

CURRITUCK COUNTY
NORTH CAROLINA
JUNE 2, 2008

The Board of Commissioner met at 6:30 p.m. prior to the regular meeting with the Animal Lovers Assistance League to discuss their proposed new facility request.

The Board of Commissioners met on June 2, 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

Mr. Bobbie Henley presented the invocation.

Approval of Agenda

Commissioner Bowden moved to approve the amended agenda as follows. Commissioner Gregory seconded the motion. Motion carried.

Delete Item 6, Villages at Ocean Hill; add Item 8A, Approval of County Attorney Contract; Appointment to Rural Technical Advisory Committee (RTAC) for Albemarle Rural Planning Organization (RPO)

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation of FY 08-09 County Budget**
- Item 4 **Recognition of Marshall Cherry**
- Item 5 **Public Hearing and Action** PB 08-19 Shirley D. Webber: Request to establish a Conditional District - Planned Unit Development Overlay Zone (CD-PUD) on 226 acres. The property is located at 7160 Caratoke Highway, approximately 2/10ths of a mile south of the intersection with Forbes Road, adjacent to the North River. Tax Map 109, Parcel 156, Poplar Branch Township.
- Item 6 **Public Hearing and Action** PB 88-66 Villages at Ocean Hill PUD: Amended Sketch Plan/SUP for Automobile Parking. The property is located on NC 12 (Ocean Trail) and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area, Tax Map 114, Parcel 3L, Poplar Branch Township.
- Item 7 **Public Hearing and Action** PB 08-20 Coastal Explorations: Request a Special Use Permit, for a retail store for sales & kayak tour bookings for an "Eco-tourism business at the site with kayak rentals and education programs" at 1130 F Corolla Village Road, Corolla, in Currituck County.
- Item 8 **Public Hearing and Action** PB 08-21 Coastal Explorations: Request a Special Use Permit, construct an elevated 1,495 ft. boardwalk access over Coastal Wetlands, 2 platform access areas for kayak

launching, 3 racks for storing a total of 21 kayaks, and a single boat lift in the Currituck Sound, at 1118 , in Currituck County.

- Item 9 **Consent Agenda:**
1. Jarvisburg Elementary School Change Orders 7 & 8 to Blueridge General
 2. Approval of May 19, 2008 Minutes
 3. Budget amendments

Item 10 Commissioner's Report

Item 11 County Manager's Report

Adjourn

Special Meeting

Call to Order

Ocean Sands Budget amendment

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.

Buddy Ponton, questioned the right of way and access for Ocean Hill PUD.

Chairman Nelms stated that there will be an open house at the new Welcome Center in Moyock on June 9. The new library in Moyock has gone out for bids.

Presentation of FY 08-09 County Budget

County Manager Dan Scanlon, presented the FY 08-09 Budget without a tax increase and a budget that is 6% less than last fiscal year.

The public hearing for the budget has been scheduled for June 16, 2008.

Recognition of Marshall Cherry

Chief Michael Carter, EMS, presented the award to Marshall Cherry in recognition of his 15 years of service with the Corolla Fire and Rescue Department.

Chairman Nelms presented Mr. Cherry with a resolution of appreciation for his service to the County.

**Public Hearing and Action PB 08-19 Shirley D. Webber:
Request to establish a Conditional District - Planned Unit Development Overlay Zone (CD-PUD) on 226 acres. The property is located at 7160 Caratoke Highway, approximately 2/10ths**

of a mile south of the intersection with Forbes Road, adjacent to the North River. Tax Map 109, Parcel 156, Poplar Branch Township.

Ben Woody, Planning Director, presented the request.

TYPE OF REQUEST: To establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on 226 acres.

LOCATION: Located at 7160 Caratoke Highway, approximately 2/10ths of a mile south of the intersection with Forbes Road, adjacent to the North River.

TAX ID: Tax Map 109, Parcel 156
0109-000-0156-0000

OWNER/APPLICANT: Shirley D. Webber & Shirley D. Webber Family, LLC
PO Box 49
Jarvisburg, NC 27947

AGENT: Quible and Associates, P.C.
Eddie Valdivieso
PO Drawer 870
Kitty Hawk, NC 27949

CURRENT ZONING: Residential (R)

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

ZONING CONDITIONS: 1. Maximum gross residential density of 1.5 dwelling units per acre.

