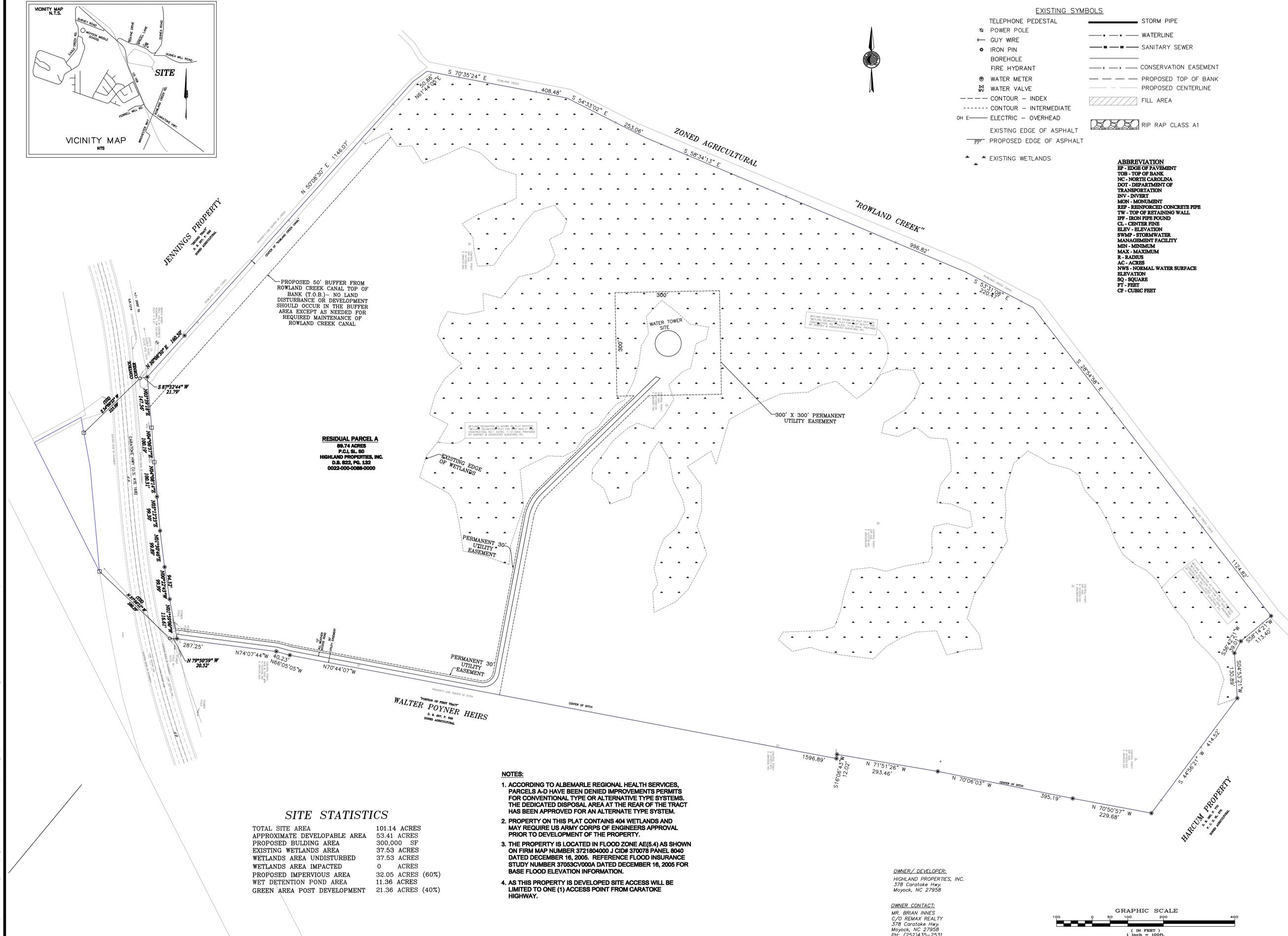
ABBREVIATION

EP - EDGE OF PAVEMENT
TOB - TOP OF BANK
NC - NORTH CAROLINA
DOT - DEPARTMENT OF TRANSPORTATION
INV - INVERT
MON - MONUMENT
REP - REINFORCED CONCRETE PIPE
TW - TOP OF RETAINING WALL
IPF - IRON PIPE FOUND
CL - CENTER LINE
ELEV - ELEVATION
SWMP - STORMWATER MANAGEMENT FACILITY
MIN - MINIMUM
MAX - MAXIMUM
R - RADIUS
AC - ACRES
NWS - NORMAL WATER SURFACE
ELEVATION
SQ - SQUARE
FT - FEET
CF - CUBIC FEET

RESOURCE INTERNATIONAL, LTD.
 ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
 751 THIMBLE SHOALS BLVD. • NEWPORT NEWS, VA 23606
 (757) 873-7711 FAX (757) 873-7712



V:\Projects\Archived Projects\High Cotton 206023.02\drawings\05MASTER20608.dwg Plotted: Jul 25, 2008 - 1:59pm



PROPOSED 50' BUFFER FROM ROWLAND CREEK CANAL TOP OF BANK (T.O.B.) - NO LAND DISTURBANCE OR DEVELOPMENT SHOULD OCCUR IN THE BUFFER AREA EXCEPT AS NEEDED FOR REQUIRED MAINTENANCE OF ROWLAND CREEK CANAL.

RESIDUAL PARCEL A
 89.74 ACRES
 P.C. 1, S.L. 50
 HIGHLAND PROPERTIES, INC.
 D.S. 822, PG. 152
 0022-000-0088-0000

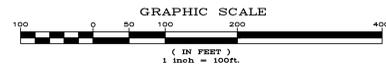
SITE STATISTICS

TOTAL SITE AREA	101.14 ACRES
APPROXIMATE DEVELOPABLE AREA	53.41 ACRES
PROPOSED BUILDING AREA	300,000 SF
EXISTING WETLANDS AREA	37.53 ACRES
WETLANDS AREA UNDISTURBED	37.53 ACRES
WETLANDS AREA IMPACTED	0 ACRES
PROPOSED IMPERVIOUS AREA	32.05 ACRES (60%)
WET DETENTION POND AREA	11.36 ACRES
GREEN AREA POST DEVELOPMENT	21.36 ACRES (40%)

- NOTES:**
- ACCORDING TO ALBEMARLE REGIONAL HEALTH SERVICES, PARCELS A-D HAVE BEEN DENIED IMPROVEMENTS PERMITS FOR CONVENTIONAL TYPE OR ALTERNATIVE TYPE SYSTEMS. THE DEDICATED DISPOSAL AREA AT THE REAR OF THE TRACT HAS BEEN APPROVED FOR AN ALTERNATE TYPE SYSTEM.
 - PROPERTY ON THIS PLAT CONTAINS 404 WETLANDS AND MAY REQUIRE US ARMY CORPS OF ENGINEERS APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.
 - THE PROPERTY IS LOCATED IN FLOOD ZONE AE(5.4) AS SHOWN ON FIRM MAP NUMBER 3721804000 J CID# 370078 PANEL 8040 DATED DECEMBER 16, 2005. REFERENCE FLOOD INSURANCE STUDY NUMBER 37053CV000A DATED DECEMBER 16, 2005 FOR BASE FLOOD ELEVATION INFORMATION.
 - AS THIS PROPERTY IS DEVELOPED SITE ACCESS WILL BE LIMITED TO ONE (1) ACCESS POINT FROM CARATOKE HIGHWAY.

OWNER / DEVELOPER:
 HIGHLAND PROPERTIES, INC.
 378 Carotake Hwy.
 Moyock, NC 27958

OWNER CONTACT:
 MR. BRIAN INNES
 C/O REMAX REALTY
 378 Carotake Hwy.
 Moyock, NC 27958
 PH: (252)435-2531
 FAX: (252)207-5100



REVISIONS:
 1. 7/25/08 REVISIONS PER CURRITUCK COUNTY REVIEW

M. WHITE, P.E.
 A. RISK / H. ROSARIO
 M. WHITE, P.E.
 6-13-2008

PROPOSED MINOR SUBDIVISION
HIGH COTTON TOWNE CENTER
MOYOCK TOWNSHIP
CURRITUCK COUNTY, NORTH CAROLINA

PROJECT NO.:
206023.02
SHEET:
10F1

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 2, 2008
Conditional District Zoning Map Amendment:
PB 08- 34 Campbell/Jarvis (Poyners Road).**

TYPE OF REQUEST: To rezone 137 acres from Agricultural (A) to Conditional District Residential (CD-R)

LOCATION: The properties are located at the intersection of Tulls Creek Road and Poyners Road.

TAX ID: Tax Map 31, Parcels 1, 15, 18
003100000010000
003100000150000
003100000180000

OWNER/APPLICANT: Margaret D. Jarvis Estate
c/o Bill Rich, The Rich Companies
400 S. Water Street, Suite 204
Elizabeth City, NC 27909

AGENT: MSA, PC
5033 Rouse Drive
Virginia Beach, VA 23462

CURRENT ZONING: Agricultural (A)/Residential (R)

PROPOSED ZONING: Conditional District – Residential (CD – R)

ZONING CONDITIONS: No development shall occur in the conservation area as shown on the 2006 Land Use Plan

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

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural, vacant land	A/R
SOUTH:	Agricultural, vacant land	A/R
EAST:	Agricultural, vacant land, & low density residential	A
WEST:	Commercial & Residential, vacant land, & residential	C/R/A

EXISTING LAND USE: Agricultural/Undeveloped.

PROPOSED LAND USE: General Business.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies these properties as Limited Service and Conservation within the Courthouse Sub-Area. Areas designated as Conservation provide for long-term management and protection of significant, limited, or irreplaceable areas. The Limited Services Area class provides for primarily residential development at low densities.

The Conservation class should be applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Infrastructure and services, public or private, should not be provided in these areas as a catalyst that could stimulate development. With the exception of agricultural related uses, nonresidential uses should not be encouraged. It is anticipated that any uses within the Conservation area would be served by individual on-site water and wastewater.

Because many of the areas identified for Limited Service also include prime farmland efforts should be made to ensure that thriving agricultural operations are protected from encroaching development through the use of buffering, landscaping, and conservation oriented design.

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. In the same instances where slightly higher density is considered appropriate a moderate mix of housing types such as semi-detached would also be considered reasonable.

The policy emphasis of the 2006 plan for the Courthouse Sub-Area is for the Courthouse area to continue to grow as a small community center. Therefore, much of the area is designated Full Service and Limited Service. The Courthouse Sub-Area residential densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Regardless of the level of growth, care should be taken to encourage quality development and the preservation of open space in conjunction with development approvals.

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

POLICY ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available. For existing development located on poor soils, and where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.

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.

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.

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 HN3: Currituck County shall encourage residential development that satisfies the objective of avoiding traditional suburban sprawl:

- 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.

POLICY HN4: Currituck County shall discourage all forms of housing from “LEAPFROGGING” INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county.

POLICY TR4: ACCESS TO THE COUNTY’S MAJOR ROADWAYS shall be managed so as to preserve the intended purpose of the highway, protect taxpayer dollars invested, and minimize hazardous

turning movements in and out of traffic flows. Methods may include, for example, limits on the frequency of driveway cuts, shared driveway access, minimum lot frontages, connections between adjoining parking lots, central medians, etc.

POLICY ML1: Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The County shall exercise diligence in applying policies, plans and actions that will encourage compact growth and the preservation of farmland and open space in the Mainland Area.

PUBLIC SERVICES AND UTILITIES:

The Crawford Volunteer Fire Department provides fire protection for this area. Public water is available.

TRANSPORTATION:

These properties are accessible from Poyners, Elrod, and Tulls Creek Road.

FLOOD ZONE:

These sites are split between the AE (within the 100 year floodplain) and Shaded flood zone designations. The AE flood zone has a Base Flood Elevation of 5 feet.

WETLANDS:

Approximately 32 acres of potential wetlands are located on the site.

SOILS:

The Currituck County Soils map indicates the property contains primarily non-suitable and marginal soils for on-site septic systems. An approximately 12 acre portion of the property on the corner of Tulls Creek Road and Poyners Road is suitable for on-site septic.

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone 137 acres from Agricultural (A) to Conditional District Residential (CD-R) for the following reasons:

Justifications for approval:

1. The proposed request is in general compliance with the Limited Service and Conservation designation of the 2006 Land Use Plan and the Courthouse Sub-Area Policy Emphasis.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area. (LUP Policy CA3)
3. The parcel at the intersection of Tulls Creek Road and Poyners Road, Parcel ID number 003100000010000, is split zoned

Residential (R) and Agricultural (A). In addition, properties located along the north of Tulls Creek Road are zoned Residential (R).

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. The 2006 Land Use Plan encourages minimizing access points for commercial development. Therefore as this property is developed, it is recommended that site access be limited to one access point from Poyners Road and no access be available from Tulls Creek Road. Access to the properties from Elrod Road is preferred (LUP Policies TR 2, TR 4).
2. A portion of this site is adjacent to Tulls Creek. In an effort to preserve water quality and minimize disturbance in sensitive wetland areas, priority should be given to the retention and preservation of wetlands. It is recommended that no development, land disturbing, or logging activities occur in areas designated by the 2006 Land Use Plan as Conservation. (LUP Policies ES2, WQ 5, WQ 6, ML1).
3. Staff recommends that all uses of mobile homes be excluded due to the incompatibility with the surrounding character of the community and concerns with soil suitability (LUP Policies ES1, HN1, HN 3).
4. The establishment of a planted buffer between the proposed development and all adjacent residential properties could help ensure compatibility (Policy ML1). This concern results from ongoing discussions with surrounding property owners.

PLANNING BOARD DISCUSSION

Mr. West asked with this being a conservation area, why is this being requested to be rezoned residential and not leave it at agricultural.

Mr. Woody stated that the advantages they get for putting the request in from Agricultural (A) to Conditional District – Residential (CD-R) is they are able to cluster the density out of that.

Mr. West asked if they would be better to leave it zoned agricultural.

