

CURRITUCK COUNTY  
NORTH CAROLINA  
APRIL 7, 2008

The Board of Commissioners met prior to the regular scheduled meeting to discuss Moyock Central Wastewater.

The Board of Commissioners met on April 7, 2008, 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 Gregory moved to approve the agenda.  
Commissioner Bowden seconded the motion. Motion carried.

- Item 2            **Public Comment**  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3            **Presentation by "Project Graduation"**
- Item 4            **Mr. Richard Horn, request funding for Food Pantry**
- Item 5            **Public Hearing and Action - Street Name Petition to Change from Overton Lane to Cooper Landing Drive**
- Item 6            **Public Hearing and Action** PB 08-13 Coinjock Meadows: Request to rezone 1.9 acres from General Business (GB) to Mixed Residential (RA) and 2.6 acres from Agricultural (A) to Mixed Residential (RA). The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13 (pt.), Crawford Township.
- Item 7            **Public Hearing and Action** PB 08-07 Villas At The Pointe: Special Use Permit for a 90 unit Residential Multi-Family development. The property is located on Caratoke Hwy., 890 feet south of Pointe Golf Club Drive, Tax Map 124, Parcel 105B, Poplar Branch Township, Currituck Co.
- Item 8            **Public Hearing and Action** PB 08-06 Bobby Waddell: Request for Sketch Plan/Special Use Permit for two single family lots located in Moyock at 1952 Tulls Creek Road, Tax Map 40, Parcel 2C, Crawford Township.
- Item 9            **Public Hearing and Action** PB 08-11 Joel Justice: Request to rezone 29 acres from Agricultural (A) to Residential (R). The property is located in Jarvisburg at Indian Kettle Road, Tax Map 109, Parcels 53F, 50A, and 53E, Poplar Branch Township.

Item 10           **Public Hearing and Action** PB 08-12 Currituck County Text Amendment: Request to amend Chapter 9: Infrastructure of the Currituck County Unified Development Ordinance to exempt family subdivisions from public water and fire protection requirements.

Item 11           **Consent Agenda:**  
1. Change Order for Jarvisburg Elementary School  
2. Change Order for Shawboro Elementary School  
3. Petition for Addition to State Maintained Road System-Brabble Street and Womack Drive  
4. Letter to De-obligate 2005 CDBG Scattered-Site Funding  
5. Approval of March 17, 2008, Minutes  
6. Budget Amendments  
7. Select Custom Apparatus, Inc contract to purchase 5 ambulances

Item 12           Commissioner's Report

Item 13           County Manager's Report

Adjourn

**Public Comment**

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

Chairman Nelms opened the public comment period.

Roy Etheridge, opposes OLF site in Currituck.

Earl and Edith Brickhouse, Senior Tar Heel Representatives, reviewed the legislation for NC General Assembly.

Commissioner Gregory, stated he and other representatives met in Washington, DC last week to discuss the proposed OLF site.

Chairman Nelms, reported on meeting with City of Chesapeake Council members.

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

**Presentation by "Project Graduation"**

Amanda Corbell, requested support for project graduation.

Chairman Nelms moved to appropriate \$5,000. Commissioner Gregory seconded the motion. Motion carried.

**Mr. Richard Horn, request funding for Food Pantry**

Mr. Horn, Emergency Food Center, reviewed program that supports county residents. He requested support from the Board.

Board will consider Mr. Horn's request for funding during the budget process.

**Public Hearing and Action - Street Name Petition to Change from Overton Lane to Cooper Landing Drive**

Harry Lee, GIS, reviewed the request to change the name of Overton Lane to Cooper Landing Drive.

Chairman Nelms opened the public hearing.

John Cooper, property owner, stated reasons for name change.

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

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

**Public Hearing and Action PB 08-13 Coinjock Meadows: Request to rezone 1.9 acres from General Business (GB) to Mixed Residential (RA) and 2.6 acres from Agricultural (A) to Mixed Residential (RA). The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13 (pt.), Crawford Township.**

Ben Woody, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Request to rezone 1.9 acres from General Business (GB) to Mixed Residential (RA) and 2.6 acres from Agricultural (A) to Mixed Residential (RA).

**LOCATION:** Located along Worth Guard Road, approximately 4/10<sup>th</sup> of a mile from the north bank of the Coinjock Canal.

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

**OWNERS:** Coinjock Meadows, LLC.  
PO Box 190  
Nags Head, NC 27959

**APPLICANT:** Currituck County Planning Department

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

<b>ZONING:</b>	<b><u>Current Zoning</u></b> General Business (GB) 1.9 AC Agricultural (A) 2.6 AC	<b><u>Proposed Zoning</u></b> Mixed Residential (RA)
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**ZONING HISTORY:** The property was split zoned A and GB on the 1989 zoning atlas.

On June 4, 2007 approximately 33 acres of the tract was rezoned to Residential Mixed (RA).

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural	A and GB
<b>SOUTH:</b>	Residential	RA
<b>EAST:</b>	Residential, undeveloped, and wetlands	A and RA
<b>WEST:</b>	Residential and undeveloped	GB and RA

**EXISTING LAND USE:** Agricultural (undeveloped)

**PROPOSED LAND USE:** To permit the uses allowed in the RA zoning district.

**LAND USE PLAN CLASSIFICATION:**

The subject properties are designated **Full Service** (1.9 acres) and **Conservation Class** (2.6 acres) within the **Barco/Coinjock./Airport** sub-area by the 2006 Land Use Plan. With respect to residential development in Full Service Areas, base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. Areas in the Conservation class considered developable may accommodate extremely low density residential development not to exceed 1-3 units per acre.

**PUBLIC SERVICES AND UTILITIES:**

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

**TRANSPORTATION:**

The parent tract has 724 feet of frontage on Worth Guard Road.

**FLOOD ZONE:**

The 2.6 acre portion of the request is located in Flood Zone AE (4). The 1.9 acre portion of the request is located outside of the 100 year flood plain.