In order to address outstanding staff concerns, as included in the case analysis and Planning Board recommendation, the applicant intends to add the following zoning conditions:

- Provide interconnectivity in a north-south direction via stub streets to the existing property line; the specific locations will be identified as part of the sketch plan or an approved master plan.
- Provide a bike lane along identified proposed rights-of-way to promote alternate means of transportation throughout the proposed development; the specific location of the internal streets will be identified as part of the sketch plan or an approved master plan.
- Provide design controls by formulating an architectural theme (on both residential and commercial properties) to promote architectural styles that are reflective of a coastal community; the specific styles will be identified as part of the sketch plan or an approved master plan.
- Provide vegetative buffers and berms as necessary along the property line adjacent to agricultural and farming properties; additional landscaping requirements in these

specific areas will be identified as part of the sketch plan or an approved master plan.

- Allow public access to the waterfront through the hotel development.

ZONING HISTORY: The property was zoned Residential (R) on July 2, 2007.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural/Residential	A
SOUTH:	Agricultural	R
EAST:	Undeveloped	C
WEST:	North River	NA

EXISTING LAND USE: Agricultural/Undeveloped.

PROPOSED LAND USE: Mixed use project.

LAND USE PLAN CLASSIFICATION:

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

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community. 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 is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments. Similar to the Grandy area, but at a lower overall density, new residential development should be encouraged to locate in compact, village like clusters, preferably near existing, non-agricultural activities and services. An example might be a new compact, walkable neighborhood of homes 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 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 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 PA7: Currituck County marina owners shall be encouraged to participate in BEST PRACTICE OPERATING PROGRAMS, such as the "Clean Marina" program sponsored by the NC Division of Coastal Management and the NC Marine Trades Services organization.

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 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.

POLICY TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.

POLICY PR8: New mixed use developments, office and business parks, and other non-residential areas shall be encouraged to include WALKWAYS WITHIN THE DEVELOPMENT.

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.

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 CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

**PUBLIC SERVICES
AND UTILITIES:**

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

TRANSPORTATION:

The site is accessible from Caratoke Highway. The site also presents an opportunity to establish future street connections to the north and south.

FLOOD ZONE:

Approximately 43 acres of the site are located in Flood Zone AE(7).

WETLANDS:

Approximately 50 acres of wetlands are located on the site.

SOILS:

The Currituck County Soils map indicates the property contains primarily suitable or marginal soils for on-site septic systems. There are limited amounts of non-suitable soils located in the wetlands areas.

**STAFF
RECOMMENDATION:**

Staff recommends **approval** of the request to establish a 226 acre Conditional District – Planned Unit Development Overlay Zone (CD-PUD). What follows are the reasons for recommending approval, as well as a summary of outstanding concerns that staff would prefer be addressed as part of the rezoning request.

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

1. The proposed PUD overlay request is in general compliance with the Limited Service designation of the 2006 Land Use Plan.
2. The proposed zoning condition limiting development density to 1.5 dwelling units per acre is consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan, and promotes compatibility between the subject property and surrounding area. (LUP Policy HN1)
3. As depicted on a conceptual site plan submitted as part of the application, this request includes a mixture of uses including single family dwellings, townhomes, condominiums, nonresidential uses, and a hotel. (LUP Policy CD8)

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. Promote interconnectivity by requiring future road connections to adjacent properties to the north and south. This will eventually allow local traffic to move in a north-south direction without having to use US 158. (LUP Policy TR7)
2. Provide for pedestrian or bicycle movement throughout the development through the use of interconnected multi-modal pathways. (LUP Policy PR8)
3. Promote architectural styles that are reflective of a coastal community and/or the vernacular of the general area. This includes limiting metal building materials and the size and scale of nonresidential uses. Avoiding homogenous residential development patterns is also consistent with a well-planned community. (LUP Policies CA1, ML4)
4. Priority should be given to the retention and preservation of wetlands and existing areas of significant vegetation. The establishment of conservation easements and tree conservation areas will ensure the environmental integrity of the site is preserved. (LUP Policies ES2, WQ5, WQ6)
5. Provide increased vegetative buffers or setbacks for areas of the subject property that may conflict with agricultural operations or other resource based activities. (Policy AG4)
6. Provide for public access to the waterfront through the use of docks, piers, boat ramps, and multi-modal pathways. (Policy PA1)
7. If a marina is integrated into the development, maintain environmental quality and land use policies set forth by the County and CAMA. This includes participation in a best practice operating program such as the "Clean Marina" program sponsored by the NC Division of Coastal Management. (Policies PA5, PA7)

Chairman Nelms opened the public hearing.