Mr. Woody stated that if it is zoned agricultural, by right, they could potentially clear the property or build some houses. By adding zoning conditions we are able to use zoning to ensure that nothing happens to this area. The applicant will get some density out of it, but the county gets some protection of the natural resources.

Mr. West asked how many lots they will benefit from by doing this.

Mr. Woody stated approximately 30 lots.

Mr. Perry stated they have done a wetlands delineation and they also have provided a service for suitable soil for the septic was done. They have not done a lot layout. Mr. Perry stated he is there to answer any questions that the board may have.

Mr. Tyrell stated he is concerned with a high density housing development, ground water contamination, and decreasing property values due to a high density housing development.

Mr. Horton stated that at this point he does not know how many lots will be on the property. The single family homes will be priced below \$300,000. Mr. Horton stated that at the corner of Tulls Creek Road and Poyners Road is the best soil which he will need during the development process. This area will be dug out to create a beautiful lake at this corner and a community center adjacent to it. Mr. Horton stated he is fine with making the access off Elrod Road.

Mr. Etheridge stated he is concerned with maintaining access to the graveyard.

Mr. Reuter stated he is concerned with the conservation area south of Elrod Road and west of Poyners Road. Mr. Reuter asked if there is a wildlife impoundment in this area. Mr. Reuter stated that the water, electric, and phone supply in this area are already strained. This area has drainage and flooding issues. Mr. Reuter is concerned with providing adequate public facilities. The area of infrastructure will not support more residents on Tulls Creek and Poyners Road. Mr. Reuter stated he is concerned that this development will set a precedent for urban sprawl from Virginia.

Mr. Horton addressed a few of the concerns. The graveyard in the conservation area will have a fence around it and access to the graveyard will be provided. This development will not depend on ditches for draining because the lake at Tulls Creek and Poyners Road will be a holding pond. Mr. Horton stated that instead of putting a private sewer system on the property, he is going to run a 6 inch sewer line, 3.2 miles down Tulls Creek Road which will connect into the wastewater treatment system which is going to be built on Guinea Road.

Mr. West stated that he has a graveyard on his property and asked if the graveyard on this property is deeded.

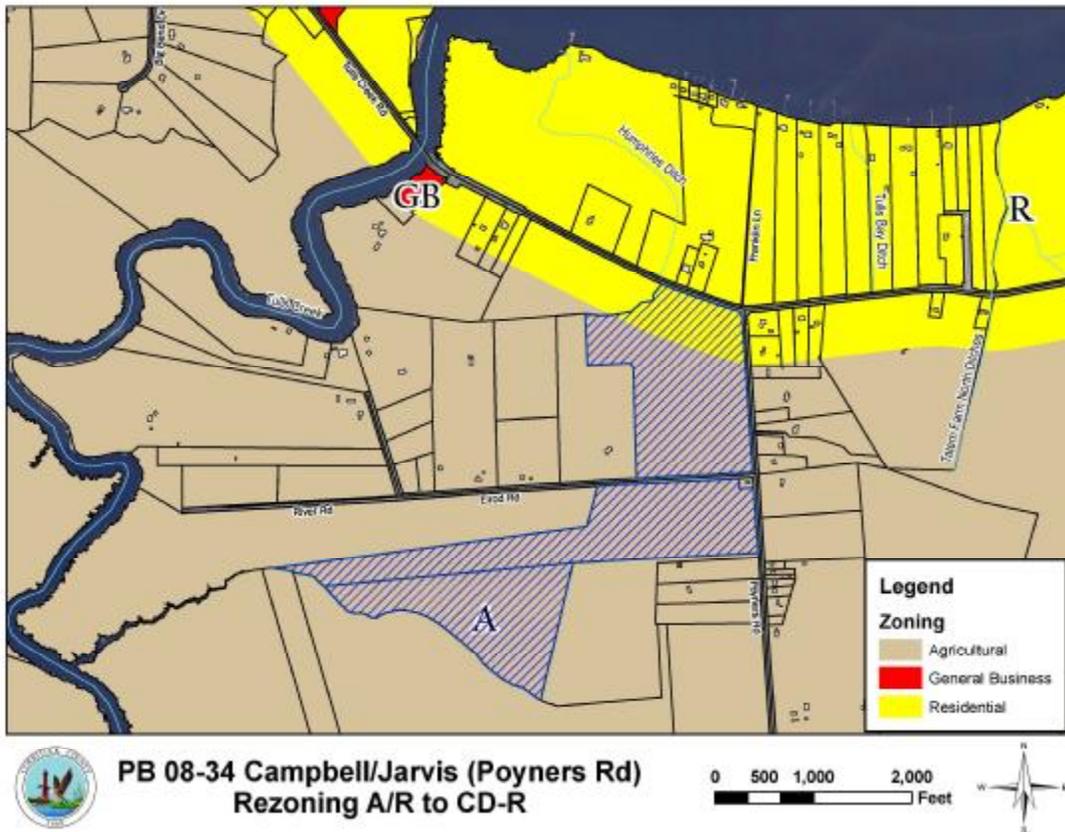
Mr. Horton stated that the property has not been purchased and is subject to the rezoning.

Mr. West stated that when the property is sold it needs to state in the deed regarding the graveyard.

Mr. Horton stated that he is leaving the conservation area which does have some land which could be built on.

ACTION

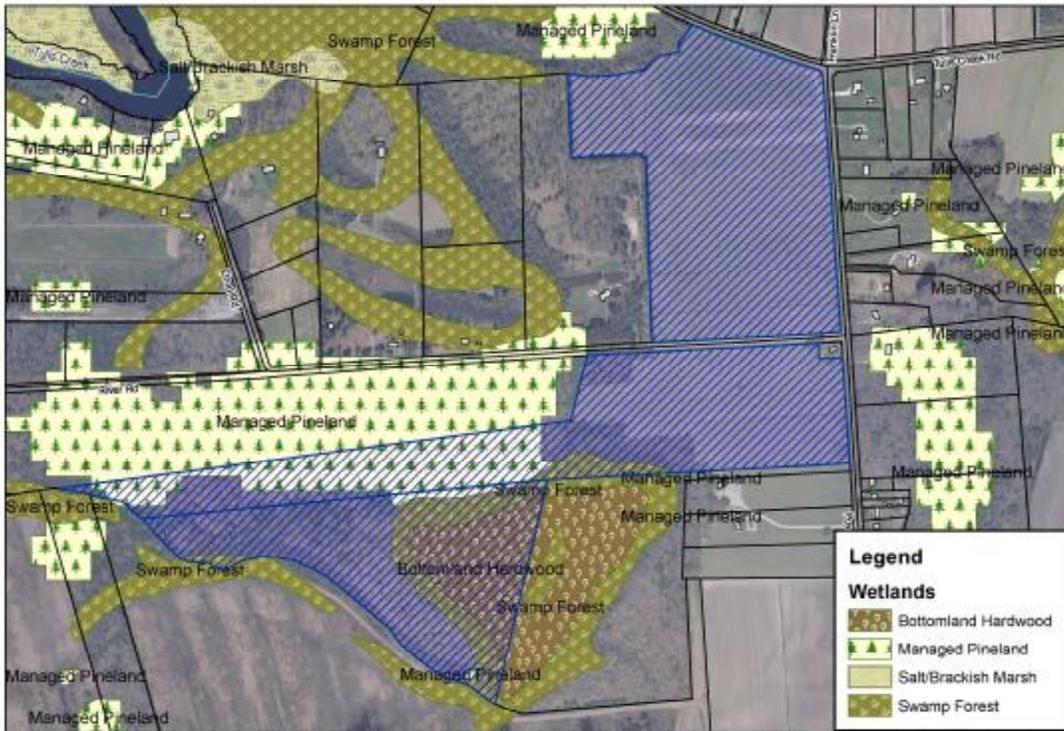
Mr. Etheridge motioned to recommend approval with staff recommendations to rezone 137 acres from Agricultural (A) to Conditional District – Residential (CD-R). Mr. Kovacs seconded the motion. Ayes: Mr. Keel, Mr. Bell, Mr. Etheridge, Mr. Winter, Mr. Kovacs, Ms. Robbins and Mr. Midgette. Nays: Mr. West. Motion carried.





**PB 08-34 Campbell/Jarvis (Poyners Rd)
Rezoning A/R to CD-R**

0 500 1,000 2,000
Feet



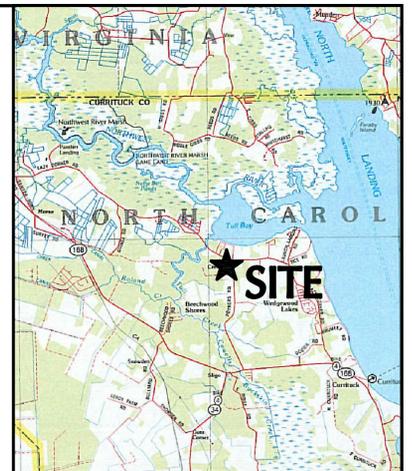
**PB 08-34 Campbell/Jarvis (Poyners Rd)
Rezoning A/R to CD-R**

0 312.5 625 1,250
Feet



Rezoning Exhibit Of Poyners Road Property

Moyock, NC



LOCATION MAP

Site Data

Total Site Area: ±137 Ac.
Existing Zoning: Agricultural (A)
Proposed Zoning: Conditional District-Residential (CD-R)
Flood Zones: X & AE (Base Flood Elevation 5')
 From FIRM Map 37218060J
 Panel 8060, Dated 12/16/2005

Parcel ID# - 00310000010000

- Owner - Elizabeth J. Campbell
- Address - 1222 SR
- Legal Desc. - Stewart
- ± 52.9 acres

Parcel ID# - 003100000150000

- Owner - Elizabeth J. Campbell
- Address - Poyners Rd.
- Legal Desc. - Edson
- ± 47.9 acres total
- ± 22.5 acres to be conveyed as Conservation

Parcel ID# - 003100000180000

- Owner - Elizabeth J. Campbell
- Address - 1222 Off SR
- Legal Desc. - N/A
- ± 36.2 acres - all to be conveyed as Conservation

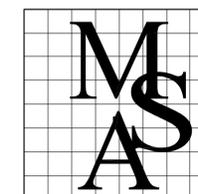
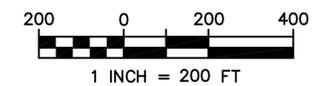
AREA TO BE CONVEYED AS CONSERVATION ± 58.7 Ac.

WETLANDS FIELD LOCATED BY MSA, P.C. WITH GPS INSTRUMENT

PARCEL ID# 003100000180000

PARCEL ID# 003100000150000

PARCEL ID# 00310000010000



MSA, P.C.
 Environmental Sciences • Geosciences • Planning
 Surveying • Engineering • Landscape Architecture

5033 Rouse Drive, Virginia Beach, VA 23462
 757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msaonline.com
 Offices in Virginia Beach & Eastville, VA

MSA PROJ. # 07097

DATE: 06/18/08
REVISION DATE: 07/31/08

This drawing is conceptual and has been prepared without benefit of a site survey, therefore, property lines, wetland boundaries, and other site specific data are approximate. Concept drawings are general in nature and are intended only to illustrate the development potential for a property; they should not be relied upon as the sole basis for any financial or legally binding transaction.

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-163
HOUSE BILL 411

AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF
CURRITUCK COUNTY.

Section 1. Section 8 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 6 of Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 8. To obtain a license for either a stationary bush blind or a floating bush blind, the applicant shall apply in writing to the clerk to the Game Commission enclosing:

(a) ~~For a bush blind, \$15.00; and~~

(b) ~~For a float blind, \$20.00.~~

(1) Twenty-five dollars (\$25.00) if the applicant is a resident of North Carolina; or

(2) Two hundred fifty dollars (\$250.00) if the applicant is not a resident of North Carolina.

~~Of the amount remitted, the clerk to the Game Commission shall retain one dollar (\$1.00) as an issuance fee for each license issued. In addition to the application fee, each application shall be accompanied by a nonrefundable processing fee of ten dollars (\$10.00). Applicants shall submit proof of North Carolina residency along with each application.~~

Applicants who are not residents of North Carolina but who were the holders of licensed blinds for the 1996-97 waterfowl season shall be charged as North Carolina residents for all subsequent renewals of that application. However, this exemption terminates if the blind license is not renewed during any subsequent annual renewal period and is not transferable to any different blind location.

Float blinds when licensed shall bear the license number or tag, and the same shall be displayed in a prominent or conspicuous place upon the blind."

Section 2. Subsection (b) of Section 10 of Chapter 1436 of the 1957 Session Laws, as amended by Section 7 of Chapter 622 of the 1981 Session Laws and Section 4 of Chapter 764 of the 1983 Session Laws, reads as rewritten:

"(b) Application must be filed on or before August 1 of each year to insure timely consideration. To obtain a license for a point blind, the applicant shall apply in writing to the clerk to the Game Commission enclosing twenty-five dollars (\$25.00). ~~Of the amount remitted, the clerk to the Game Commission shall retain two dollars (\$2.00) as an issuance fee for each license issued. In addition to the application fee, each application shall be accompanied by a nonrefundable processing fee of ten dollars (\$10.00).~~"

Section 3. Section 18 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 9 of Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 18. The Game Commission of Currituck County is empowered to pay the necessary fees of attorneys, surveyors, and accountants; the costs of printing license forms for hunting blind licenses to be furnished to the clerk to the Game Commission; and other necessary expenses of carrying out the duties imposed by this act. Each member shall be paid a per diem of ten dollars (\$10.00) and travel expenses of fifteen cents (15¢) per mile while engaged in

official business of the Game Commission. the Chairman of the Game Commission shall be paid one thousand dollars (\$1,000) per year in addition to per diem and travel for the fulfillment of his duties as chairman, in such installments as the Commission may direct. Each Game Commission member shall be paid five hundred dollars (\$500.00) per year in addition to per diem and travel in such installments as the Game Commission may direct. The clerk to the Game Commission shall receive an annual salary of five hundred dollars (\$500.00) for the performance of his duties for the Game Commission in addition to his fees for issuing licenses.