**WETLANDS:**

The 2.6 acre portion of the request is considered wetlands according to the North Carolina general wetland maps. A wetland delineation certified by the US Army Corps of Engineers would be needed to determine the exact wetlands limits.

**SOILS:**

The Currituck County Soils map indicates the subject properties contain marginal soils for on-site septic systems.

**STAFF RECOMMENDATION:**

On June 4, 2007 approximately 33 acres of the tract was rezoned RA. This approval excluded 1.9 acres of General Business (GB) zoning due to a mapping error, as well as 2.6 acres of Agricultural (A) zoning that is designated as

Conservation class by the 2006 Land Use Plan. At that time, the Planning Department recommended the area designated as Conservation class not be included in the rezoning request.

The Board of Commissioners subsequently approved a Sketch Plan/Special Use Permit for a Planned Residential Development (PRD) on September 17, 2007. The approved PRD design concept for the site included the 1.9 acre area zoned General Business (GB) and the 2.6 acre area zoned Agricultural (A). Per the Unified Development Ordinance, a PRD is not permitted in the GB or A zoning districts.

Considering the intent of the Board of Commissioners was established with the approval of the Sketch Plan/Special Use Permit for the site, County staff has agreed to process a rezoning request to ensure consistency between the subject property's zoning designation and approved PRD design concept. As such, staff recommends approval of the request rezone 1.9 acres from General Business (GB) to Mixed Residential (RA) and 2.6 acres from Agricultural (A) to Mixed Residential (RA).

#### **PLANNING BOARD DISCUSSION**

Mr. Kovacs asked if there were any planned uses in the RA area.

Mr. Valdivieso stated this area is the designated wetlands.

Ms. Turner stated that it looks like three separate parcels.

Mr. Woody stated that it is one parcel, but with three separate zoning districts.

#### **ACTION**

Mr. Kovacs motion to recommend approval to rezone 1.9 acres from General Business (GB) to Mixed Residential (RA) and 2.6 acres from Agricultural (A) to Mixed Residential (RA) according to the 2006 Land Use Plan. Mr. Bell seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Mr. Valdivieso, Engineer, was present to answer questions.

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

Commissioner Bowden moved to approve request to rezone 1.9 acres and 2.6 acres. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action PB 08-07 Villas At The Pointe: Special Use Permit for a 90 unit Residential Multi-Family development. The property is located on Caratoke Hwy., 890 feet south of Pointe Golf Club Drive, Tax Map 124, Parcel 105B, Poplar Branch Township, Currituck Co.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**PB 08-07 Villas at the Pointe, Special Use Permit for a 90 unit Residential Multi-Family development**

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

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

**OWNER:** Villas at the Pointe, LLC (BD&A)  
821 Ocean Trail, Suite 4  
Corolla, NC 27927

**APPLICANT/  
ENGINEER:** Landmark Engineering  
Victor White  
PO Box 1190  
Kitty Hawk, NC 27949

**CURRENT ZONING:** General Business (GB) with a Residential Multi-Family Overlay (RMF)

**ZONING HISTORY:** This property was split zoned until 2006 as Agricultural and General Business. On July 17, 2006, the Board of Commissioners rezoned the entire property to General Business (GB). At its December 4, 2006 meeting, the Board of Commissioners approved a request to create a 23 acre Multi-Family Overlay zone (RMF)

**LAND AREA:** 23 acres

**NUMBER OF UNITS:** 90 Townhomes

**DENSITY:** 3.9 units per acre

**OPEN SPACE:** The development is required to have 35% (8.05 acres) open space. The plan indicates 57.77% (13.27 acres) will be provided.

**SURROUNDING PROPERTY:**

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

**EXISTING LAND USE:** Vacant

**PUBLIC SERVICES**

- AND UTILITIES:** The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric service, telephone and public water are available.
- TRANSPORTATION:** The site has 200 linear feet of frontage on Caratoke Highway. The interior streets will asphalt, 20 feet wide with curbs and gutters. Each dwelling will have two parking spaces.
- LOT COVERAGE:** The RMF overlay standards permit a lot coverage of 40%. The plan dated 2-25-08 indicates the lot coverage will be 32.4 %.
- FLOOD ZONE:** This site has 5.36 acres in Flood Zone AE 6 with the remainder in Flood Zones X and Shaded X (out of the Special Flood Hazard Area).
- SOILS:** The Currituck County Soils map indicates the property contains 1.02 acres of suitable soils, 1.5 acres of marginal soils and 20 acres of un-suitable soils for on-site septic systems.
- WASTEWATER:** Wastewater will be routed from each unit to a central conventional disposal field. The applicant has indicated the treatment will be an engineered TS-2 system with a sub-surface disposal.
- DRAINAGE:** An engineered drainage system will be installed that has curbs and gutters along the streets collecting the water and then sending the stormwater to ponds.

**NARRATIVE:**

- Villas at the Pointe, LLC (a division of BD&A) is seeking special use permit approval of a 90 unit attached condominium development. The exterior of all buildings will be held in common ownership by a condominium association.
- Each building is anticipated to have 6 units each with 2 parking spaces for the homes.
- The buildings are anticipated to be 2 stories with a town home design, with 9 units constructed to ADA accessibility standards.
- The amenities for the development will be a community clubhouse, swimming pool and two tennis courts.
- The development is adjacent to The Pointe golf course. There will be no connection to the course through this development.
- A parking lot for the mail boxes and a school bus stop shelter will be constructed adjacent to Caratoke Highway for all residents.
- Each residential unit will have a rolling solid waste disposal unit to be collected by a contracted waste hauler.

**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 multi-family development is a permitted use in a RMF overlay and GB zoning district.

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.*

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

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

The proposed 90 unit residential multi-family development should have no negative impact on adjoining property. The adjoining uses include residential and a golf course. The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance and promotes compatibility between the subject property and surrounding area.

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

This property is classified **Full Service** within the **Point Harbor sub-area** in the 2006 Land Use Plan. With respect to residential development, base development density is contemplated to be 2 units per acre in Full Service areas but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

The policy emphasis of the Point Harbor area is to allow portions 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.