Eddie Valdivieso, Engineer, was present to answer questions.

Jerry Wright, expressed concerns with density and requested the Board to be committed to the density as presented.

Chairman Nelms moved to approve. Commissioner Bowden seconded the motion. Commissioner Taylor would like to amend the motion to include that the roads be constructed to state standard. Commissioner Etheridge seconded the amendment. Chairman Nelms and Commissioner Bowden voted no.

After further discussion Commissioner Etheridge moved to table. Commissioner Bowden seconded the motion. Motion carried with Chairman Nelms voting no

Public Hearing and Action PB 88-66 Villages at Ocean Hill PUD: Amended Sketch Plan/SUP for Automobile Parking. The property is located on NC 12 (Ocean Trail) and adjacent to Lakeside Drive and the Villages at Ocean Hill wastewater disposal area, Tax Map 114, Parcel 3L, Poplar Branch Township.

Deleted

Public Hearing and Action PB 08-20 Coastal Explorations: Request a Special Use Permit, for a retail store for sales & kayak tour bookings for an "Eco-tourism business at the site with kayak rentals and education programs" at 1130 F Corolla Village Road, Corolla, in Currituck County.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, presented the request.

ITEM: SPECIAL USE PERMIT FOR OUTDOOR STORAGE AND OUTDOOR RECREATION

LOCATION: 1130-F Corolla Village Road, Corolla Village, Corolla

ZONING DISTRICT: General Business (GB)

TAX ID: Tax Map 114, Parcel B2
114G-000-00B2-0000

OWNER: Duck Land Co., LLC
P.O.Box 369
Corolla, NC 27927

APPLICANT: Coastal Explorations, LLC
Hadley Twiddy
P.O.Box 301
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	John W. Austin Memorial Chapel	Zoned R01
SOUTH:	Residential	Zoned GB
EAST:	Retail specialty shops	Zoned GB
WEST:	Residential/ The Mychal Institute	Zoned R01

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Outer Banks** sub-area.

NARRATIVE:

1. Coastal Explorations, LLC is requesting a Special Use Permit for: an Eco-tourism business for kayak rentals where retail sales of kayak tours will be done from 1130-F Corolla Village Road, in the Historic Corolla Village, in Currituck County for outdoor storage and outdoor recreation.

2. The kayak tours will be conducted from the proposed elevated 1,495 ft. long commercial boardwalk access over Coastal Wetlands with 2 platform access areas for kayak launching, in the Currituck Sound at 1118 Corolla Village Road.

3. The store consists of a 451 sq. ft. condo. The parcel is a 43,569 sq. ft. lot.

4. This property is zoned General Business and the Table of Permissible uses allows Outdoor Storage and Outdoor Recreation in this zoning district with a Special Use Permit.

5. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:

- a. POLICY OB5: Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the Corolla Village area of the Outer Banks.
- b. 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.
- c. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

It does appear this request as presented is consistent with the policies and objectives of the Land Use Plan. The Planning Department is particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public the natural resources of Currituck County.

6. A site plan dated March 10, 2008 has been submitted. On April 17 and April 22, 2008, Maureen O'Shea, Planner conducted an on-site review with the following findings:

- a. The kayakers will be parking at the store location, 1130-F Corolla Village Road.
- b. The outdoor storage/kayak display area shall be on the grass/dirt area west of the retail store (not on existing concrete or in the parking lot). There will not be an increase in lot coverage.
- c. The outdoor storage/kayak display area will not impede any required parking spaces or pedestrian thoroughfare.
- d. Restroom facilities will be at the store.
- e. Garbage will be carted from the pier by employees and taken to the dumpster located at the retail store daily.
- f. Users will be walking Corolla Village Road to the pier site. They will be escorted by the kayak guide. The road is often used by pedestrians so that this is nothing out of the ordinary.
- g. Handicapped parking is located at the store location.
- h. Parking at the store site includes 5 off-site spaces at 1181 Corolla Village Road, 114H-000-OPEN-0000.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. **COMPLETENESS OF THE APPLICATION**
Suggested Findings:
 - a) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Suggested Findings:

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

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

Suggested Findings:

1. According to County Tax Maps, nearest residential dwellings to the tract are to the west along Persimmon Street. The parcel is currently a well established commercial area which includes specialty retail shops and residences.