~~The Game Commission may accumulate an operating reserve of funds to carry out the necessary duties imposed by this act in an amount deemed necessary by the Game Commission, but not to exceed five thousand dollars (\$5,000). At the end of each fiscal year any funds held by the Game Commission in excess of the operating reserve must be paid to the North Carolina Wildlife Commission for deposit in the Wildlife Resources Fund.~~

In addition, the Game Commission may disburse excess funds generated from fees to an organization established as a nonprofit corporation under North Carolina law for the purpose of conservation, habitat enhancement, and waterfowl protection in Currituck County. The board of directors of this corporation shall be appointed by the Currituck County Board of Commissioners and shall include a representative designated by the Wildlife Resources Commission as a nonvoting member.

Prior to the beginning of the Game Commission's fiscal year it shall file a copy of its budget for that year with the North Carolina Wildlife Resources Commission. Within 30 days following receipt of the audit report made after the close of a fiscal year, the Game Commission shall file a copy of the audit report with the Wildlife Commission."

Section 4. Section 24 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 5 of Chapter 808 of the 1989 Session Laws, reads as rewritten:

"Sec. 24. (a) ~~The~~ Unless modified by the Game Commission pursuant to subsection (d) of this section, in all areas of Currituck County lying east and north of the line described in subsection (c) of this section, the starting time for waterfowl hunting each day, and the quitting time for waterfowl hunting each day prior to November 1 and after January 31 of the hunting season, shall be as set by the North Carolina Wildlife Resources Commission, or as required by the statewide game law. The quitting time for waterfowl hunting each day ~~after~~ from November 1 through January 31 of the hunting season shall be 4:20 p.m. Eastern Standard Time.

(b) Unless modified by the Game Commission pursuant to subsection (d) of this section, in all areas of Currituck County lying west of the line described in subsection (c) of this section, the starting time for waterfowl hunting each day, and the quitting time for waterfowl hunting each day, shall be as set by the North Carolina Wildlife Resources Commission, or as required by the statewide game law.

(c) The line of demarcation between the waterfowl hunting regions referred to in subsections (a) and (b) of this section is as follows: Beginning at a point located on the boundary line between the State of North Carolina and the Commonwealth of Virginia and which point marks the center of the Atlantic Intracoastal Waterway (AICW) as established by the United States Army Corps of Engineers and thence following the center of the AICW channel in a southerly direction to the point which marks the intersection with the center of the ferry channel for the Currituck-Knotts Island Ferry; thence running in a southeasterly direction to the northeastern point of Churches Island at a point where the right-of-way of NCSR 1142 (the road from Coinjock to Churches Island) would terminate if extended in a northerly direction to the high water mark of the sound; thence following the center line of NCSR 1142 and the northerly extension thereof in a southerly and westerly

direction through Churches Island and continuing to a point where the right-of-way intersects the center of U.S. Highway 158 near the bridge crossing the AICW at Coinjock; thence following the center line of U.S. Highway 158 in a southerly direction to the center of the Currituck Sound and the line marking the boundary between Dare County and Currituck County.

(d) Subject to the approval of the Currituck County Board of Commissioners, the Game Commission may modify the times for waterfowl hunting set forth in this section upon specific findings, after duly advertised public hearing, that the modifications will benefit the waterfowl flyway and habitat within Currituck County and will promote safety and conservation of resources. However, the Game Commission may not modify the times for waterfowl hunting to allow hunting during times when waterfowl hunting is otherwise prohibited by the Wildlife Resources Commission in other areas of the State."

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

*This document (also available in PDF and RTF formats) is not an official document.
Please read the NCGA Web Site disclaimer for more information.*



MEMORANDUM

To: Board of Commissioners

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

Ref: Raw Water Mains
Bid Award Recommendation
Mainland Water System Upgrades

Date: August 22, 2008

Background

As part of the Mainland Water System improvements, bids were received for the new Reverse Osmosis (RO) Water Treatment Raw Water Main. 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, McDowell and Associates. This letter includes the list of bidders and a breakdown of each bid. The recommendation is to award the project to Hendrix Barnhill in the amount of \$280,992.

On July 28, 2008, staff brought before the Commissioners the award recommendation for the new deep wells serving the RO water plant. This project is a 12" PVC raw water main connecting the wells to the new RO water plant.

Conclusion

We concur with the recommendation of award for the raw water main project. With your approval of the award, the County Manager will execute the contracts for construction of the project.



Post Office Box 391
1899 Weeksville Road
Elizabeth City, NC 27907-0391

Telephone: (252) 338-4161
Fax: (252) 335-9585

August 22, 2008

Mr. Eric Weatherly, P.E.
Currituck County Engineer
P. O. Box 38
Currituck, NC 27929

RE: Proposed Raw Water Main for R. O. Wells (Contract 1)
(Mc/A: E1680.09-B)

Dear Eric:

In reference to the above project, bids were received and opened on July 18, 2008, and are listed below:

	<u>Base Bid</u>
Hendrix Barnhill	\$229,692.00
Ormond Utilities	\$233,478.00
Peters & White	\$284,129.00
Temple Grading	\$313,472.00
Geo. Raper & Son, Inc.	\$319,716.00
W. P. Taylor & Company, Inc.	\$386,444.21
Precon Construction Company	\$411,872.00
T. A. Loving Company	\$456,450.00
A & W Contractors, Inc.	\$492,131.45
JBC Construction Co., Inc.	\$546,895.00

The project bid date was delayed from January 24, 2008, to July 18, 2008, because the project was redesigned to accommodate the conflicts with the airport facilities, its Master Plan, and the addition of a permanent generator for R.O. 2. The redesign required the relocation of three of the four proposed wells and additional raw water main footage. This project was then bid with alternates to accommodate the anticipated increase in costs relative to the original budget estimate due to the redesign.

This project has several alternates, and we recommend that Alternate No. 2 (16" potable water line on new plant site) be included with the low base bid. Hendrix Barnhill has the low base bid of \$229,692.00 and Alternate No. 2 of \$51,300.00, for a total contract price of \$280,992.00,

Mr. Eric Weatherly, P.E.
August 22, 2008
Page 2

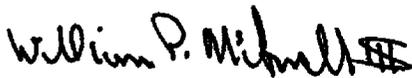
Our original construction estimate was \$172,115.00 with a contingency of an additional \$17,211.00.

Attached is a Bid Tabulation for the ten (10) bids received.

We make the following recommendation: The contract be awarded to Hendrix Barnhill for their low Base Bid of \$229,692.00, plus Alternate No. 2 in the amount of \$51,300.00, for a total contract of \$280,992.00.

Please let me know if you have any questions concerning this information, or if you need any additional information.

Sincerely,



William P. McDowell, III, P.E.
President

WPMcD/rae

Enclosure

Contract No. 1

BID TABULATION
 PROPOSED RAW WATER MAIN FOR
 R. O. WELLS, MAPLE WELL FIELD
 located in
 CURRITUCK COUNTY

Bids Opened: 7/19/08
 2:00 P.M.

McDowell & Associates, P.A.
 Engineers & Surveyors
 P. O. Box 391
 1896 Weeksville Road
 Elizabeth City, NC 27907-0391

ITEM NO.	ITEMS	QUANTITY	UNIT	UNIT PRICE	Hendrix Barnhill TOTAL PRICE	Ormond Utilities TOTAL PRICE
1	Mobilization, Bonds, Insurance, Etc	1	LS		\$10,000.00	\$3,500.00
2	8" SDR 21 PVC WM (Maple Rd)	1322	Lin Ft		\$11.00	\$12.75
3	10" SDR 21 PVC WM (Airstrip)	940	Lin Ft		\$15.00	\$15.50
4	12" SDR 21 PVC WM (Maple Rd)	315	Lin Ft		\$20.00	\$23.00
5	12" SDR 21 PVC WM (Airstrip)	7290	Lin Ft		\$20.00	\$20.75
6	18" SDR 21 CL 200 PVC Water Line	140	Lin Ft		\$75.00	\$108.00
7	10" Gate Valve (Sta 83+65 Airstrip)	1	Each		\$1,550.00	\$1,500.00
8	12" Gate Valve (Sta 3+15 Maple Rd)	1	Each		\$2,000.00	\$1,800.00
9	18" Gate Valve with 20" x 18" Reducer	1	Each		\$13,500.00	\$10,650.00
10	12" Tapp. Sleeve & GV (0+00 Maple Rd)	1	Each		\$4,950.00	\$3,500.00
11	Seed, Mulch, & Fertilizer	2.5	Ac		\$1,850.00	\$2,500.00
12	Erosion Control	LS	LS		\$1,825.00	\$1,500.00
	TOTAL BASE BID				\$229,692.00	\$233,478.00
	Alternate Bid No. 1					
13	10" SDR 21 PVC WM (to Well RO-4)	740	Lin Ft		\$15.75	\$16.00
14	10" Gate Valve (Sta 83+65 Airstrip)	1	Each		\$1,550.00	\$1,500.00
	TOTAL ALTERNATE BID NO. 1				\$13,205.00	\$13,340.00
	Alternate Bid No. 2					
15	16" SDR 21 PVC WM (Maple Rd)	1208	Lin Ft		\$37.50	\$41.00
16	16" Gate Valve (Sta 3+22 Maple Rd)	1	Each		\$6,000.00	\$5,000.00
	TOTAL ALTERNATE BID NO. 2				\$51,300.00	\$54,528.00
	Unit Prices for Additions to Contract, as directed by the Engineer					
17	Special Bedding (Sand)		Cu Yd		\$12.75	\$20.00
18	Special Bedding (57 Aggr)		Cu Yd		\$55.00	\$35.00

Contract No. 1

BID TABULATION
PROPOSED RAW WATER MAIN FOR
R. O. WELLS, MAPLE WELL FIELD
 located in
CURRITUCK COUNTY

Bids Opened: 7/18/08
 2:00 P.M.

McDowell & Associates, P.A.
 Engineers & Surveyors
 P O Box 381
 1809 Weeksville Road
 Elizabeth City, NC 27907-0381

ITEM NO.	ITEMS	QUANTITY	UNIT	Peterson & White		Temple Grading	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization, Bonds, Insurance, Etc	1	LS		\$20,000.00		\$10,000.00
2	8" SDR 21 PVC WM (Maple Rd)	1322	Lin Ft		\$48,914.00		\$27,782.00
3	10" SDR 21 PVC WM (Airstrip)	940	Lin Ft		\$15,040.00		\$24,440.00
4	12" SDR 21 PVC WM (Maple Rd)	315	Lin Ft		\$14,175.00		\$10,710.00
5	12" SDR 21 PVC WM (Airstrip)	7290	Lin Ft		\$145,800.00		\$204,120.00
6	18" SDR 21 CL 200 PVC Water Line	140	Lin Ft		\$13,300.00		\$12,320.00
7	10" Gate Valve (Sta 83+65 Airstrip)	1	Each		\$2,000.00		\$2,000.00
8	12" Gate Valve (Sta 3+15 Maple Rd)	1	Each		\$2,300.00		\$2,320.00
9	18" Gate Valve with 20" x 18" Reducer	1	Each		\$11,600.00		\$9,800.00
10	12" Tapp. Sleeve & GV (0+00 Maple Rd)	1	Each		\$6,000.00		\$4,000.00
11	Seed, Mulch, & Fertilizer	2.5	Ac		\$2,500.00		\$5,000.00
12	Erosion Control	LS	LS		\$2,500.00		\$1,000.00
	TOTAL BASE BID				\$284,129.00		\$313,472.00
	Alternate Bid No. 1						
13	10" SDR 21 PVC WM (to Well RO-4)	740	Lin Ft		\$14,800.00		\$19,240.00
14	10" Gate Valve (Sta 83+65 Airstrip)	1	Each		\$2,000.00		\$2,000.00
	TOTAL ALTERNATE BID NO. 1				\$16,800.00		\$21,240.00
	Alternate Bid No. 2						
15	16" SDR 21 PVC WM (Maple Rd)	1208	Lin Ft		\$60,400.00		\$54,360.00
16	16" Gate Valve (Sta 3+22 Maple Rd)	1	Each		\$6,800.00		\$6,500.00
	TOTAL ALTERNATE BID NO. 2				\$67,200.00		\$60,860.00
	Unit Prices for Additions to Contract, as directed by the Engineer						
17	Special Bedding (Sand)		Cu Yd		\$40.00		\$20.00
18	Special Bedding (57 Aggr)		Cu Yd		\$50.00		\$40.00

BID TABULATION
PROPOSED RAW WATER MAIN FOR
R. O. WELLS, MAPLE WELL FIELD
 located in
CURRITUCK COUNTY

Bids Opened: 7/18/08
 2:00 P.M.