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

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

**POLICY 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 especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

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

The proposed special use permit is in **compliance** with the policy emphasis of the **Full Service** classification, the **Point Harbor sub-area**; policies AG6, HN1, and HN3 of the 2006 Land Use Plan.

7. *The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).*

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study (2004) were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

<b>Villas at the Pointe (90 Dwellings)</b>	Available Capacity	Demand	Remaining School Capacity if approved
Elementary School (Griggs-Jarvisburg)	280	23	257
Middle School	50	7	43
High School	59	13	46

- i. The Currituck Water Department has adequate water to serve the proposed 90 dwelling residential development.
- ii. Staff has determined adequate public facilities exist to serve this subdivision.

**STAFF RECOMMENDATION**

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

CODE and SPECIAL USE PERMIT REQUIREMENTS:

1. This development shall be subject to final plan approval by the Technical Review Committee (TRC).
2. A revised site plan shall be submitted to the Technical Review Committee for a review of the infrastructure construction plans and a revised site plan. The revised site plan shall meet the requirements for a commercial site plan (UDO Section 11.13.4)
3. The final plan shall be approved by TRC conditional on the site plan matching the building plans submitted for each unit.

4. The applicant shall submit detailed drawings that comply with the standards for a commercial site plan for Technical Review Committee Review. (11.14.4)
5. A recorded deed of easements along with a map of the easements shall be recorded in the Currituck County Registry of Deeds for the following (Section 9.2.1 Utility Easements):
  - a) A utility easement shall be dedicated to the Currituck County Water Department for all areas that contain county water lines.
  - b) A utility easement area shall be established for all drainage infrastructures, power, telephone and cable lines.
  - c) The width of the drainage and utility easement shall be determined by each agency. (Section 9.2.1 Utility Easements)
6. The final site plan shall indicate who will be responsible for the stormwater system maintenance.
7. Correct the property lines to reflect the recombination plat filed at Plat Cabinet J, Slide 109 in the Currituck Register of Deeds office.
8. No clearing, grading, filling or other land disturbing activities shall take place prior to a final plan approval being issued. The applicant shall secure all required Federal State and local permits, including: a NC Stormwater Management permit, a NC Sedimentation and Erosion Control permit, and an Environmental Health or Division of Water Quality wastewater permit.
9. The construction of streets, parking and infrastructure may begin after a final plan approval is issued by the Technical Review Committee. This approval may be issued in phases.
10. No part of the open space shall be encumbered by an active or repair septic area, roadways, drainage systems or utility lines. (Chapter 17, Definition of Open Space) The final plan submission shall deduct these areas from the open space calculation.
11. If a tree designated for preservation is removed or dies after a certificate of occupancy is issued, the permit recipient or successor shall be responsible for replacement. (Section 5.7 Bufferyard Maintenance)
12. Payment of water tap fees will be required prior to the building permits being issued for each unit.
13. A 404 wetlands delineation and permit to cross the wetlands with a road shall be required prior to the approval of the final plan.
14. A shading calculation shall be required on the revised plan.
15. All drive aisles with 90 degree parking are required to have a 24 foot drive aisle. The aisle on the lot adjacent to the school bus stop shall be enlarged to 24 feet.
16. Prior to the first Certificate of Compliance/ Occupancy (C/O) being issued, the applicant shall supply the Planning Department with a copy of the executed contract for solid waste disposal for each unit. Each storage area for the rolling disposal units shall be fully screened with a solid fence tall enough to accommodate the trash containers. These disposal units are required in lieu of providing dumpsters for the residential units, as described in UDO section 4.6.4(F). Dumpsters shall be required for any commercial buildings.
17. The buildings shall be in a condominium form of ownership with no subdivision occurring.
18. The required bufferyard for exterior property lines in an RMF (section 4.6.3) is a Type A, not a Type B as shown. The planting heights and materials used can be modified administratively according to section 5.6, Flexibility in Administration.
19. Architectural elevations shall be submitted with each application for a building permit. These elevations have to be approved by Planning Department staff before each building permit is issued. (Section 4.6.4) The following standards of review will be used:

- a) Variation in exterior architectural materials (siding, roofing);
- b) Vertical and horizontal relief in buildings (roof lines, eaves, bump-outs);
- c) Variation in house styles/types; and
- d) Inclusion of front porches, projecting bays, vestibules.
- e) Attached dwelling units containing more than (5) units in a row shall have facades, which alternate siding styles and patterns to provide visual distinction to each unit. Alternation between siding and brick is encouraged.
- f) For the commercial structures, the following standards shall apply:
  - i) Facades of buildings shall incorporate, but not mimic, the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties or the vernacular of the general area and shall incorporate similar proportions of solids (i.e. siding, blank walls, etc.) to voids (i.e. windows, door openings, etc.);
  - ii) Facades shall be designed to reduce the massive scale and the one dimensional appearance of large retail buildings and to provide visual interest.
  - iii) The street facing elevations shall incorporate functioning windows into the overall design concept. Functioning windows are defined as those windows which let light into the interior of the structure and are integrated and related to the interior layout of the space.
  - iv) Large expanses of blank walls shall be avoided. The public facade shall incorporate windows and primary doorway entrances along the street frontage as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines, and overhangs.
  - v) Building materials include brick, wood, fiber-cement siding, stone textured split face block, tinted and textured concrete masonry, or synthetic stucco. Metal building materials shall only be permitted on elevations not visible from the main entrance road or used as accent materials.