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

Suggested Findings:

1. The Unified Development Ordinance indicates that the operation of Outdoor Storage and Outdoor Recreation is a permitted land use with a Special Use Permit in a General Business (GB) zoning district.

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

Suggested Findings:

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

iv. The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.

Suggested Findings:

1. The 2006 Land Use Plan classifies this site as Full Service and the proposed use is in keeping with the policies of the plan.

2. The site is located along an NCDOT state maintained road (SR1185) according to the 1988 Thoroughfare Plan.

v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

Suggested Findings:

Approval of this request should have no impact upon public facilities.

TECHNICAL REVIEW COMMENTS:**Fire Marshal Comments (James Mims 252-232-6641):**

4/2/08 via email – No Comment.

Building Inspector Comments (Spence Castello 252-232-6020):

4/1/08 - No comment.

Soil Conservation Comments (Mike Doxey 252-232-3360):

4/14/08 - Approved as is.

Public Works Comments (Eric Weatherly 252-232-6035):

4/15/08 - Approved as is.

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

4/7/08 – No comment.

Fire Chief, Rick Galganski

4/17/08 No comment.

County Manager, Dan Scanlon

No comments received.

STAFF RECOMMENDATION

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

1. Outdoor storage/display area shall be limited to the grass/dirt area west of the retail store (not on existing concrete or in the parking lot). There will not be an increase in lot coverage.
2. All display materials be properly secured to prevent theft or unauthorized use.
3. Display materials shall not pose a hazard during periods of severe weather conditions. When a storm is imminent the display racks shall be anchored for 120 mph winds and display items shall be removed and stored accordingly.
4. No signage, except with an approved sign permit, shall be permitted with this use.
5. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which will be filed in the office of the Planning and Inspections Department.

PLANNING BOARD DISCUSSION

Mr. West asked if there is an existing pier on this site.

Ms. O'Shea stated that this is two separate parcels and this one is the retail store with an outdoor display.

Mr. Woody stated that the pier doesn't exist but that they just got their CAMA permit for the construction of the pier.

Mr. West asked how heavily traveled is the road that they will walk to get to the pier.

Ms. Twiddy stated there is a lot of foot traffic and is not heavily traveled by vehicles.

Mr. Kovacs asked if parking at the store includes 5 off site spaces.

Ms. O'Shea stated that because it is a condo site it has been assigned 5 spaces plus they have 5 additional parking spaces.

ACTION

Ms. Robbins motion to recommend approval with staff recommendations and TRC comments for a Special Use Permit for a retail store for sales and Kayak tour bookings and outdoor storage as presented. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Jeff Malarney, Attorney, was representing the owner.

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

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

Public Hearing and Action PB 08-21 Coastal Explorations: Request a Special Use Permit, construct an elevated 1,495 ft. boardwalk access over Coastal Wetlands, 2 platform access areas for kayak launching, 3 racks for storing a total of 21 kayaks, and a single boat lift in the Currituck Sound, at 1118 , in Currituck County.

Sworn testimony was taken before making comments.

Ben Woody, Planning Director, reviewed the request.

ITEM: SPECIAL USE PERMIT FOR OUTDOOR RECREATION AND OUTDOOR STORAGE

LOCATION: 1118 Corolla Village Road, Corolla Village, Corolla

ZONING DISTRICT: Residential (RO1)

TAX ID: Tax Map 114, Parcel 36D
0114-000-036D-0000

OWNER: Duck Land Co., LLC
P.O.Box 369
Corolla, NC 27927

APPLICANT: Coastal Explorations, LLC
Hadley Twiddy
P.O.Box 301
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Vacant land	Zoned GB
SOUTH:	Vacant land	Zoned RO1
EAST:	Corolla Wild Horse Museum and Shop	Zoned GB
WEST:	Currituck Sound	Zoned R01

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Conservation** within the **Outer Banks** sub-area.

NARRATIVE:

1. Coastal Explorations, LLC is requesting a Special Use Permit to construct an elevated 1,495 ft. long commercial boardwalk access over Coastal Wetlands, 2 platform access areas for kayak launching, 3 racks for storing a total of 21 kayaks, a single boat lift in the Currituck Sound, as an Eco-tourism business for kayak rental, at 1118 Corolla Village Road in the Historic Corolla Village, in Currituck County for outdoor recreation and outdoor storage.
2. Retail sales of the kayak tours will be done from 1130-F Corolla Village Road.