McDowell & Associates, P.A.
 Engineers & Surveyors
 P. O. Box 381
 1899 Wekiva Road
 Elizabeth City NC 27807-0381

ITEM NO.	ITEMS	QUANTITY	UNIT	UNIT PRICE	Geo. Raper & Son, Inc.	TOTAL PRICE	W. P. Taylor & Company, Inc.*	TOTAL PRICE
1	Mobilization, Bonds, Insurance, Etc	1	LS		\$9,985.00	\$9,985.00	\$76,025.00	\$76,025.00
2	8" SDR 21 PVC WM (Maple Rd)	1322	Lin Ft		\$19.00	\$25,118.00	\$20.43	\$27,008.46
3	10" SDR 21 PVC WM (Airstrip)	940	Lin Ft		\$24.50	\$23,030.00	\$21.14	\$19,871.60
4	12" SDR 21 PVC WM (Maple Rd)	315	Lin Ft		\$29.00	\$9,135.00	\$42.65	\$13,434.75
5	12" SDR 21 PVC WM (Airstrip)	7290	Lin Ft		\$29.00	\$211,410.00	\$26.22	\$191,143.80
6	18" SDR 21 CL 200 PVC Water Line	140	Lin Ft		\$111.00	\$15,540.00	\$102.99	\$14,418.60
7	10" Gate Valve (Sta 83+65 Airstrip)	1	Each		\$1,870.00	\$1,870.00	\$2,525.00	\$2,525.00
8	12" Gate Valve (Sta 3+15 Maple Rd)	1	Each		\$2,131.00	\$2,131.00	\$2,820.00	\$2,820.00
9	18" Gate Valve with 20" x 18" Reducer	1	Each		\$8,962.00	\$8,962.00	\$12,598.00	\$12,598.00
10	12" Tapp. Sleeve & GV (0+00 Maple Rd)	1	Each		\$5,785.00	\$5,785.00	\$7,489.00	\$7,489.00
11	Seed, Mulch, & Fertilizer	2.5	Ac		\$1,500.00	\$3,750.00	\$4,164.00	\$10,410.00
12	Erosion Control	LS	LS		\$3,000.00	\$3,000.00	\$8,700.00	\$8,700.00
	TOTAL BASE BID					\$319,716.00		\$386,444.21
	Alternate Bid No. 1							
13	10" SDR 21 PVC WM (to Well RO-4)	740	Lin Ft		\$24.50	\$18,130.00	\$19.74	\$14,807.60
14	10" Gate Valve (Sta 83+65 Airstrip)	1	Each		\$1,870.00	\$1,870.00	\$2,525.00	\$2,525.00
	TOTAL ALTERNATE BID NO. 1					\$20,000.00		\$17,132.60
	Alternate Bid No. 2							
15	16" SDR 21 PVC WM (Maple Rd)	1208	Lin Ft		\$63.50	\$76,708.00	\$47.19	\$57,005.52
16	16" Gate Valve (Sta 3+22 Maple Rd)	1	Each		\$5,747.00	\$5,747.00	\$7,385.00	\$7,385.00
	TOTAL ALTERNATE BID NO. 2					\$82,455.00		\$64,390.52
	Unit Prices for Additions to Contract, as directed by the Engineer							
17	Special Bedding (Sand)		Cu Yd		\$20.00		\$28.00	
18	Special Bedding (57 Aggr)		Cu Yd		\$40.00		\$84.00	

* Rounded Numbers in Total Price

Contract No. 1

BID TABULATION
PROPOSED RAW WATER MAIN FOR
R. O. WELLS, MAPLE WELL FIELD
 Located in
CURRITUCK COUNTY

Bids Opened: 7/19/08
 2:00 P.M.

McDowell & Associates, P.A.
 Engineers & Surveyors
 P. O. Box 391
 1899 Weightsville Road
 Elizabeth City, NC 27807-0391

ITEM NO.	ITEMS	QUANTITY	UNIT	Preston Construction Company		T. A. Leving Company	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization, Bonds, Insurance, Etc	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
2	8" SDR 21 PVC WM (Maple Rd)	1322	Lin Ft	\$26.00	\$34,372.00	\$25.00	\$33,050.00
3	10" SDR 21 PVC WM (Airstrip)	940	Lin Ft	\$30.00	\$28,200.00	\$30.00	\$28,200.00
4	12" SDR 21 PVC WM (Maple Rd)	315	Lin Ft	\$36.00	\$11,340.00	\$40.00	\$12,600.00
5	12" SDR 21 PVC WM (Airstrip)	7290	Lin Ft	\$35.00	\$255,150.00	\$45.00	\$328,050.00
6	18" SDR 21 CL 200 PVC Water Line	140	Lin Ft	\$108.00	\$15,120.00	\$70.00	\$9,800.00
7	10" Gate Valve (Sta 83+65 Airstrip)	1	Each	\$2,230.00	\$2,230.00	\$1,500.00	\$1,500.00
8	12" Gate Valve (Sta 3+15 Maple Rd)	1	Each	\$2,560.00	\$2,560.00	\$2,000.00	\$2,000.00
9	18" Gate Valve with 20" x 18" Reducer	1	Each	\$17,050.00	\$17,050.00	\$12,000.00	\$12,000.00
10	12" Tapp. Sleeve & GV (0+00 Maple Rd)	1	Each	\$7,850.00	\$7,850.00	\$6,500.00	\$6,500.00
11	Seed, Mulch, & Fertilizer	2.5	Ac	\$4,300.00	\$10,750.00	\$2,100.00	\$5,250.00
12	Erosion Control	LS	LS	\$12,250.00	\$12,250.00	\$2,500.00	\$2,500.00
	TOTAL BASE BID				\$411,872.00		\$456,450.00
	Alternate Bid No. 1						
13	10" SDR 21 PVC WM (to Well RO-4)	740	Lin Ft	\$34.00	\$25,160.00	\$30.00	\$22,200.00
14	10" Gate Valve (Sta 83+65 Airstrip)	1	Each	\$2,250.00	\$2,250.00	\$1,500.00	\$1,500.00
	TOTAL ALTERNATE BID NO. 1				\$27,410.00		\$23,700.00
	Alternate Bid No. 2						
15	16" SDR 21 PVC WM (Maple Rd)	1208	Lin Ft	\$55.00	\$66,440.00	\$65.00	\$78,520.00
16	16" Gate Valve (Sta 3+22 Maple Rd)	1	Each	\$8,175.00	\$8,175.00	\$6,500.00	\$6,500.00
	TOTAL ALTERNATE BID NO. 2				\$74,615.00		\$85,020.00
	Unit Prices for Additions to Contract, as directed by the Engineer						
17	Special Bedding (Sand)		Cu Yd	\$22.00		\$50.00	
18	Special Bedding (57 Aggr)		Cu Yd	\$79.00		\$70.00	

Contract No. 1

BID TABULATION
PROPOSED RAW WATER MAIN FOR
R. O. WELLS, MAPLE WELL FIELD
 located in
CURRITUCK COUNTY

Bids Opened: 7/18/08
 2:00 P.M.

McDowell & Associates, P.A.
 Engineers & Surveyors
 P. O. Box 391
 1896 Weeksville Road
 Elizabeth City, NC 27807-0391

ITEM NO.	ITEMS	QUANTITY	UNIT	A & W Contractors, Inc.		JCB Construction Co., Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization, Bonds, Insurance, Etc	1	LS				
2	8" SDR 21 PVC WM (Maple Rd)	1322	Lin Ft	\$33,700.00	\$33,700.00	\$25,000.00	\$25,000.00
3	10" SDR 21 PVC WM (Airstrip)	940	Lin Ft	\$37.20	\$49,178.40	\$35.00	\$46,270.00
4	12" SDR 21 PVC WM (Maple Rd)	315	Lin Ft	\$34.97	\$32,871.80	\$40.00	\$37,600.00
5	12" SDR 21 PVC WM (Airstrip)	7290	Lin Ft	\$56.25	\$17,718.75	\$55.00	\$17,325.00
6	18" SDR 21 CL 200 PVC Water Line	140	Lin Ft	\$38.75	\$282,487.50	\$50.00	\$364,500.00
7	10" Gate Valve (Sta 83+65 Airstrip)	1	Each	\$113.75	\$15,925.00	\$200.00	\$28,000.00
8	12" Gate Valve (Sta 3+15 Maple Rd)	1	Each	\$2,825.00	\$2,825.00	\$1,700.00	\$1,700.00
9	18" Gate Valve with 20" x 18" Reducer	1	Each	\$3,225.00	\$3,225.00	\$2,500.00	\$2,500.00
10	12" Tapp. Sleeve & GV (0+00 Maple Rd)	1	Each	\$16,600.00	\$16,600.00	\$15,000.00	\$15,000.00
11	Seed, Mulch, & Fertilizer	2.5	Ac	\$7,300.00	\$7,300.00	\$5,000.00	\$5,000.00
12	Erosion Control	LS	LS	\$6,200.00	\$15,500.00	\$1,200.00	\$3,000.00
	TOTAL BASE BID			\$14,800.00	\$14,800.00	\$1,000.00	\$1,000.00
					\$492,131.45		\$546,895.00
	Alternate Bid No. 1						
13	10" SDR 21 PVC WM (to Well RO-4)	740	Lin Ft	\$35.25	\$26,085.00	\$45.00	\$33,300.00
14	10" Gate Valve (Sta 83+65 Airstrip)	1	Each	\$2,820.00	\$2,820.00	\$17.00	\$17.00
	TOTAL ALTERNATE BID NO. 1				\$28,905.00		\$33,317.00
	Alternate Bid No. 2						
15	16" SDR 21 PVC WM (Maple Rd)	1208	Lin Ft	\$68.25	\$82,446.00	\$150.00	\$181,200.00
16	16" Gate Valve (Sta 3+22 Maple Rd)	1	Each	\$9,416.75	\$9,416.75	\$12,000.00	\$12,000.00
	TOTAL ALTERNATE BID NO. 2				\$91,862.75		\$193,200.00
	Unit Prices for Additions to Contract, as directed by the Engineer						
17	Special Bedding (Sand)		Cu Yd	\$55.00		\$38.00	
18	Special Bedding (57 Aggr)		Cu Yd	\$90.00		\$75.00	



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of September 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>
62828-511000	Telephone & Postage	\$ 350	
62828-561000	Professional Services		\$ 350
		<u>\$ 350</u>	<u>\$ 350</u>

Explanation: Newtown Road Sewer (62828) - To transfer funds for increased postage costs for Newtown Road Sewer.

Net Budget Effect: Newtown Road Sewer District Fund (62) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of September 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>
10410-561000	Professional Services	\$ 10,000	
10441-490000	Capital Outlay	\$ 10,540	
10460-592000	Projects	\$ 114,474	
10530-590000	Capital Outlay	\$ 28,880	
10531-545000	Contract Services	\$ 12,714	
10535-590000	Capital Outlay	\$ 206,500	
10900-547051	Transfer to School Construction	\$ 6,000,000	
10390-499900	Fund Balance Appropriated		\$ 6,383,108
		<u>\$ 6,383,108</u>	<u>\$ 6,383,108</u>

Explanation: To carry-forward funds for the Shawboro Elementary School appropriated in prior year and purchase orders from the general fund issued in FY 2008 that were not completed prior to year end as follows:

Purchase Order	Description	Vendor	Amount
20081602	Hist Crthouse renovations	Alee Construction	\$ 99,117
	Jail demolition	Stroud, Pence & Assoc	\$ 15,357
20081338			
20081403	Stormwater Lobbyist	Beaufort County	\$ 10,000
20081610	EMS Vehicle	Courtesy Ford	\$ 28,880
20081388	Emerg Op Plan update	Beck	\$ 6,753
20081523	Statewide Hurricane Ex	Beck	\$ 5,961
	Remove/Replace Tower	Gately	\$ 178,470
20081342-44		Communications	
20081604	Testing for tower	GET Solutions	\$ 2,875
20080927	Orthophotography	Sanborn	\$ 25,155
20080436	Recreation Software	Vermont Systems	\$ 10,540
	Shawboro Elem School		\$ 6,000,000
		Total	<u>\$ 6,383,108</u>

Net Budget Effect: Operating Fund (10) - Increased by \$6,383,108.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of September 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-590000	Capital Outlay	\$ 2,500	
10550-545000	Contract Services		\$ 2,500
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

Explanation: Airport (10550) - To transfer funds from contract services to capital outlay to install a secure enclosure in the terminal building.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



The Knapp Teacherage

C. Michael Warren
Superintendent

PHONE: 252-232- 2223
FAX: 252-232-3655
COURIER#: 10-69-03

Currituck County Schools

MEMO

TO: Sandra Hill
FROM: Kelly McClellan
DATE: August 8, 2008 (P)
SUBJECT: Change order for Jarvisburg Elementary

Sandra,

Attached you will find the following change order for Jarvisburg Elementary.

- Change order # 5 to B&M Contractors, Inc.

If anyone has any questions, or needs clarification on the change order, please contact Bruce McDonald at 232-2223 ext. 253.

Thanks,
Kelly

CHANGE ORDER

CONSTRUCTION MANAGEMENT EDITION

PROJECT:
 New Jarvisburg Elementary School
 Jarvisburg, North Carolina

CHANGE ORDER NUMBER: 5
INITIATION DATE: July 26, 2008
ARCHITECT'S PROJECT NO: 06-611
CM'S PROJECT NO. 6069
CONTRACT FOR: Electrical Contract
CONTRACT DATE: January 17, 2007

TO: B & M Contractors, Inc.
 500 North Poindexter Street
 Elizabeth City, NC 27909

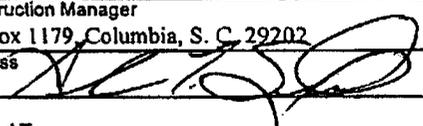
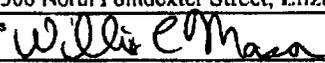
You are directed to make the following changes in this Contract:

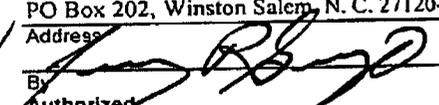
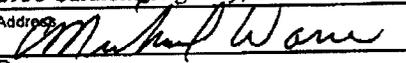
- | | | |
|---|--------|--------------|
| 1. Actual date of Substantial Completion and Commencement of Warranty is July 12, 2008. | Add | \$0.00 |
| 2. Final Contract adjustment for unused balance of Allowances | Deduct | (\$7,551.00) |

Total This Change Deduct (\$7,551.00)

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

The original Contract Sum was	\$1,546,114.00
Net change by previously authorized Change Orders	(\$133,948.00)
The Contract Sum prior to this Change Order was	\$1,412,166.00
The Contract Sum will be decreased by this Change Order	(\$7,551.00)
The new Contract Sum including this Change Order will be	\$1,404,615.00
The Contract Time will be increased by 88 Calendar days	
The Date of Substantial Completion as of the date of this Change Order therefore is July 12, 2008	

Recommended:
M. B. Kahn Construction Company
 Construction Manager
 PO Box 1179, Columbia, S. C. 29202
 Address
 By  8/4/08 Date
 Agreed To:
 B & M Contractors, Inc.
 Contractor
 500 North Poindexter Street, Elizabeth City, NC 27909
 Address
 By  7/31/08 Date

Approved:
Walter, Robbs, Callahan & Pierce Architects PA
 Architect
 PO Box 202, Winston Salem, N. C. 27120-20275
 Address
 By  8-2-08 Date
Authorized:
Currituck County Board of Education
 Owner
 2958 Caratok Highway, Currituck, NC 27929
 Address
 By  8-8-08 Date

Gwen Keene

From: Dan Scanlon
Sent: Monday, August 18, 2008 8:16 AM
To: Gwen Keene
Subject: FW: proposed new Library Board member

From: Vicky Hagemeister [mailto:vhagemeister@earlibrary.org]
Sent: Thursday, August 14, 2008 3:08 PM
To: Dan Scanlon
Subject: proposed new Library Board member

Becky Baggett completed her two allowed terms on the library board in June. She suggested Dr. Alison Boone-Heyder as her replacement. Dr. Heyder has agreed to serve and understands her appointment is contingent on the approval of the County Commissioners. Is there a formal process I need to follow to submit Dr. Heyder's name for consideration, or do I just need to give you her particulars? If the latter is the case, her address and phone numbers are:

Dr. Alison Boone-Heyder
102 Continental Court
Point Harbor, NC 27964
Home: 491-2550
Work: 261-7700

Mrs. Baggett also lives in the south end of the county so representation for that part of the county will remain unchanged.