**The Following Technical Review Committee Comments shall be conditions of the permit.**

A meeting was held on February 20, 2008 and the reviewing agencies had the following comments and requirements:

1. **NCDOT:** Approved with the following conditions:
  - a) This site is located on US 158 which is a Strategic Highway Corridor envisioned to become a Boulevard. This limits the number of driveways to a maximum of 1 driveway per parcel. This site proposes only one access and therefore meets this requirement. In the future, the developer should understand that the proposed full movement driveway may become restricted to Right-in/Right-out once a median is ever constructed.
  - b) A typical 10 ft x 70 ft sight triangle should be provided along the right of way on each side of the proposed entrance.
  - c) I recommend that the site have a right turn lane with 50 feet of full storage. Based on the roadway characteristics and the driveway manual requirements, the deceleration length will be 250 ft with a taper of 200 ft. (i.e. 100 ft of full lane width and 200 ft taper).
  - d) The entrance should be constructed with 25 ft radii minimum. It is assumed that the driveway will have 1 lane entering the site and two lanes exiting the site (1 left, 1 right). The exit pavement width should be an 18 ft minimum and an entrance pavement width of 14 ft minimum.

- e) The driveway median island should extend to within 6-12 ft from the edge of the through travel lane. (12 ft. preferred)
  - f) The school bus pavilion area should be designed to accommodate typical full size school buses entering and exiting the parking/ pick up area. A turning template should be shown illustrating that this movement can be performed safely.
  - g) The plat and plan sheets should show that all internal roads are private and are not part of the State Highway System.
  - h) All pavement markings for the driveway and improvements on US 158 shall be thermoplastic material. A pavement marking detail and turn lane construction detail shall also be provided and approved prior to construction.
  - i) A permanent access easement and connectivity should be provided and shown along the driveway for the adjacent lots located along US 158, south of the proposed driveway.
2. **CURRITUCK COUNTY SOIL AND WATER:** Approved as is. A stormwater plan will be required with the final site plan.
3. **CURRITUCK COUNTY ENGINEER/ PUBLIC WORKS:** The submittal appears to be at the Sketch Plan level.
- a) I have many, many comments if this is a Preliminary Plat type submittal.
  - b) If this is a Sketch Plan, my general comments are to address all water and sewer issues, address all stormwater requirements, and look at the flows from Tig-ma-tar ditch.
4. **CURRITUCK COUNTY WATER DEPARTMENT:** Approved with the following conditions:
- a) There is no water or wastewater connection within 150' club house. This needs to be shown
  - b) Submit waterline specifications to the water department and do a jack and bore on NC 158.
5. **CURRITUCK COUNTY FIRE SERVICES:** Approved with the following conditions:
- a) Fire department connections for the automatic fire suppression systems must be located in such a manner that when fire apparatus connects to both the fire department connection and the fire hydrant both lanes of the road are not blocked.
  - b) Fire apparatus must be able to come within 150' of all portions of the exterior of the structure. From this location the truck should not back greater than 150' without a turnaround.
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:** Approved with the following comments:
- a) This should be a TS-2 system with sub-surface disposal.
  - b) Must have a tri-party agreement signed and recorded for each unit in place (in case system were to fail) that states who's responsible.
9. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
10. **CURRITUCK COUNTY EMERGENCY MANAGEMENT:** No comment.

**11. CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with no comment.

**12. NC OFFICE OF STATE ARCHEOLOGY:** Approved as is.

**STAFF RECOMMENDED CONDITIONS:**

1. The condominium documents for each unit shall be submitted for review and approval by the Planning Department prior to each unit receiving a building permit.
  2. Staff recommends the following be submitted with the landscaping plan:
    - a) A landscape plan shall be submitted in conjunction with the final plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
    - b) Approximate location and description of the protective tree fencing, staking, or continuous ribbon to be installed which, at a minimum, follows the drip line of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.
    - c) Existing trees should be retained to the maximum extent possible.
    - d) Shrubs shall be at least ten (10) gallons in size, and trees must be at least two (2) inches in caliper at planting.
    - e) A summary table of the number of new trees to be planted and existing trees to be retained along with calculations showing the buffer and shading requirements have been satisfied. Grouping of trees in tree preservation areas may be keyed to the summary table by area rather than having each individual tree labeled on the plan;
    - f) Location, spacing, and caliper dimension, and species of new trees to be provided.
    - g) A note on the plan indicating that a one-year full-price replacement guarantee on all required new trees planted is held by the applicant and an additional one-year guarantee on replacement plant. The applicant is expected to maintain plantings, including watering all plants when natural rainfall is less than one inch per week.
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**PLANNING BOARD DISCUSSION**

Victor White, Landmark Engineering appeared before the board.  
Mr. Webb presented the case analysis to the board.

Ms. Turner asked why the school bus could not come in to the front entrance of the subdivision and use the parking lot where the mail boxes will be to turn around.

Mr. Webb stated that normally school buses do not go down private drives. This would be a decision for school transportation department to make.

Mr. White stated that this is the reason that they put a school bus shelter in but they will check with the school transportation department to see if buses can come into the subdivision for pick up.

Mr. Kovacs stated that there are 2 parking spaces per unit.

Mr. White stated additional parking will be provided and units will have a 1 car garage.

Mr. Webb stated that the streets are 20 feet wide which will allow for parking.

Ms. Robbins asked if emergency vehicles would be able to pass on the streets if there were cars parked.

Mr. White stated yes.

Mr. Bell asked if there was a limitation on how many units that could be built per year.

Mr. Webb stated no.

Mr. White had a few comments on the conditions which will be worked out at the final TRC meeting but wanted them in the minutes.

1. A revised site plan will be submitted to the Technical Review Committee, with a multi-family overlay they are required to have a Type A buffer, they would like to have a Type B buffer.
2. Clearing, grading, and filling cannot be started until all permits have been secured. Mr. White stated they have a core permit to fill the wetlands for the crossing of the road to the entrance to the property.
3. Prior to the first building permit being issued, the applicant shall supply the Planning Department with a copy of the executed contract for solid waste disposal. Mr. White would like staff to consider this recommendation prior to occupancy.
4. A one year replacement guarantee on the landscaping. If a tree dies and is replaced at 11 months and then adding another one year replacement guarantee to that tree.

Mr. Kovacs asked if the units that have been designated as handicapped, does it include exterior and interior.

Mr. White stated they are ADA accessible exterior and interior.

Mr. West asked Mr. White when he expected the build out of this project.

Mr. White estimated years.