3. The parcel consists of a 10.87 acre parcel, of this area 9.81 acres are wetlands, 0.77 acres is a pond, and 0.29 acres is uplands.
4. This property is zoned General Business and the Table of Permissible uses allows Outdoor Recreation and Outdoor Storage in this zoning district with a Special Use Permit.
5. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY OB5: Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the Corolla Village area of the Outer Banks.
 - b. 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.
 - c. 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.
 - d. POLICY ES5: Uses allowed in estuarine waters must be water dependent (public access, docks, piers, erosion control, and other CAMA-approved uses) and must not interfere with the proper function, cleanliness, salinity, and circulation of the resource.
 - e. POLICY WQ5: Development that preserves the natural features of the site, including existing topography and significant existing vegetation, shall be encouraged.
 - f. 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.
 - g. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

It does appear this request as presented is consistent with the policies and objectives of the Land Use Plan. The Planning Department is particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public the natural resources of Currituck County.

6. A site plan dated March 10, 2008 has been submitted. On April 17, 2008 Maureen O'Shea, Planner conducted an on-site review with the following findings:
 - a. The outdoor kayak display areas shall be in the proposed kayak racks on the proposed pier and will not impede pedestrian thoroughfare.
 - b. The kayakers will be parking at the store location, 1130-F Corolla Village Road. Users will be walking Corolla Village Road to the pier site. They will be escorted by the kayak guide. The road is often used by pedestrians so that this is nothing out of the ordinary.
 - c. The proposal is for 21 kayaks, only 10 clients will be kayaking in each group. The higher number of kayaks is offered so that those clients can choose between double kayaks, longer kayaks, shorter kayaks, etc. for comfort and performance.
 - d. Employees will be stationed at the platforms when needed (i.e.: helping people in and out of kayaks or explaining techniques).
 - e. Restroom facilities will be at the store at 1130-F Corolla Village Road.
 - f. Garbage will be carted out by employees and taken to the dumpster located at the retail site daily. A garbage can will be located at each platform.
 - g. Parking at the store site includes 5 off-site spaces at 1181 Corolla Village Road, 114H-000-OPEN-0000.
 - h. Typically family and friends congregate on the platforms at the beginning of the tours for photo opportunities.

- i. Handicapped people will access the pier by hard surface connecting the boardwalk to the road. Handicapped parking is located at the store location.
- j. EMS/emergency personnel can access the pier by use of ATV or John Deere gator as the board walk is wide enough for usage. They can park across the street at the overflow parking lot as those are both owned by Twiddy & Co.
- k. A CAMA permit for the commercial pier is in process with David Moye, Express Permits Coordinator.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. **COMPLETENESS OF THE APPLICATION**
Suggested Findings:
 - a) The application is complete.

2. **COMPLIANCE WITH ORDINANCE REQUIREMENTS**
Suggested Findings:
 - a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.
 - i. The proposed use **will not** materially endanger the public health or safety for the following reasons:
Suggested Findings:
 1. According to County Tax Maps, nearest residential dwellings to the tract are to the east along Corolla Village Road. The parcel is currently a well established historical village commercial area which includes specialty retail shops, residences, Currituck Light, and Heritage Park.
 - ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:
Suggested Findings:
 1. The Unified Development Ordinance indicates that the operation of Outdoor Storage and Outdoor Recreation is a permitted land use with a Special Use Permit in the Outer Banks Standard Residential District (RO1) zoning district.
 - iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.
Suggested Findings:
 1. The parcel is adjacent to a well established historical village commercial area which includes specialty retail shops, Currituck Light, Heritage Park, and residences, and is therefore in keeping with the character of the surrounding area.
 - iv. The proposed use **will** be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board of Commissioners.
Suggested Findings:
 1. The 2006 Land Use Plan classifies this site as Conservation and the proposed use is in keeping with the policies of the plan.

2. The site is located along an NCDOT state maintained road (SR1185) according to the 1988 Thoroughfare Plan.

- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

Suggested Findings:

Approval of this request should have no impact upon public facilities.

TECHNICAL REVIEW COMMENTS:

Fire Marshal Comments (James Mims 252-232-6641):

4/2/08 via email – No Comment.