Vicky Hagemeister
Currituck County Librarian
4261 Caratoke Highway
Barco, NC 27917
(252) 453-0492
vhagemeister@earlibrary.org
member East Albemarle Regional Library System

CURRITUCK COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES – Membership Revised June 2007

POSITION	NAME	ADDRESS	EMAIL	HOME	WORK	CELL	1 ST term	2 ND term
CHAIR	Becky Baggett	P. O. Box 233 Powells Point, NC 27966	beckybaggett@earthlink.net	491-8171	441-1742		6/04	6/08
VICE CHAIR	Paul O'Briant	157 Launch Landing Rd Moyock, NC 27958	paul@obriant.net	232-3444			6/05	6/09
SECRETARY	Stephanie Miller	172 Lands End Rd Knotts Is, NC 27950	carova_girl@yahoo.com	429-9177	429-3327	757- 544-1416	6/09	
MEMBER	Rhonda Check	1131 Gray Court Corolla, NC 27927	sunseekers@earthlink.net	453-3064		202-4772	6/06	
MEMBER	Dr. Norman Dahm	P. O. Box 207 Harbinger, NC 27941	Leenorm777@juno.com	491-8339	491-8550	267-3064	6/09	
MEMBER	Ramona Humphries	P. O. Box 39 Moyock, NC 27958	Interiors-ramona@earthlink.net	232-2158	435-6376		6/05	6/09
MEMBER	Marita Powell	1581 Caratoke Hwy Moyock, NC 27958		232-2529	453-2700		6/09	
MEMBER	Marion Thorn	P. O. Box 430 Moyock, NC 27958	Marion_thorn@earthlink.net	435-6323		757- 630-4196	6/08	
MEMBER	Susan Vakos	125 Foux Lane Knotts Is, NC 27950	currituckbuilder@aol.com	429-3141			6/05	6/09
EX-OFFICIO	Vicky Hagemeister	115 Scotland Road Camden, NC 27921	vhagemeister@earlibrary.org	331-2026	453-8345	Fax 453-8717		
EX-OFFICIO	Nancy Bass	105 Streamdale Court Moyock, NC 27958		453-6910				
EX-OFFICIO	Jessica Wemer	P. O. Box 306 Corolla, NC 27927	ewemer@earthlink.net	457-0808				
EARL	Becky Callison	205 E Main Street Elizabeth City, NC 27909	bcallison@earlibrary.org	335-0444	335-2511	340-4838		

ALBEMARLE MENTAL HEALTH CENTER
AND
DEVELOPMENTAL DISABILITIES & SUBSTANCE ABUSE SERVICES
BUSINESS OFFICE
P.O. Box 2367
Elizabeth City, North Carolina 27906-2367
Telephone (252) 335-1113
FAX (252) 335-4566

PROGRAM DIVISION SERVICES
Local Management Entity(LME)
Developmental Disabilities
Mental Health
Substance Abuse

CHARLES R. FRANKLIN, JR.
LME/Area Program Director
A. HUNTER THOMPSON, M.D.
Coordinator of Medical/Clinical Services

August 18, 2008

Mr. Dan Scanlon, County Manager
County of Currituck
Post Office Box 39
Currituck, North Carolina 27929

Dear Mr. Scanlon:

In accordance with State law, I am sending you the Albemarle Mental Health Center's Quarterly Fiscal Monitoring Report for the fourth quarter of FY 2007-08 to be shared with the County Finance Officer and the Currituck County Board of Commissioners at their next regularly scheduled commissioners' meeting. This report should be read into the minutes of your county commissioners' meeting. Should you have any questions concerning this report, your county commissioner representative on our Area Board should be your contact person.

If you have any questions, please contact me, at 335-0803, ext. 10285.
With kindest regards, I remain

Sincerely yours,



Clifford Branch
Computer/Business Manager Coordinator

CB:jan

Enclosure

pc: Mr. Owen Etheridge

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report**

LME ALBEMARLE MENTAL HEALTH CENTER LME

for the period ending: June 30, 2008

of month in the fiscal year: 12

(July = 1, August = 2, ..., June = 12)

1. REPORT OF BUDGET VS. ACTUAL

Basis of Accounting:
(check one)

ITEM	Cash		(3)		(5)		(6)
	X		(4)		(6)		
	PRIOR YEAR		CURRENT YEAR		ANNUALIZED		
	(1)	(2)	(3)	(4)	(5)	(6)	
	2006-2007		BUDGET	ACTUAL	BALANCE	PERCENTAGE **	
	BUDGET	ACTUAL	BUDGET	YR-TO-DATE	(Col. 3-4)		
REVENUE							
Client Fees	380,483	343,527	243,223	220,439	22,784	90.63%	
Medicaid - "Regular Fee-for-Service"	5,257,620	4,238,793	5,891,160	4,169,803	1,721,357	70.78%	
Medicaid - CAP/MRDD	865,293	711,267	616,700	616,652	(952)	100.15%	
Medicare	81,000	73,828	168,984	170,612	(1,628)	100.96%	
Insurance	251,482	138,489	236,278	236,751	(473)	100.20%	
Other Local	1,607,476	1,269,757	244,800	172,567	72,233	70.49%	
Donations	-	500	-	-	-	-	
Appropriation of Fund Balance *	1,587,499	-	1,150,605	-	1,150,605	0.00%	
Total Local Funds	10,010,853	6,776,161	8,550,750	5,586,824	2,963,926	65.34%	
County Appropriations (by county):							
CAMDEN County	7,947	7,947	9,656	9,656	-	100.00%	
CHOWAN County	34,046	34,046	34,112	34,112	-	100.00%	
CURRITUCK County	21,492	21,492	24,592	24,592	-	100.00%	
DARE County	44,318	44,318	45,850	45,851	(1)	100.00%	
HYDE County	-	-	5,578	5,578	-	100.00%	
MARTIN County	-	-	24,415	24,415	-	100.00%	
PASQUOTANK County	37,006	33,913	40,465	40,464	1	100.00%	
PERQUIMANS County	11,890	10,890	12,479	12,479	-	100.00%	
TYRRELL County	-	-	4,251	4,251	-	100.00%	
WASHINGTON County	-	-	13,341	13,341	-	100.00%	
Total County Funds	156,699	152,606	214,739	214,739	1	100.00%	
Service Management Funds	3,587,818	3,587,818	4,441,158	4,441,158	-	100.00%	
Service Delivery Funds	1,591,579	992,306	1,515,971	1,515,825	146	99.99%	
All Other State/Federal Funds	6,920,968	4,828,015	9,854,246	9,462,051	392,195	96.02%	
Total State and Federal Funds	12,100,365	9,406,139	15,811,375	15,419,034	392,341	97.52%	
TOTAL REVENUE	22,267,917	16,334,906	24,576,864	21,220,596	3,356,268	86.34%	
EXPENDITURES:							
Service Management	4,311,160	4,209,549	5,507,663	5,236,332	271,331	95.07%	
Directly Provided Services	10,220,882	8,962,000	10,334,974	10,133,000	201,974	98.05%	
Provider Payments	3,970,859	3,000,058	4,133,058	4,111,912	21,146	99.49%	
All Other	3,765,016	3,733,288	4,601,169	4,602,906	(1,737)	100.04%	
TOTAL EXPENDITURES	22,267,917	19,904,893	24,576,864	24,084,150	492,714	98.00%	
CHANGE IN CASH BALANCE		(3,569,987)		(2,863,553)			
Beginning Unrestricted Fund Balance		777,646		882,060			
Current Estimated Unrestricted Fund Balance and percent of budgeted expenditures	3.96%	882,060	3.21%	788,665			

* "Appropriation of Fund Balance" represents the Area Program Fund Balance that has been incorporated as part of the Approved Budget. Actual Yr-To-Date should reflect Fund Balance utilized to date and an explanation needs to be provided for the specific uses of fund.
** annualized Revenue percentage less than 90% and Expenditure percentages greater than 110% must be explained on the attachment and submitted with the Fiscal Monitoring Report

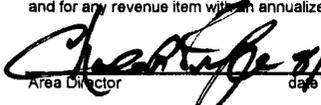
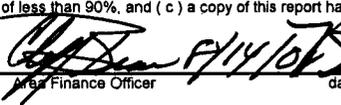
2. CURRENT CASH POSITION:

	(1)	(2)	(3)	(4)	(5)	Receivables net of Allowance for Uncollectible Receivables
	30 DAYS	60 DAYS	90 DAYS	OVER 90 DAYS	TOTAL	
Accounts Payable (Accrual Method)	507,374				507,374	
Account Receivable (Accrual Method)	1,372,800	851,304			2,224,104	\$ 2,001,694
Current Cash in Bank	867,297					

3. SERVICE EXCEPTIONS: (Provided Based on System Capability)

Services authorized but not billed

* We certify (a) this report to contain accurate and complete information, (b) explanations are provided for any expenditure item with an annualized expenditure rate greater than 110% and for any revenue item with an annualized receipt rate of less than 90%, and (c) a copy of this report has been provided to each county manager in the catchment area.


Area Director date: 8/14/08
 Area Finance Officer date: 8/14/08
 Area Board Chair date: 8/14/08

CC: County Manager for each county within the catchment area.

Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report - Explanation of Revenue and Expenditure Variances
Albemarle Mental Health Center
Local Management Entity
June 30, 2008

ITEM	Explanation
Revenues less than 90%:	
Medicaid "Regular Fee-for-Service"	Medicaid is at 70.78% because revenue collections are down due to delayed billings with services.
Other Local	This category includes services that are not being fully utilized.
Expenditures greater than 110%:	
None	
Fund Balance:	
Fund Balance below 8%	The fund balance percentage has been impacted by the shift to more contract services and the increased LME function.
Current Estimated Unrestricted Fund Balance:	
	Fund Balance per Audit - 6/30/07
	Reserved by State Statute
	Reserved for Pugh Memorial
	Reserved for Special Projects
	TMHC funds received July & August
	TMHC funds received November & December
	TMHC funds restricted for post retirement benefits
	TMHC funds received in May
	Change in Cash Balance on FMR
	Estimated Unrestricted Fund Balance

1,864,585
(948,039)
(17,933)
(16,553)
1,389,900
1,954,219
(691,076)
117,115
(2,863,553)
788,665

CURRITUCK COUNTY
NORTH CAROLINA
August 18, 2008

The Board of Commissioners met prior to the meeting to discuss the Moyock Centralized Waste Water System.

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 & Pledge of Allegiance

The Reverend Renee Edwards was present to give the invocation.

Approval of Agenda

Commissioner Taylor moved to amend the agenda by deleting Item 3 and replace with discussion on request by the Northern Beach Task Force. Commissioner Gregory seconded the motion. Motion carried.

- 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 **Recognition of Shawboro Ruritan Club**

- Item 4 **Presentation Historic Preservation Study**

- Item 5 **Public Hearing and Action** PB 08-22 Currituck Marina: Request to amend the Currituck County Land Use Plan to designate approximately 40 acres of the Future Land Use map from Conservation Area to Full Service Area. The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.

- Item 6 **Public Hearing and Action** PB 08-37 Moyock Public Library - Request a Special Use Permit to allow a public library at 838 Tulls Creek Road, Tax Map 22, Parcel 78C, Moyock Township.

- Item 7 **Public Hearing and Action** PB 08-23 Larry Gaither: Request to amend the Currituck County UDO Chapter 10, Sections 10.4.1 and 10.4.4 to allow an individual building lot(s) to construct an elevated walkway through the dedicated conservation open space to a navigable body of water.

Item 8 **Request for Currituck County to determine Standard or Electing county for the Work First Program**

Item 9 **Consent Agenda:**

1. Budget Amendments
2. Approval of Building Inspection Records Disposition
3. Approval of August 4, 2008, Minutes

Item 10 Commissioner's Report

Item 11 County Manager's Report

Public Comment

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

Chairman Nelms opened the public comment period.

April Bennett, Bells Island, requested the Board to consider legislation to use golf carts on state roads.

Sandy Hill, Bells Island, supports legislation for legal use of golf carts.

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

Discussion on request by North Beach Task Force

Commissioner Etheridge stated that he had been contacted by Lynne Wilson, North Beach Task Force, to request our help with obtaining 1/8 acre of the Estuarine Sanctuary to allow a public information and education center for the beach driving area.

Commissioner Etheridge moved to request the support of Representative Owens to help with obtaining the property. Commissioner Taylor seconded the motion. Motion carried.

Presentation Historic Preservation Study

Rodney Sawyer, Cooperative Extension Director, reviewed the Historic Preservation Study and the comprehensive survey of historical sites. Mr. Sawyer stated that a public presentation will be held on September 8. The Historian Consultant reviewed Phase III.

**Public Hearing and Action PB 08-22 Currituck Marina:
Request to amend the Currituck County Land Use Plan to designate approximately 40 acres of the Future Land Use map from Conservation Area to Full Service Area. The property is located at 291 West Side Lane, Tax Map 112, Lot 3C, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

Michael E. Perry of MSA, P.C. is requesting an amendment to the Currituck County Land Use Plan to designate approximately 40 acres of the Future Land Use map from Conservation area to Full Service area. This request is intended to accommodate an upland marina with direct access to the Albemarle Sound.