Mr. West asked if phasing would be considered by the developer because the county schools could be over loaded with 90 units being built.

Mr. White stated that some phasing will be done but feels these units will be purchased by mixed ages so this would not put a burden on the school system.

Mr. Kovacs asked if any thought had been given to disposing the waste water on the golf course.

Mr. White stated no but they look at doing a package treatment plant to treating it to reuse quality so it could be used to irrigate the site.

Mr. Kovacs stated that the disposal area should be clear cut and worked out before hand.

Mr. Webb stated that the UDO gives administration the flexibility with a written affidavit to change a Type A buffer to a Type B buffer. The one year guarantee on landscaping is a condition of the ordinance.

Ms. Turner would like to have the school buses and routes looked further into by the developer.

Mr. Kovacs asked the price range of these units.

Mr. White stated a 3 bedroom town home will range from \$249,000 which is the low end to \$349,000 which is the high end.

#### **ACTION**

Mr. Kovacs motion to recommend approval of the special use permit for a 90 unit residential multi-family development as presented. Ms. Robbins seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Commissioner Bowden expressed concerns with open space and specific use of open space.

Victor White, Engineer, was present to answer questions.

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

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

**Public Hearing and Action PB 08-06 Bobby Waddell: Request for Sketch Plan/Special Use Permit for two single family lots located in Moyock at 1952 Tulls Creek Road, Tax Map 40, Parcel 2C, Crawford Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB 08-06 Bobby Waddell: Sketch Plan/Special Use Permit for a two lot residential subdivision.

**LOCATION:** The 5.88 property is located in Moyock at 1952 Tulls Creek Road, Crawford Township.

**TAX ID:** Tax Map 40, Parcel 2C

**ZONING DISTRICT:** Agricultural/Residential

**OWNER:** Bobby Waddell  
110 Widgeon Dr  
Currituck, NC 27929

**ENGINEER:** Hyman & Robey  
150 US Hwy 158 E.  
PO Box 339  
Camden, NC 27921  
252-338-2913

**PRESENT USE:** Vacant

**SURROUNDING PROPERTY:**

	Land Use	Zoning
<b>NORTH:</b>	Single Family Dwellings	R & A
<b>SOUTH:</b>	Vacant	R & A
<b>EAST:</b>	Vacant	R
<b>WEST:</b>	Vacant	A

**SCHOOL DISTRICT:** J.P. Knapp Elementary

**SIZE OF SITE:** 2.78 Acres to be subdivided (of a total of 5.88 acres)

- NUMBER OF LOTS:** 2 (Total of 7)
- DENSITY:** .71 of a unit per acre
- MINIMUM LOT SIZE:** 40,000 SF (allowable) and 58,370 (proposed).
- STREETS:** The lot will be created on an existing state maintained road, Tulls Creek Road (SR 1222).
- WATER:** This development is required to connect to county water.
- FIRE:** This development is located within the jurisdiction of the Crawford Volunteer Fire Department. A fire hydrant is located within 500' of each lot.
- WASTEWATER:** Individual, on-site septic systems will be provided.
- SOILS:** The Currituck County Soil Suitability map indicates the soils to be Roanoke fine sandy loam. This soil is poorly suited to most urban and recreation uses because of wetness, flooding, slow permeability, and low strength.
- OPEN SPACE:** Not required.
- DRAINAGE:** The applicant is proposing infiltration swales along lot lines and road rights-of-way.

**NARRATIVE OF REQUEST:**

- The parent parcel of this tract has been previously subdivided the maximum number of times under the minor subdivision regulations. This is the sixth and seventh split from the parent parcel, thus requiring major subdivision review.
- This is lot 3 of the Warddell Farm, Phase 2 minor subdivision recorded April 20, 1999 (PC G/ SL 1).
- According to the Development Impact Statement, the developer, Bryan Beshears, intends upon building custom homes on the resulting lots.
- The owner will recombine the rear lot labeled 3A with PIN 0040-000-002D-0000 that is not part of this subdivision approval. This is necessary so that the front lot labeled 3A and lot 3B do not exceed the maximum lot width to depth ratio of 1:4.

**TECHNICAL REVIEW COMMITTEE COMMENTS (January 16, 2008):**

**Planning:**

1. As originally presented, these lots exceeded to width to depth (1:4) ratio as specified in Section 2.6.3 Lot Requirements (G) of the UDO. The applicant is proposing a recombination of property to address this situation. The recombination plat must be recorded in the Currituck County Register of Deeds office.
2. Correct flood zone to 5.4'.

**Building Inspection Comments**

1. Reviewed with no comment.

**NCDOT Comments**

1. Approved as is.

**Health Department**

No comment received.

**Water Department Comments**

1. Owner to have water service installed by NC utility contractor.

**Fire Marshal Comments**

1. Reviewed without comment.

**County Engineer**

1. Approved as is.

**Soil and Water Comments**

1. Approved as is.

**Public Utility Director**

No comment received.

**CAMA Comments**

1. Reviewed without comment.

**Office of State Archaeology**

1. Reviewed without comment.

**Currituck County Schools**

1. Reviewed with no comment.

**Currituck County Parks and Recreation**

1. Reviewed with no comment.

**Embarq**

1. Reviewed with no comment.

**SPECIAL USE PERMIT CRITERIA:**

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. It is recognized that some land uses have a particular impact on the surrounding land that cannot be determined and controlled by general zoning regulation. Through the special use permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *Is the application complete?*
  - a. Based on staff review all required information has been submitted.
2. *Does the proposal comply with the provisions in the UDO for sketch plan approval?*
  - a. The proposed development complies with the provisions of the UDO for sketch plan approval.
3. *Does the proposal comply with the general standards for a special use permit/sketch plan?*
  - (a) *Will not endanger the public health or safety.*

- i. Public health and safety issues including stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.
- (b) *Will not injure the value of adjoining or abutting property.*
- i. The proposed two lot residential subdivision should have no negative impact on adjoining property. The adjoining uses include single family dwellings and vacant lots.
- (c) *Will be in harmony with the area in which it is located.*
- i. The proposed residential subdivision should be similar and compatible with the neighborhood and have no negative impact on the adjoining property.
- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board.*
- i. The 2006 Land Use Plan classifies this property as Limited Service in the Courthouse Sub-Area. In this sub-area, the policy emphasis of this plan is for the Courthouse sub-area to continue to grow as a small community center. Residential densities should be limited to one to two units per acre.
- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 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.*
- i. Being a two lot subdivision, the development should have little impact on public facilities; therefore, staff has determined adequate public facilities exist to serve this subdivision.