Building Inspector Comments (Spence Castello 252-232-6020):

4/1/08 - No comment.

Soil Conservation Comments (Mike Doxey 252-232-3360):

4/14/08 - Approved as is.

Public Works Comments (Eric Weatherly 252-232-6035):

4/15/08 - Approved as is.

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

4/7/08 – No comment.

4/14/08 – Corolla Village road is a DOT maintained (SR1185). It wasn't clear the access was going out to the road. They will need a driveway permit from us. I can't give a site recommendation for driveway location because the plans are not clear.

Fire Chief, Rick Galganski

4/17/08 – Approved with the following conditions and comments: no overnight storage of flammable liquids, ABC fire extinguishers at both platforms, provide location for parking emergency apparatus near pier, and 8 ft. wide pier to accommodate 6-wheel drive emergency ATV.

County Manager, Dan Scanlon

No comments received.

STAFF RECOMMENDATION

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

1. Outdoor display areas shall be limited to those areas depicted on the CAMA Permit approved site plan.
2. All display materials be properly secured to prevent theft or unauthorized use.
3. Display materials shall not pose a hazard during periods of severe weather conditions. When a storm is imminent the display racks shall be anchored for 120 mph winds and display items shall be removed and stored accordingly.

4. Flammable liquids will not be stored overnight at or on the pier and an ABC fire extinguisher will be installed at each platform.
5. A trash receptacle shall be located at each platform and shall be emptied daily.
6. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which will be filed in the office of the Planning and Inspections Department.

PLANNING BOARD DISCUSSION

Ms. Robbins asked Ms. Twiddy if the public will be able to use the pier.

Ms. Twiddy stated yes.

Ms. Robbins asked if lighting will be done on the pier.

Ms. Twiddy stated they are looking into lighting that will not interfere with wildlife.

Ms. Robbins asked if evening tours would be offered.

Ms. Twiddy stated yes.

Ms. O'Shea stated the CAMA permit would need to be amended if lighting was going to be added to the pier.

Mr. West stated he is concerned with the public using the pier during the operation of the business.

Ms. Twiddy stated they would use some type of signage to show the public when the pier would be available for use.

Mr. Midgette asked how much of the pier will be over water.

Ms. Twiddy stated not very much and that the majority will be over wetlands.

Mr. West stated that this will be a private pier and will they have an employee on the pier at all times during the day.

Ms. Twiddy stated they are considering putting a gate on the end of the pier.

Sharon Twiddy stated this area is pretty quite during the evening.

Ms. Turner stated that a platform should be at the beginning and end of the pier.

Mr. Bell asked if the pier could accommodate an ATV or gator vehicle for an emergency.

Ms. Twiddy stated they originally wanted to build an 8 ft. wide pier but CAMA mandates it to be 6 ft. wide.

Mr. West recommended that the launch area is able to accommodate an ATV or gator vehicle so it would be able to turn around for an emergency.

ACTION

Mr. Keel motion to recommend approval with staff recommendations and TRC comments of a Special Use Permit to construct an elevated 1,495 ft. boardwalk access over Coastal Wetlands, 2 platform access areas for kayak launching, 3 racks for storing a total of 21 kayaks, and a single

boat lift in the Currituck Sound as presented. Ms. Robbins seconded the motion. Motion passed unanimously.

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

Commissioner Etheridge moved to approve with findings of fact and staff recommendations. Commissioner Bowden seconded the motion. Motion carried.

Approval of County Attorney Contract

Chairman Nelms moved to approve the contract for Ike McRee as full time County Attorney. Commissioner Gregory seconded the motion. Motion carried.

Appointment to Rural Technical Advisory Committee (RTAC) for Albemarle Rural Planning Organization (RPO)

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

Consent Agenda:

1. Jarvisburg Elementary School Change Orders 7 & 8 to Blueridge General
2. Approval of May 19, 2008 Minutes
3. Budget amendments

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10410-526000	Advertising	\$ 3,000	
10410-553000	Dues & Subscriptions	\$ 60	
10410-545000	Contracted Services		\$ 3,060
10441-516000	Repairs & Maintenance	\$ 1,000	
10441-506000	Insurance Expense		\$ 1,000
10446-511010	Data Transmission	\$ 200	
10446-531000	Gas, Oil, etc	\$ 200	
10446-506000	Insurance Expense		\$ 400
10450-561000	Professional Services	\$ 1,000	
10450-526000	Advertising		\$ 1,000
10461-526000	Advertising	\$ 400	
10461-506000	Insurance Expense		\$ 400