As required by the Coastal Area Management Act (CAMA), the Board of Commissioners must approve a local resolution of adoption which includes findings that demonstrate this amendment is consistent with the policy objectives of the Plan. Additionally, the County must demonstrate the amendment will not adversely affect the provision of services and infrastructure. Once the appropriate findings and local resolution of adoption are approved, the amendment will then be considered by the Coastal Resources Commission (CRC) for formal certification.

Enclosed please find the following information:

- maps of the amendment area (page 2 - 3)
- planning staff case analysis (page 4 - 9)
- meeting minutes of the Planning Board (page 10 - 14)
- narrative of the request as submitted by the applicant (page 15)
- copy of the amendment application (page 16 -17)
- survey of the subject property (page 18)
- local resolution of adoption and findings of plan consistency (page 19)
- Land Use Plan amendments (page 20 - 21)

This request is tentatively scheduled to be considered by the CRC at their quarterly September meeting.

Should you have any questions, do not hesitate to contact me at 232-6029.

TYPE OF REQUEST: To amend the Currituck County Land Use Plan to designate approximately 40 acres of the Future Land Use map from Conservation Area to Full Service Area.

LOCATION: Located at 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: Michael E. Perry of MSA, P.C.
5033 Rouse Drive
Virginia Beach, VA 23462

CURRENT LAND USE CLASSIFICATION: Conservation Area

PROPOSED LAND USE CLASSIFICATION: Full Service Area

CURRENT ZONING: Agricultural (A)

SURROUNDING PROPERTY:

NORTH:	Land Use Undeveloped	LUPClassification Conservation
SOUTH:	Albemarle Sound	N/A

EAST:	Kilmarlic Subdivision	Limited Service
WEST:	Undeveloped	Conservation

**LAND USE PLAN
ANALYSIS:**

CLASSIFICATIONS

Conservation Area – 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 Conservation class should be applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Infrastructure and services, public or private, should not be provided in these areas as a catalyst that could stimulate development.

Due to the low-lying nature of much of Currituck County, and the prevalence of wetlands in the County, the Conservation class is the most extensive of the four land classes. Oftentimes, the scattered, widespread nature of such areas (e.g. 404 wetlands) precludes their mapping except at a very generalized level of detail. In such instances, the standards of the Conservation class shall be applied in accordance with the site specific information made available during special studies and/or the land development process.

Full Service Area – Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, fire and rescue facilities. Central wastewater treatment and disposal whether public or community is considered reasonable in the Full Service Areas.

Point Harbor Sub-Area – The policy emphasis is to allow portions of the Point Harbor 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.

SUPPORTIVE POLICIES

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.

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 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.

POLICY PA6: MARINAS IN UPLAND LOCATIONS generally shall be preferred over marinas in open water, thereby preserving the visual appearance of the shoreline as well as avoiding the “consumption” of available public trust surface waters.

POLICY PP2: Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not be limited to water supply, school capacity, park and open space needs, fire fighting capability, and law enforcement.

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.

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.

UNSUPPORTIVE POLICIES

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.

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.

POLICY TR11: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

MANAGEMENT TOPICS

Staff responses are in italics and follow each management topic.

Public Access – To provide suitable public access opportunities to the County's public trust waters and shorelines so as to allow for a wide range of activities.

This request would provide the County's first direct public access to the Albemarle Sound.

Land Use Compatibility – To properly develop in accordance with the suitability of the land, infrastructure availability and the compatibility of surrounding uses.

The upland area of this request is classified as low suitability for development. There is county water and emergency medical services 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).

Infrastructure Carrying Capacity – To avoid taking or approving actions related to infrastructure and the provision of services that could induce intensive development in environmentally fragile areas.

Infrastructure capacity such as improved roads and public water are directly accessible to the subject property.

Natural and Man-Made Hazards – To exercise caution, foresight, and common sense in dealing with the risks of coastal development.

With environmental oversight from the State and local tools such as conditional zoning and floodplain management, the county is in a position to ensure development proposals are responsive to coastal development concerns.

Water Quality – To preserve and improve water quality in the coastal waters of Currituck County; To preserve critical natural areas as the source of biological diversity and productivity on the County's ocean and estuarine environments.

This request is primarily limited to the upland areas of the subject property. The overall intensity of the project is of concern and will need to be designed in a manner to minimize potential impacts on water quality. The use of central wastewater, Low Impact Development (LID) stormwater techniques, and vegetative buffers are critical to the proposal's consistency with Land Use Plan management topics.

Local Concerns – To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.

The request attempts to minimize the impact of the developable area while promoting a high quality project that provides public access and other economic benefits to the county.

CAMA LAND

SUITABILITY: According to the land suitability analysis included in the Land Use Plan, the site is primarily classified as least suitable for development. There are limited amounts of the site classified as low suitability (upland areas).

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 Kilmarric 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 and comprises the majority of the request for Full Service designation.

SOILS: The Currituck County Soils map indicates the property contains primarily non-suitable soils. There are limited amounts of suitable soils which comprise the majority of the request for Full Service designation.

STAFF

RECOMMENDATION: Staff recommends **conditional approval** of the request due to its consistency with existing Land Use Plan policies and management topics, and subject to the following recommendations:

- In order to maintain balance in Land Use Plan classifications, adjacent wetlands currently designated as Limited Service should be incorporated into this amendment request and designated as Conservation. Considering the intensity of development allowed by the proposed Full Service designation, staff would recommend a 2/1 ratio for exchanging Conservation areas (i.e., for every 1 acre of Full Service created, 2 acres of Conservation is created).
- Future development proposals for the subject property must maintain public access, public boat launching, and parking facilities to the Albemarle Sound (Policies PA1, PA2, PA5, ML3).

- Any future marina proposal shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program (Policy PA7).
- This site is adjacent to the Albemarle Sound. In addition, the wetlands on this site are designated as a Significant Natural Heritage Area by the North Carolina Natural Heritage Program for their presence of rare and important ecological features. In an effort to protect these areas and preserve water quality, priority should be given to the retention and preservation of wetland areas. It is recommended that no development, land disturbing, or logging activities occur in areas designated by the 2006 Land Use Plan as Conservation. (Policies ES2, WQ 5, WQ 6, ML1)
- Future development proposals for the subject property must demonstrate that water quality is not adversely impacted. The use of Low Impact Development (LID) techniques and wetland preservation should be given high priority. In addition when developing near 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 (Policies ES4, WQ3, WQ6, and Point Harbor Sub-Area description).

PLANNING BOARD DISCUSSION – June 10, 2008 Meeting

Mr. West stated that this is not part of the Kilmarlic property but access would need to go through a portion of the Kilmarlic property.

Mr. West asked how can wetlands in the Kilmarlic Club be designated to an conservation area if they are already designated to another subdivision.

Mr. Webb stated the county has sole authority to amend the plan if, the state certifies the change, and determine the outlook of the Future Land Use Plan.

Mr. West asked if public access would be available to the marina.

Mr. Webb stated the West Side Lane is a public road and the applicants have indicated there would be public marina access.

Mr. Morrison stated they think this is a great project for the citizens of Currituck having direct access to the Albemarle Sound. They have been in contact with the Kilmarlic golf course and they are working with them because this project will help their project.

Mr. Midgette asked Mr. Morrison if they are in agreement with staff recommendations.

Mr. Morrison stated yes.

Ms. Turner asked Mr. Morrison if he was okay with public access to sound and boat launch.

Mr. Morrison stated yes.

Mr. Bell asked who is responsible for checking the water quality?

Mr. Webb stated that a CAMA permit is reviewed by 12 different state agencies and a thorough review is done.

Mr. Kovacs asked if the Board of Commissioners are the only ones that can make changes to the Land Use Plan since they approve it.

Mr. Webb stated this is an amendment to a county planning document and staff would want a recommendation from the Planning Board.

Mr. West asked how does the next item on the agenda, which is a Currituck County request to amend the Land Use Plan, impact this request which is also a request to amend the Land Use Plan.

Mr. Webb stated that the applicants are asking the Planning Board to consider immediate action on this request tonight. What will be reported next is a report on the process the county is looking for a much wider area.

Mr. Woody stated that this request is totally separate from the County's request.

Mr. Midgette asked with this being an amendment to the Land Use Plan will this have an affect on any other conversation areas in the county.

Mr. Webb stated no.

Mr. Keel stated that since another Town Meeting is scheduled on June 17, 2008 for the citizens in the Crawford Township to offer comments on the proposed amendment and learn more about the County's Land Use Plan, wouldn't it be better to do the two amendments at the same time.

Mr. Woody stated he would encourage the board to consider this entirely separate from what the county is requesting.

Ms. Turner asked if the only reason they want to get the amendment is so they can obtain the CAMA permit.

Mr. Webb stated that this was the county's view. Mr. Webb stated that whatever action the county takes, The Division of Coastal Management will make a recommendation from the county's action afterwards or before it goes to Coastal Resources Commission (CRC).

Mr. West asked Mr. Morrison where they are with the project, i.e. permits, etc.

Mr. Morrison stated they have been working on this project for approximately three years which included all the engineering and surveying.

Mr. West stated that if this was put off for another month since the county is going through this Town Meeting process looking at the LUP and this could or could not have an impact on it.

Mr. Morrison stated he attended and participated at the Town Meeting on June 5, 2008 and thought it was fantastic to understand the LUP which is totally different and separate from what they are requesting. Mr. Morrison is asking the board to make a recommendation on their request and look at it as an individual project.

Mr. Webb stated that the LUP map is not the only component of the Land Use Plan, this is why we look at the polices.

Mr. West stated this will add 40 acres of full service to the LUP.

Mr. Woody stated it will add 40 acres of full service and 40 acres of conservation to the LUP.

Mr. Webb stated that there were no potential marina sites on the map when the LUP Committee met in 2006.

Mr. West stated that there is no opposition to the marina but with the Town Meetings still taking place he feels they should wait until they have taken place before the board makes a recommendation. Mr. West stated that it is not the marina that is requiring an amendment to the LUP, but the density of the property surrounding the marina to full service.

Mr. Midgette asked why the county has conservation areas.

Mr. West stated that the definition in the case analysis states "the purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas".

Mr. Midgette stated that the board has approved projects with conservation areas and now they would be going back on what has been done in the past. Mr. Midgette stated he has no problem with the marina but feels if they were to make a recommendation then other citizens within the county could do the same thing.

Mr. Morrison stated that the county would be gaining an extra 40 acres of conservation area.

Ms. Turner asked if this request is allowed to change, is it a way to ensure that the county doesn't lose conservation land?

Mr. Webb stated that what the board is looking at is the Future LUP and the other would be mitigation.

Ms. Turner stated if the board moves forward she would like to see keeping the same amount of conservation area.

Mr. Kovacs asked for clarification on the 2/1 ratio for exchanging Conservation area (i.e., for every 1 acre of Full Service created, 2 acres of Conservation is created.)

Mr. Webb stated the plan would change to add 40 acres of land to the conservation class.

Mr. West asked if the full service would be county wide for every 1 acre.

Mr. Webb stated it would be just for this property.

Mr. Wright stated he served on the LUP committee and one of the things they were concerned with was accessibility of the Albemarle Sound, which is one of great water resources of North Carolina and the nation. Currituck does not have any public access from Point Harbor to Coinjock to get to the Albemarle Sound. Mr. Wright feels that this proposal would give the public access to the Albemarle Sound. Mr. Wright stated he also has concerns. When Kilmarlic was done it was titled a great conservation, open space subdivision. Much of the open space in Kilmarlic was put under conservation easement to Ducks Unlimited. Mr. Wright asked if the land are already on a permanent easement for Ducks Unlimited. Mr. Wright is also concerned with the amount of density in an important wetlands area. He feels a lot of people will get confused with the whole process until the Town Meetings are done and the general question about unlimited vs. full services. Mr. Wright recommends the board table this request.

Mr. Morrison states he agrees with what Mr. Wright stated. Mr. Morrison did state this should be viewed separately from the Currituck County's LUP amendment. He is asking that the planning board make a recommendation on this request tonight so it can move to the June's Board of Commissioners meeting.

Ms. Turner stated that the marina is a positive project but she is concerned with the density and with one Town Meeting just taking place to discuss the LUP and another 2 weeks away, she feels it would be good to table this item.

ACTION

Mr. Keel motioned to table the request to amend the Currituck County Land Use Plan to designate approximately 40 acres of the Future Land Use map from Conservation Area to Full Service Area. Mr. West seconded the motion. Motion passed unanimously.

PLANNING BOARD DISCUSSION – July 8, 2008 Meeting

Mr. Webb stated that the conservation area for Kilmarlic, Phase I does have a deeded easement for Ducks Unlimited and changing this to a conservation in the Land Use Plan would not have much affect on the plan. The other question Mr. Webb addressed was how the county's Land Use Plan (LUP) process is going to affect this request and Mr. Webb stated that it would have no affect.

Mr. Myers asked if the board had any questions.

Mr. Kovacs asked if this goes from limited service to a full service district, what is the difference in the number of units.

Mr. Webb stated approximately 55 units.

Mr. Kovacs asked if this request has to go before CAMA and that CAMA would not approve the request because the density is too high.

Mr. Webb stated that the county does not know because no reports have been seen regarding limited service vs. full service district.

Mr. Kovacs asked what is the number of conservation acreage the county would gain if this request was approved.

Mr. Myers stated 40 acres.

Mr. Kovacs stated if it was limited service it would be approximately 60 units less.

Mr. Myers stated the housing would be mixed use with duplexes/condo's and town homes.

Mr. Morrison stated the price range will be approximately \$299,000 for a 1,800 sq. ft. unit.

Mr. Kovacs stated that if it were to stay at limited service vs. full service would the price for a unit would change.

Mr. Myers stated that there are some conditions that you have with limited service that you don't have with full service, i.e. wastewater permitting and this is why it needs to be a full service district.

Mr. Kovacs asked if it were limited service that you couldn't get approval for wastewater treatment system.

Mr. Webb stated that the county's LUP would allow for this system in limited service.

Mr. West stated this was tabled from last month's meeting because of the process that the county is going through and the county has not gotten any further on the LUP. Mr. West stated he understands why they are asking for a full service district but he is concern with what precedent this will set for future developments in the area.