**STAFF RECOMMENDATION:**

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

**Code and TRC Requirements**

1. As originally presented, these lots exceeded to width to depth (1:4) ratio as specified in Section 2.6.3 Lot Requirements (G) of the UDO. The applicant is proposing a recombination of property to address this situation. The recombination plat must be recorded in the Currituck County Register of Deeds office prior to Preliminary Plat approval.
2. Correct the base flood elevation of the flood zone to 5.4'.
3. The owner shall have water service installed by NC licensed utility contractor.

**PLANNING BOARD DISCUSSION 2-12-08**

Eddie Hyman, Hyman & Robey, PC, Robert Hocutt, and Robert Clements appeared before the board.

Mr. Webb presented the case analysis to the board.

The Planning Board discussed a tract of property that has been subdivided the maximum number of times under the minor subdivision regulations.

Mr. West stated that the intentions of the Planning Board was to give property owners the right to split their property under the minor subdivision regulations so they could give their children part of the property to build on.

Mr. Hocutt stated that 2 years ago he was turned down to divide his eight acres. He stated these lots could not be divided per the deed. Mr. Hocutt stated the Planning Board and the County turned him down to divide his property. Mr. Hocutt is against this request.

Bill Clements is an adjoining property owner who owns 6.83 acres which he brought seven years ago. He stated it is written in the covenant that these lots cannot be divided and if any one owner has an objection to it, this is enough to prevent it. He is against the request.

Mr. Hyman stated that he was not aware of the covenant and his states that all lots may be subdivided according to County ordinances.

**PLANNING BOARD ACTION 2-12-08**

Mr. West motion to table this request until the next Planning Board meeting on March 11, 2008 until clarification/research could be done on the request and deed restrictions. Ms. Turner seconded the motion. Motion passed unanimously.

**PLANNING BOARD DISCUSSION 3-11-08**

Eddie Hyman, Hyman and Robey appeared before the board.

Mr. Webb presented the following case analysis to the board.

March 3, 2008

To: Planning Board

From: David Webb, AICP  
Senior Planner

RE: PB 08-06 Bobby Waddell Sketch Plan  
Meeting Date 3-11-2008

The Planning Board tabled this item at its February 12, 2008 and requested staff to research any previous approvals on this tract and any restrictive covenants. This property (1952 Tulls Creek Road) was a part of the Warddell Farms minor subdivision in 1999. The restrictive covenants (Deed Book 461/ Page 303) indicate that any properties can be re-subdivided if it meets the county's ordinance.

Staff finds no reason why this proposal cannot be approved with the following conditions:

**STAFF RECOMMENDATION:**

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

**Code and TRC Requirements**

4. As originally presented, these lots exceeded to width to depth (1:4) ratio as specified in Section 2.6.3 Lot Requirements (G) of the UDO. The applicant is proposing a

recombination of property to address this situation. The recombination plat must be recorded in the Currituck County Register of Deeds office prior to Preliminary Plat approval.

- 5. Correct the base flood elevation of the flood zone to 5.4'.
- 6. The owner shall have water service installed by NC licensed utility contractor.

**DISCUSSION 3-11-08**

Mr. West asked why the lots are being recombined.

Mr. Webb explained that originally these lots exceeded the width to depth (1:4) ratio as specified in Section 2.6.3 Lot Requirements (G) of the Unified Development Ordinance (UDO). The applicant is proposing a recombination of the property to address this situation.

Mr. Hyman stated he would be available to answer any questions.

**PLANNING BOARD ACTION 3-11-08**

Mr. West motion to recommend **denial** of the request for a sketch plan/special use permit for two single family lots located in Moyock at 1952 Tulls Creek Road, Tax Map 40, Parcel 2C, Crawford Township. Mr. Kovacs seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Eddie Hyman, Engineer, was present to answer questions.

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

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

**Public Hearing and Action PB 08-11 Joel Justice: Request to rezone 29 acres from Agricultural (A) to Residential (R). The property is located in Jarvisburg at Indian Kettle Road, Tax Map 109, Parcels 53F, 50A, and 53E, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Rezone approximately 29 acres from Agricultural (A) to Residential (R).

**LOCATION:** Located on Indian Kettle Road approximately 350 feet south of the intersection with Forbes Road in Jarvisburg.

**TAX ID:** Map 109, Parcels 53F, 50A, and 53E

**OWNERS:** Joel and Stacy Justice  
PO Box 69  
Jarvisburg, NC 27947

**APPLICANT:** Same

**ENGINEER:** Bissell Professional Group

**ZONING:** Current Agricultural (A) Proposed Residential (R)

**ZONING HISTORY:** The property was zoned Agricultural (A) on the 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<u>Land Use</u>	<u>Zoning</u>
<b>NORTH:</b>	Single Family Dwelling	Agricultural (A)
<b>SOUTH</b>	Single Family Dwelling	Agricultural (A)
<b>EAST:</b>	Jarvisburg School	Agricultural (A)
<b>WEST:</b>	Single Family Dwelling	Agricultural (A)

**EXISTING LAND USE:** Single family dwelling and vacant.

**PROPOSED LAND USE:** No specific plans were presented with the application. The application states the purpose of the request is to continue residential development on the tract.

**DENSITY:** Allowed as Agricultural (A) The site may net 12 lots. Proposed as Residential (R) The site may net 31 lots.

**LAND USE PLAN CLASSIFICATION:**

The 2006 Land Use Plan classifies the subject property as **Limited Service** and within the **Jarvisburg Sub-Area**. The purpose of the Limited Service area is to provide for primarily residential development at low densities.