Mr. Morrison stated that the reason they are asking for the full service is so they can get the CAMA permit. Mr. Morrison stated this project will be beautiful for Currituck County and they are also looking at units that will sell. This project will have public access to the sound. They are asking for the density to be 1.9 per unit.

Mr. Keel asked what the square footage will be per unit.

Mr. Morrison stated approximately 1,800 sq. ft.

Mr. West asked what size the parking space would be for the public access to the pier and launch area.

Mr. Myers stated 10-11 spaces which will be your average parking space and it will accommodate a trailer.

Mr. Morrison stated that you could store your boat at the boat house for a fee, which will include once a day your boat be taken out of storage and put in the water. Boat slips will be available to the general public.

Mr. Kovacs asked if another canal will be cut for this project.

Mr. Morrison stated that in 1986 a permit was granted to keep this canal open which was a drainage canal for the property which goes all the way to the river.

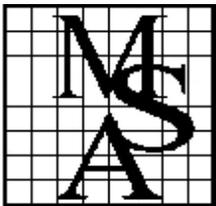
Mr. West asked if it will need to be dredged.

Mr. Morrison stated yes.

ACTION

Mr. Keel motion to recommend approval with staff recommendations to amend the Currituck County Land Use Plan to designate approximately 40 acres of the Future Land Use map from Conservation Area to Full Service Area. Mr. West seconded the motion. Motion passed unanimously.

Amendment Narrative



**Narrative
Currituck Marina
Powell's Point, NC
MSA Project No. 07177**

The baseline purpose of the CAMA is to protect valuable natural heritage assets. These are uniquely valuable, coastal ecosystems. They are complex with regard to habitats and the biota that rely on these areas for survival. This project, Currituck Marina, honors that important commitment, through avoidance, minimization and conservation. It seeks to maintain the assets that make this as such a beautiful area, by developing areas that are upland, while capturing any runoff that could adversely affect the receiving waters.

By using cluster development and smaller footprints, the amount of impervious surface is kept to a minimum. Adjacent properties include single family development and a golf course, which will not be affected by this amendment. In fact, the golf course would be considered an amenity for this project and our project, potential income source for the golf course.

As a Community that targets "Active Adults" and is basically self contained. There would be minimal impact on County resources. There would be no affect on the local school system. While there would be a need to have public utilities, these would be consistent with existing demand. What makes this project truly unique and of public benefit is the opportunity to offer safe harbor to local and transient boaters. It is the intent of the developers to allow the general boating public to use the inland harbor in the event of foul weather. This is an unparalleled opportunity for the intracoastal boater. This change of use for the project and an identified public need truly justifies its approval and its land space to be reclassified.

Reviewing the County's Land Use Plan, indicates that is a conforming use. While there is a development aspect of the proposed project, the conservation component is a significantly larger area. The use of upland areas, translates into the honoring of the AECs to the maximum extent practicable. Additionally, it appears as if this area is designated to be acceptable as a "Full Service Area", under the Guidelines.

This project and project location offer a unique opportunity for public benefit. It is a positive mix of upland and coastal habitat. This applicant is committed to conserving the ecological benefits, while creating a safe harbor for the boating public.

Amendment Application

Land Use Plan Amendment Chapter 11 Section (s) 3 as follows:

Full service area district

Property Information (if amending a LUP map)

Street Address: 291 West Side Lane

Parcel ID Number(s): 0112000003c0000

Deed Reference: Book 398 Page 694

Township: Powells Point

Description of Property (if amending a LUP map)

Size (in acres): ±123.1 Ac

Size of Area for Amendment ±40 Ac Upland

Street Frontage (feet): 60 ft

Current Zoning District: N/A

Current Land Use of Property: Residential

Surrounding Land Use: North Fortune Bay Golf Club

South Albemarle Sound

East Kilmarlic Golf Community

West Property of Robert E. Wells &

Ronald K. Bennett ("Joyce Christiansen TRACT")

Current Future Land Use map designation: Conservation Area District

Proposed Future Land Use map designation: Full Service Area District

Pre-application Conference Information

Date of pre-application conference: April 10, 2008

Applicant/ representative in attendance: Mike Perry, Fred Myers

Planning Department staff in attendance: David Webb

Justification

Please provide sufficient information to explain and justify how the Land Use Plan Amendment request satisfies the following questions. Attach additional sheets if necessary.

1. Will the proposed amendment support uses that are suitable in view of the use and development of adjacent and nearby properties? **Yes.**

2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties? **No.**

3. Would the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities? **No.**

4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan, and any other applicable long range plans? **The Kilmarlic Golf Club property is located to the east of the proposed Currituck Marina project. The land use of Kilmarlic Golf Club was amended from a conservation district to a full-service area district and thus, the Kilmarlic community accommodates single-family homes. This area has illustrated growth on its long range plan. By amending the Land Use Plan for Currituck Marina, this will leave a ±68.51% conservation area district, and a ±19.48% full-service area district within the boundaries of the subject property. (See Section II, Attachment B)**

5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request? **No.**

6. Is there a public need for additional land space to be classified to this request? **Yes, Upland Marina: used for the public as a hurricane evacuation marina.**
7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed? **This area is medium suitability to low suitability with wetlands. (See Section II, Attachment C)**

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AUTHORIZING AN AMENDMENT TO THE CAMA LAND USE
PLAN**

WHEREAS, the County desires to amend its 2006 CAMA Land Use Plan, specifically the Future Land Use Map, to designate approximately 40 acres as “Full Service Area” from “Conservation Area”, and

WHEREAS, the County also desires to amend its 2006 CAMA Land Use Plan to designate approximately 80 acres of the Future Land Use Map as “Conservation Area” from “Limited Service Area”, and

WHEREAS, on July 8, 2008, the Planning Board unanimously recommended adoption of the draft amendment to the CAMA Land Use Plan; and

WHEREAS, the County conducted a duly advertised public hearing on the draft amendment to the CAMA Land Use Plan at the Regular Meeting of the Board of Commissioners on Monday, August 18, 2008; and

WHEREAS, the amendment to the Future Land Use Map has been evaluated for its consistency with other existing policies and no internal inconsistencies exist; and

WHEREAS, the amendment is consistent with the currently approved North Carolina Coastal Management Program and the rules of the Coastal Resources Commission; and

WHEREAS, the amendment is consistent with the six management topics outlined in the County’s Land Use Plan; and

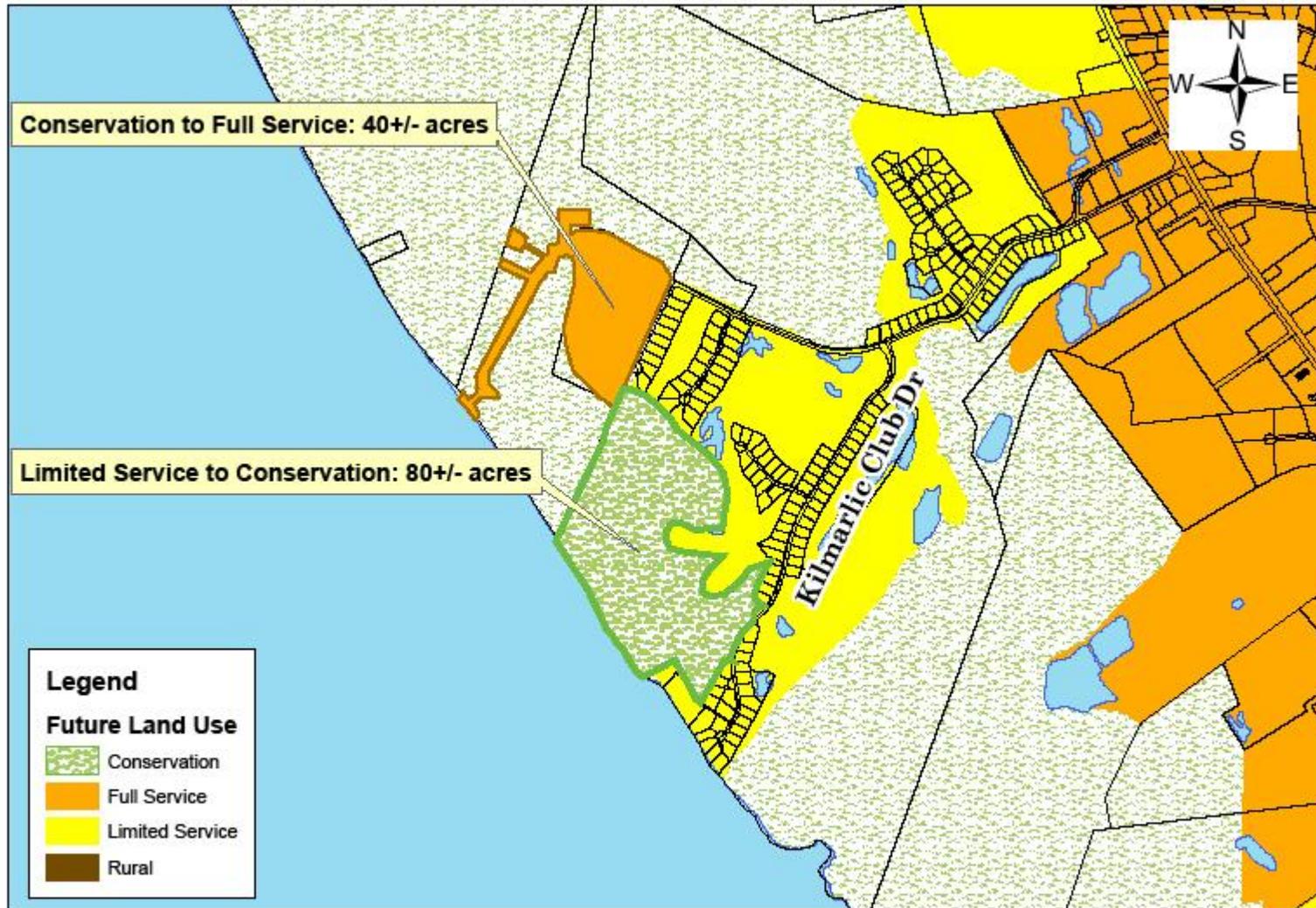
WHEREAS, the amendment does not violate any state or federal laws,

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of Currituck County, North Carolina, has adopted the draft CAMA Land Use Plan amendment; and

BE IT FURTHER RESOLVED that the County Manger of Currituck County is hereby authorized to submit the adopted CAMA Land Use Plan amendment to the State for certification as described above.

Proposed Map Amendment

Appendix I. Maps, Map 11.1 Future Land Use Map is amended as shown below:



PB 08-22 CURRITUCK MARINA Land Use Plan Amendment



Currituck County Planning Department



Proposed Text Amendment

Section 11: Land Classification System, Table 11.1 is amended by adding the following underlined language and deleting the strikethrough language:

Table 11.1 Comparison of Land Allocated to Future Land Use and Projected Land Needs, 2025

Land Use Class	Total Acres Allocated to Each Land Class (a)	% of Each Land Class in Development (b)	Total Acreage Available for Development as Projected (a) x (b)	Total Acreage Projected for Development
Full Service Areas	17,613 <u>17,653</u>	80%	14,090 <u>14,122</u>	
Limited Service Areas	26,706 <u>26,626</u>	65%	17,359 <u>17,306</u>	
Rural Areas	40,218	10%	4,021	
Conservation Areas	81,183 <u>81,223</u>	2%	1,623 <u>1,624</u>	
Totals	165,720	--	37,094 <u>37,073</u>	37,183

Chairman Nelms opened the public hearing.

Tim Morrison and Fred Myers, Developer, reviewed their request.

Linda Pasqua, Harbinger, expressed concerns with the additional traffic this request would bring.

Ellen Eddy, opposed the request.

June Raffa, opposes the request and wanted to know if the Board was going to provide the additional fire and EMS. She requested her comments be sent to CAMA.

Judy from Harbinger, expressed concerns with traffic and no EMS or Fire.

Gwenn Cruickshanks, opposes this change to the LUP and the lack of EMS and Fire protection and increase in traffic. She requested her remarks be sent to CAMA.

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

Commissioner Bowden moved to approve with findings of fact. Chairman Nelms seconded the motion. Motion carried with Commissioner Gregory and Etheridge voting no.

Public Hearing and Action PB 08-37 Moyock Public Library - Request a Special Use Permit to allow a public library at 838 Tulls Creek Road, Tax Map 22, Parcel 78C, Moyock Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

ITEM: SPECIAL USE PERMIT FOR A LIBRARY

LOCATION: 838 Tulls Creek Road, Moyock Township

ZONING DISTRICT: Residential (R) - Planned Unit Development Overlay

TAX ID: Tax Map 22, Parcel 78C
022-000-078C-0000

OWNER: AH Currituck Reserve, LLC
759 South Bayview Road
Jarvisburg, NC 27947

APPLICANT: Currituck County
PO Box 39
Currituck, NC 27929

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	Zoned R
SOUTH:	Farmland/Proposed PUD	Zoned R
EAST:	Farmland/Residential	Zoned R
WEST:	Residential/Farmland	Zoned A/R

NARRATIVE:

1. Currituck County is proposing to construct a public library on a 12.20 acre parcel located in the Currituck Reserve, PUD.
2. This property is zoned Residential and libraries are listed as a permissible use requiring a special use permit in the Permitted Uses Table.

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. *COMPLETENESS OF THE APPLICATION*
Suggested Findings:
 - a. Based on staff review all required information has been submitted.
2. *COMPLIANCE WITH ORDINANCE REQUIREMENTS*
Suggested Findings:
 - a. The proposed development generally complies with the provisions of the UDO.

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

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

Suggested Findings:

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed for this development.

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

Suggested Findings:

The proposed construction of a public library should have no negative impact on adjoining property. The adjoining uses include residential uses. The parcel is located in the proposed Currituck Reserve PUD that will contain a mixture of 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.

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

Suggested Findings:

The proposed library should be compatible with the neighborhood, and have no negative impact on the adjoining property.

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

Suggested Findings:

The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** sub-area.

The Rural class is preferred for open space and agricultural preservation, and it is intended for agricultural, forestry and other allied uses traditionally associated with a rural area.

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

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

The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance, 2006 Land Use Plan, and promotes compatibility between the subject property and surrounding area.

- C. *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 the UDO.

Suggested Findings:

Approval of this request should have no negative impact on public facilities.

TECHNICAL REVIEW COMMENTS:

Fire Marshal Comments, James Mims 252-232-6641:

1. All fire access roads must be an all weather surface capable of supporting 75,000 lbs.
2. A fire hydrant must be within 400 feet of all portions of the structure. If the structure has an automatic fire suppression system the fire hydrant and the fire department connection should be placed so that fire apparatus can connect to both without blocking the full width of the drive aisle.
3. If the present structure located on the property is used for any other use other than single family dwelling it will require commercial code compliance.

Building Inspector Comments, Spence Castello 252-232-6020:

Approved as is.

Soil Conservation Comments, Mike Doxey 252-232-3360:

The finished floor elevation may be too low. The 10-year flood elevations are different on two sheets. *Comment: The finished floor elevation exceeds the minimum 18 inch clearance above the 10-year storm elevation in the BMP as well as the 12 inch clearance requirement above the 100-year elevation.*

County Engineer Comments, Eric Weatherly 252-232-6035:

Must submit sewer details and a copy of the septic permit.

Public Works, Utilities, Comments, Pat Irwin 252-232-2769:

Approved with the following conditions:

1. Utility plans do not show the waterline meter connection or a fire hydrant for the site. Please define. *Comment: The waterline connection and the fire hydrant location are indicated on the plans with the Campus Drive, Phase 1, improvements.*

Albemarle Regional Health Services, Joe Hobbs:

There appears to be a problem with the septic design. A pump system may be required and must be designed by a professional engineer. Consult with David Sweeney for permitting. *Comment: David Sweeney's comments have been addressed and the septic design has been resubmitted for review and approval.*

NCDOT Comments, Roger Ward)252-331-4737:

Approved as is.

Division of Coastal Management, Charlan Owens 252-264-3901:

No comment.

County Manager, Dan Scanlon

No comments received.

STAFF RECOMMENDATION

The proposed development appears to meet the criteria for granting a Special Use Permit and staff recommends **APPROVAL** with the following conditions:

1. The site plan shall meet the requirements of the technical review committee and the UDO.
2. An NC Erosion and Sedimentation Control permit and NC Stormwater permit shall be submitted prior to land disturbing activities.

3. Twenty percent of the total vehicular area must be shaded with deciduous trees. (*Section 5.8.4*)
4. A type C bufferyard is required along all streets. A type A bufferyard (25' setback) is required along the right side property line adjacent to the residential subdivision. (*Section 5.4*)
5. An on-site pedestrian path system shall be installed that connects to the adjacent subdivision street sidewalk.
6. The waterline extension from Tulls Creek Road and installation of Campus Drive from Tulls Creek Road to the parking lot entrance shall be installed prior to issuance of a certificate of compliance for any building construction.

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

Commissioner Taylor moved to approve with findings of fact, Staff and TRC recommendations. Chairman Nelms seconded the motion. Motion carried.

Public Hearing and Action PB 08-23 Larry Gaither: Request to amend the Currituck County UDO Chapter 10, Sections 10.4.1 and 10.4.4 to allow an individual building lot(s) to construct an elevated walkway through the dedicated conservation open space to a navigable body of water.

Ben Woody, Planning Director, reviewed the request.

Mr. Gaither is requesting a text amendment to the conservation subdivision open space requirements of the Unified Development Ordinance (UDO). The intent of this request is to allow an individual building lot(s) to construct an elevated walkway through dedicated conservation open space to a navigable body of water.

The current UDO requirement allows open space to be encumbered with an elevated walkway (or other amenity) provided such structure is for recreational purposes and accessible to all residents of the subdivision or the general public. This request is proposing to allow individual elevated walkways for individual use through established conservation areas and dedicated open space.

Planning staff is concerned with the concept of individual elevated walkways constructed in dedicated conservation open space. In evaluating the long-term implications of amending the conservation subdivision ordinance as proposed, staff has identified the following issues:

- By preserving and minimizing the amount of land disturbance that occurs in primary conservation areas (CAMA and 404 wetlands), the county is better able to preserve water quality and limit the amount of flooding that occurs in major storm events.
- The open space requirements included in the conservation subdivision ordinance provide for creative subdivision design and help protect the county's natural resources. The county first adopted the conservation subdivision ordinance in 1996 and the preservation of primary conservation areas (CAMA and 404 wetlands) has been a component of the ordinance since that initial adoption.
- Requiring Open Space dedication and preserving conservation areas is a way for the public to enjoy the benefits of undeveloped, natural lands with little or no cost to tax payers.
- The NC Coastal Land Trust or similar conservation groups do not accept conservation easements on land that has private boardwalks. This is an important aspect of this request, as the conservation subdivision requires that in

exchange for smaller lot sizes and density bonuses, the developer of a tract must place primary conservation areas (CAMA and 404 wetlands) in a permanent conservation easement or under the control of a homeowners association. If the UDO is amended in a manner that prevents primary conservation areas from being placed in a permanent conservation easement, the intent and rationale behind a conservation subdivision is defeated.

- There is an opportunity in Currituck County to partner with other governmental agencies and land preservation groups to promote eco-tourism on the mainland. The idea of conserving and protecting natural buffers along navigable waterways is a logical approach toward promoting paddle trails or water bound recreation opportunities that would help simulate the local economy and capitalize on Currituck County's rural heritage. Local governments and nonprofits in other areas such as the Roanoke River basin, Perquimans River, and Great Dismal Swamp have been successful in securing partnerships and obtaining grant funds to develop very successful eco-tourism projects. Considering Currituck County's close proximity to the population centers of the Hampton Road area and tourist destinations of the Outer Banks, there is a very real opportunity to promote eco-tourism on the mainland. The key to this type of economic development activity is protecting the natural resources that exist, while carefully planning for public access points that service the community as a whole.
- The North Carolina Constitution requires local governments to aid in the conservation of natural resources.
- Homeowner Association declarations of restrictive covenants, deed restrictions, and by-laws for existing conservation subdivisions would require amending and re-recording in order to allow the encumbrance of open space with a structure (individual walkways) not accessible to all residents.

Additionally, a significant amount of land has been classified Conservation by the Currituck County Land Use Plan. The Land Use Plan identifies 81,183 acres as not appropriate for development, and provides for the long-term protection of these areas. The Land Use Plan also includes numerous policy objectives designed to protect the water quality throughout the county.

Some applicable Land Use and Development Policies are:

POLICY PA4: The LOCATION OF PUBLIC ACCESS SITES shall generally be determined by a rational examination of the sound and ocean resource, the distribution of existing access sites, and the availability of appropriate new sites. In addition to advanced planning, however, the County will remain open to any site that offers good shoreline access for the public, as unforeseen opportunities may arise.

POLICY ES3: COASTAL WETLANDS shall be conserved for the 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 a 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.

POLICY ES6: The location and design of piers and docks shall not unduly interfere with the rights of the public to the free and unobstructed use of PUBLIC TRUST WATERS for navigation, fishing, and other uses. Efforts to limit the length of piers into public trust waters shall be supported.

POLICY PR4: The County shall seek to identify, plan for and develop a system of OPEN SPACE GREENWAYS, HIKING and BIKING TRAILS as opportunities may allow. The use of (1) natural corridors such as streams and floodplains, and (2) man-made corridors such as utility and transportation rights-of-way and easements, shall be emphasized.

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.

PLANNING BOARD DISCUSSION – July 8 meeting

Mr. West stated that these would be private boardwalks at the end of the individual's lot, but the section that would cross over the dedicated conservation open space, who owns this?

Mr. Woody stated it could be owned by the Homeowners Association.

Mr. West asked how the applicant proposes to keep the public off this portion of the boardwalk because it is in the open space which is public.

Mr. Woody stated this may be a question for the applicant. Mr. Woody stated that when you go with a conservation subdivision you receive density bonuses. As part of that exchange for higher density you have to put your wetlands in conservation and provide a lot of open space.

Mr. Gaither stated that when this subdivision was developed it was an oversight that the walkways were not part of the site plan. He did not want to change the UDO. They have 12 lots that could have walkways. He has no intention of having thousands of lots that can have boardwalks that do not meet CAMA restrictions. He is asking for these 12 lots to have walkways. Mr. Gaither addressed each item in the staff analysis.

- Ø Exchange for smaller lot sizes and density bonuses, the developer of a tract must place primary conservation areas in a permanent conservation easement or under the control of a homeowners association. *They can and will put the control under the homeowners association.*
- Ø To promote eco-tourism on the mainland. *They are also interested in protecting natural resources. They can and will require that any walkway that is built to the water will comply with the standards of the NC Coastal Management up to six feet wide and three feet off the ground. Current regulations require this to prevent damage to the wetlands.*
- Ø Damage to wetlands. *Comply with the NC Coastal Management regulations.*

Mr. Gaither addressed the County's Land Use Plan regarding this project.

- Ø Policy PA4 – Location of Public Access Sites – *an existing boat ramp and several other acres for public access were identified.*
- Ø Policy ES3 – Coastal Wetlands – *will comply with CAMA regulations.*
- Ø Policy ES6 – Location and Design of Piers and Docks – *the walkways that they are requesting will not interfere with any individual rights to access the river.*
- Ø Policy PR4 – Open Space Greenways – *use of natural corridors such as streams and floodplains shall be emphasized.*
- Ø Policy ML3 – Access to the Area's Ocean and Estuarine Waters – *an existing boat ramp and several other acres for public access were identified.*

Mr. Gaither stated it must be a way that would allow these 12 lots access to the water when the present configuration of the subdivision now doesn't allow a view of the creek.

Mr. Keel asked Mr. Woody how many lots have they gained by making this a conservation subdivision.

Mr. Woody stated that in the ordinance that once you have 40 lots or more, you are required to do a conservation subdivision.

ACTION

Mr. Keel motioned to recommend denial of the request to amend the Currituck County UDO to allow an individual building lot(s) to construct an elevated walkway through the dedicated conservation open space to a navigable body of water. Mr. Winter seconded the motion. Motion passed unanimously.

**Conservation Subdivision Open Space Requirements
PB 08-23
LARRY GAITHER
UDO AMENDMENT REQUEST**

An amendment to Chapter 10, Section 10.4.1 and 10.4.4 of the UDO to allow an individual building lot(s) to construct an elevated walkway through the dedicated conservation open space to a navigable body of water.

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 10.4.1 is amended by adding the following underlined language:

10.4.1 Applicability and Definition

- 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. This requirement shall not apply to elevated walkways connecting individual lots to a navigable body of water;

Item 2: That Section 10.4.4 is amended by adding the following underlined language:

10.4.4 Conservation Subdivision Open Space Requirements

- B. Both primary and secondary conservation areas required to be preserved for open space shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.
 - 1. Where open space wetlands separate individual building lots from a navigable body of water and it is feasible to construct an elevated walkway to this water from such a lot, an easement may be granted by the developer or home owners association to an individual lot owner to create such a walkway, provided that the granting of such an easement does not deprive other property owners of previously existing access to said open spaces.
- I. Undivided open space shall be directly accessible and interconnected to the largest practicable number of lots within an open space development. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space

is designated as separate, non-contiguous parcels, no parcel shall consist of less than three acres in area, except such areas that are specifically designed as village greens, ball fields, upland buffers to wetlands, water bodies or watercourses, or designed as trail links.

- 1. To further allow for the enjoyment of wetlands and neighboring navigable bodies of water, the developer may propose that lots which abut wetlands may be connected by an individually permitted elevated walkway to a navigable body of water. Only those lots which could be connected by such a walkway that reaches the watercourse by the shortest possible route may be considered for inclusion in the proposal.

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.

Chairman Nelms opened the public hearing.

Brian Innes, was present to answer questions.

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

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

Request for Currituck County to determine Standard or Electing county for the Work First Program

Commissioner Gregory moved to approve the Standard for Work First Program. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

- 1. Budget Amendments
- 2. Approval of Building Inspection Records Disposition
- 3. Approval of August 4, 2008, Minutes

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

Debit	Credit
Decrease Revenue or	Increase Revenue or

<u>Account Number</u>	<u>Account Description</u>	<u>Increase Expense</u>	<u>Decrease Expense</u>
50548-561000	Professional Services	\$ 8,101	
50548-588000	Contingency		\$ 8,101
		<u>\$ 8,101</u>	<u>\$ 8,101</u>

Explanation: Knotts Island Fire Department Construction (50548) - To transfer contingency funds to professional services to relocate Verizon line which will cost \$6,921.59 and for additional architect fees in the amount of \$1,179.31.

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

<u>Account Number</u>	<u>Account Description</u>	Debit <u>Increase Expense</u>	Credit <u>Increase Revenue or Decrease Expense</u>
29390-499900	Fund Balance Appropriated	\$ 250,118	
29690-590000	Capital Outlay		\$ 250,118
		<u>\$ 250,118</u>	<u>\$ 250,118</u>

Explanation: Fire Equipment Replacement (29690) - To reduce appropriated fund balance for Crawford Fire Truck that was ordered in FY 2008. This was fully budgeted to carry-forward to FY 2009; however, the first payment was made in FY 2008.

Net Budget Effect: Fire Equipment Replacement Fund (29) - Decreased by \$250,118

Commissioner's Report

Commissioner Taylor stated that the first day of school is next week. She also supported the golf cart legislation.

Commissioner Etheridge supported the golf cart legislation.

Commissioner Bowden expressed his concern with the Carova Beach Park not being completed. The contract required no liquidated damages, no bond or included a completion date. He also expressed his concerns with the cost. He also wanted to know why the parking area at the Brumley Road boating access could not be expanded and requested staff to look at trash containers at the access and the Knotts Island Bridge.

Commissioner Etheridge requested that a report be given at the next meeting on the Carova Beach Park.

Commissioner Gregory supports the golf cart legislation. He also wanted to know why the new Tulls Creek Bridge was not open.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.