The **Jarvisburg Sub-Area** is coming under increasing pressure for development. An average density of one unit per acre is contemplated.

The policy emphasis of the Land Use Plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments. New residential development should be encouraged to locate in compact, walkable, neighborhoods built near an existing or proposed church, school, or compatibly designed general store.

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.

**POLICY ES2:** NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, 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 AG3:** County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service areas on the Future Land Use Map, rather than “leapfrogging” to locations in the midst of farmland and greenspace identified as Rural and Conservation areas on the Future Land Use Map.

**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 AG6:** For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.

**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. Projects within areas designated as Limited Service would be permitted a density of one to one and one half units per acre depending upon the surrounding development pattern and availability of resources.

**PUBLIC SERVICES AND UTILITIES:**

The Lower Currituck Volunteer Fire Department provides fire protection for this area. The closest fire hydrant is about 985 linear feet (0.18 miles) to the west. Electric service, telephone, county water, and cable are currently available for this site.

**TRANSPORTATION:**

The property has access to Indian Kettle Road (gravel). The parcel has approximately 45 linear feet of gravel street frontage on Indian Kettle Road.

**FLOOD ZONE:**

The property is outside of the 100 year floodplain. The FIRM Map panel is 3720992000J dated December 16, 2005. FIRM Map Index dated September 20, 2006.

**SOILS:** The Currituck County Soils map indicates the property contains suitable, marginally suitable, and unsuitable soils for septic systems.

**WETLANDS:** Approximately half of the property appears to be wetlands (Swamp Forest and Managed Pine Land).

**STAFF**

**RECOMMENDATION:** Staff recommends **approval** of the request to rezone 29 acres from Agricultural (A) to Residential (R) for the following reasons:

- 1) The request complies with the 2006 Land Use Plan classification of Limited Service and the Jarvisburg sub-area recommendations for a density of one unit per acre.
- 2) The surrounding area, while zoned Agricultural, is emerging in a suburban low-density residential development pattern. The permitted density in the Residential (R) zoning district of one unit per 40,000 sq. ft. is in keeping with the surrounding area and appears to **comply** with the policies of the Land Use Plan.
- 3) New residential development should be encouraged to locate near an existing or proposed church, school, or compatibly designed general store. The subject property is adjacent to a Jarvisburg School which is under construction.

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

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

**Public Hearing and Action PB 08-12 Currituck County Text Amendment: Request to amend Chapter 9: Infrastructure of the Currituck County Unified Development Ordinance to exempt family subdivisions from public water and fire protection requirements.**

Ben Woody, Planning Director, reviewed the request.

The Board of Commissioners directed staff to prepare the attached amendment to the Unified Development Ordinance to exempt family subdivisions from public water and fire protection regulations. A family subdivision is a type of minor subdivision that allows for a parcel to be subdivided into a total of five lots, with no more than one lot created per year.

The Board of Commissioners approved an amendment on September 4, 2007 to require all minor subdivisions to adhere to public water and fire protection regulations as a measure to protect ISO (Insurance Services Organization) ratings. Under the proposed language, conventional minor, private access, and major subdivisions will still have to adhere to public water and fire protection regulations.

What follows are the minutes from the February 12 and March 11 Planning Board meetings and a draft of the text amendment. The Planning Board recommended denial of the amendment as presented due to a concern with possible long-term impacts on community ISO ratings.

### **Planning Board Meeting – February 12, 2008**

#### **DISCUSSION**

Mr. West asked that the definition of a family be clarified.

Mr. Kovacs stated that the text amendment was done to comply with the ISO rating. He was concerned if the planning board approved this text amendment as presented, how it would affect the County's ISO rating.

Mr. Burgess stated he supports the amendment as presented.

#### **ACTION**

Mr. Keel motion to recommend tabling the proposed Currituck County text amendment to the UDO to exempt family subdivisions from public water and fire protection regulations until staff can see how or if the County's ISO rating will be affected. Mr. Etheridge seconded the motion. Motion passed unanimously.

### **Planning Board Meeting – March 11, 2008**

#### **DISCUSSION**

Mr. Woody stated he spoke to Mr. Mims who is the County's Fire Marshal. The Fire Marshal recommended that all houses to be built should be within 500 feet of a fire hydrant. With regards to the ISO rating, the Fire Marshal stated that with short term it would not hurt the ISO rating, but in long term this could hurt the ISO rating.

Mr. Keel asked how many subdivisions in the county would be affected by the proposed text amendment.

Mr. Webb stated that it would effect past and future family subdivisions. A family subdivision means that one lot per year, with a cap of 5 lots, which can be created out of a larger parcel.

Mr. Burgess supports the amendment. Mr. Burgess states it would put a hardship on them to install the water line.

Ms. Burgess supports the amendment. Ms. Burgess said that when this ordinance came up she compared the process that they have been through like playing a board game.

Mr. Burgess suggested that the county exempt applicants who have already started this process and be able to continue and that future applicants who apply for a subdivision have the restrictions apply.

Mr. Kovacs asked about fire equipment not being able to get to a location.

The board discussed exemptions of applicants who have already started the process.

Ms. Turner stated that the new ISO ratings are very new and people have not seen this reflected in their homeowner's insurance bills, but with time it will be a positive reduction in their premium.

**ACTION**

Ms. Turner motion to recommend denial of the Currituck County text amendment to exempt family subdivisions as presented. Ms. Robbins seconded the motion. Ayes: Alvin Keel, Joe Kovacs, Bobby Bell, William Etheridge, Arthur Winter, Elizabeth Turner, Forrest Midgette, and Bren Robbins. Nays: Manly West.

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

Commissioner Etheridge moved to table for further study and review water policy. Commissioner Taylor seconded the motion. Motion failed with Chairman Nelms, Commissioners Gregory and Bowden voting no.

Commissioner Gregory moved to approve. Commissioner Bowden seconded the motion. Motion carried with Commissioners Etheridge and Taylor voting no.

**Consent Agenda:**

1. Change Order for Jarvisburg Elementary School
2. Change Order for Shawboro Elementary School
3. Petition for Addition to State Maintained Road System-Brabble Street and Womack Drive
4. Letter to De-obligate 2005 CDBG Scattered-Site Funding
5. Approval of March 17, 2008, Minutes
6. Budget Amendments
7. Select Custom Apparatus, Inc. contract to purchase 5 ambulances

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
50548-545000	Contract Services	\$ 388,592	
50548-588000	Contingency	\$ 50,000	
50548-590000	Furnishings & Equipment	\$ 20,000	
50548-561000	Professional Services	\$ 15,049	
50548-570000	Reimbursable Expenses		\$ 75,000
50380-481000	Investment Earnings		\$ 398,641
		\$ 473,641	\$ 473,641

**Explanation:** Knotts Island Volunteer Fire Department Construction (50848) - To increase appropriations for change orders per architect memorandum dated March 26, 2008.

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$398,641.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-561000	Professional Services	\$ 82,000	
10750-519800	TANF Transportation TANF Service Components		\$ 9,000
10750-519801	Capital Outlay		\$ 3,000
10750-590000	Technology over \$1,000		\$ 4,800
10750-590441	Fund Appropriated Balance		\$ 700
10390-499900			\$ 64,500
		\$ 82,000	\$ 82,000

**Explanation:** **Social Services Administration (750): Professional Services**-Increase line item to cover increased attorney charges due to the difficult foster care cases that require extensive legal services and additional expert witness fees required for these cases.

**Net Budget Effect:** Operating Fund (10) - Increased by \$64,500.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15446-502000	Salaries - Regular	\$ 6,698	
15446-503000	Salaries - Part time	\$ 9,548	
15446-505000	FICA	\$ 1,243	
15446-506000	Health Insurance	\$ 778	
15446-507000	Retirement	\$ 661	
15446-511000	Telephone & Postage	\$ 19,000	
15446-511010	Data Transmission	\$ 300	
15446-521100	Equipment Lease	\$ 500	
15446-513000	Utilities	\$ 8,000	
15446-526000	Advertising	\$ 1,000	
15446-526200	Promotional Efforts	\$ 8,000	
15446-532000	Supplies	\$ 4,500	
15446-545000	Contract Services	\$ 3,280	
15446-590441	Technology over \$1,000	\$ 1,600	
15380-481000	Investment Earnings		\$ 65,108
		\$ 65,108	\$ 65,108

**Explanation:** Occupancy Tax - Promotion (15446) - To appropriate funds for operating start-up costs for the Moyock visitors center. This includes a full-time Office Manager and

part-time staff, overhead and purchase of a color printer.

**Net Budget Effect:**

Occupancy Tax Fund (15) - Increased by \$64,508.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
21690-545001	Lower Currituck Fire Dept Fund balance	\$ 122,100	
21390-499900	appropriated		\$ 122,100
		<u>\$ 122,100</u>	<u>\$ 122,100</u>

**Explanation:** *Poplar Branch Fire District - Lower Currituck VFD (21690)* - To increase appropriations to purchase a 2008 Dodge 5500 for \$81,625 and to purchase equipment for new vehicles. This will spend the balance of funds available from the fire district tax funds.

**Net Budget Effect:**

Poplar Branch Fire District Fund (21) - Increased by \$122,100.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-502000	Salaries - Regular	\$ 4,000	
10440-505000	FICA	\$ 306	
10440-507000	Retirement	\$ 394	
10440-590441	Technology over \$1,000	\$ 2,400	
10440-506000	Health Insurance		\$ 3,801
10445-502100	Salaries - Incentive		\$ 3,299
		<u>\$ 7,100</u>	<u>\$ 7,100</u>

**Explanation:** *Finance (10440)* - To transfer funds to hire an additional accounting clerk for the Finance Office and for a computer for this position.

**Net Budget Effect:**

Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
21690-545003	Corolla Volunteer Fire Dept	\$ 73,000	
21390-499900	Fund balance appropriated		\$ 73,000
		<u>\$ 73,000</u>	<u>\$ 73,000</u>

**Explanation:** *Poplar Branch Fire District - Corolla VFD (21690)* - To increase appropriations to make improvements to the Whalehead Station, to update communications, upgrade the mobile command trailer and for additional turnout gear.

**Net Budget Effect:** Poplar Branch Fire District Fund (21) - Increased by \$73,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
26535-587010	T T - Operating Fund	\$ 318,028	
26390-499900	Fund Balance Appropriated		\$ 318,028
10535-590000	Capital Outlay	\$ 318,028	
10390-495026	T F - Emergency Telephone System		\$ 318,028
		<u>\$ 636,056</u>	<u>\$ 636,056</u>

**Explanation:** *Emergency Telephone System (26535); Communications (10535)* - To transfer residual wireline funds from the Emergency Telephone System Fund to the Operating Fund per HB1755, which became effective 1/1/2008. We will use \$250,000 of these funds to relocate/replace the antennas currently located on the old jail building, to build an aggregate building for the tower equipment and the remaining \$68,028 to move the ortho-photo portion of the GIS mapping project to the operating fund.

**Net Budget Effect:** Operating Fund (10) - Increased by \$318,028.  
Emergency Telephone System Fund (26) - Increased by \$318,028.

**Commissioner's Report**

Commissioner Taylor commented on the incorrect info that is being sent around about the fire departments. She also expressed her sympathy to Commissioner Etheridge on the death of his mother.

Commissioner Bowden questioned if county has acquired a boating access for the Gibbs Woods area, update on the Carova Beach site and stormwater drainage for the Whalehead Subdivision.

Chairman Nelms commented on meeting with Albemarle Commission, ED Board and the Travel and Tourism Board.

**County Manager's Report**

Mr. Scanlon commented on the grand opening of the new Cooperative Extension Center.

**Adjourn**

There being no further business, the meeting adjourned.