10511-561000	Professional Services	\$	13,000		
10511-506000	Insurance Expense			\$	13,000
10531-511010	Data Transmission	\$	200		
10531-514000	Travel	\$	400		
10531-514600	Public Education	\$	22		
10531-506000	Insurance Expense			\$	622
10535-513000	Utilities	\$	500		
10535-506000	Insurance Expense			\$	500
10541-532000	Supplies	\$	600		
10541-506000	Insurance Expense			\$	455
10541-531000	Gas, Oil Etc			\$	145
10550-513000	Utilities	\$	4,000		
10550-592000	Airport Projects			\$	4,000
10606-506000	Insurance Expense	\$	191		
10606-514800	Fees Paid to Officials			\$	191
10660-545000	Contracted Services	\$	425		
10660-506000	Insurance Expense			\$	425
10750-590000	Capital Outlay	\$	221		
10750-506000	Insurance Expense			\$	221
10793-514500	Training & Education	\$	500		
10793-514000	Travel			\$	500
10795-576015	Tackle Football	\$	45		
10795-506000	Insurance Expense			\$	45
12543-511003	Telephone & Postage	\$	600		
12543-544003	Volunteer Assistance			\$	600
12546-516006	Repairs & Maintenanace	\$	1,200		
12546-532006	Supplies	\$	12,000		
12546-511006	Telephone & Postae			\$	1,500
12546-531006	Gas, Oil, Etc			\$	3,000
12546-553006	Dues & Subscriptions			\$	3,000
12546-590006	Capital Outlay			\$	5,700
61818-506000	Insurance Expense	\$	786		
61818-511000	Telephone & Postage	\$	4,000		
61818-514000	Travel	\$	200		
61818-531000	Gas, Oil, Etc	\$	1,500		
61818-545005	Purchase water from another	\$	60,000		
61818-553000	Dues & Subscriptions	\$	475		
61818-590000	Capital Outlay			\$	36,961
61818-590003	Fire Hydrants			\$	30,000

62828-511000	Telephone & Postage	\$	200			
62828-545000	Contracted Services			\$	200	
65858-511000	Telephone & Postage	\$	200			
65858-513000	Utilities			\$	200	
66868-511010	Data Transmission	\$	300			
66868-513000	Utilities			\$	300	
			\$	107,425	\$	107,425

**Explanation:
Net Budget
Effect:**

Various- Transfers for operations for the remainder of this fiscal year.

- Operating Fund (10) - No change.
- Fire Services Fund (12) - No change.
- Occupancy Tax Fund (15) - No change.
- Mainland Water Fund (61) - No change.
- Newtown Road Sewer Fund (62) - No change.
- Moyock Commons Sewer Fund (65) - No change.
- Southern Outer Banks Water & Sewer Fund (66) - No change.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-501000	Salary Paid to Officials	\$ 2,000	
10430-505000	FICA	\$ 138	
10430-514000	Travel	\$ 2,500	
	Fees Paid to Princ		
10430-514801	Officials	\$ 8,000	
10430-526000	Advertising	\$ 500	
10430-532100	Ballot Programs & Imprint	\$ 1,000	
	Fund Balance		
10390-499900	Appropriated		\$ 14,138
10430-590441	Technology over \$1000	\$ 13,400	
10330-499000	Miscellaneous Grants		\$ 13,400
		\$	\$
		27,538	27,538

Explanation:

Elections (10430) - To increase appropriations for second primary to be held in June 2008 and to record HAVA grant awarded April 25, 2008 to be used for 4 Desktops/Laptops, 4 phone lines and 4 Broadband connections for one-stop and Election Day voting.

**Net Budget
Effect:**

Operating Fund (10) - Increased by \$27,538.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10545-561000	Medical Examiner	\$ 3,000	
10380-482000	Miscellaneous Revenue		\$ 3,000
		\$ 3,000	\$ 3,000

Explanation: *Medical Examiner (10545)* - To increase appropriations for additional medical examiner expenses.

Net Budget Effect: Operating Fund (10) - Increased by \$3,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-576017	Aerobics	\$ 825	
10350-469017	Aerobics		\$ 825
		\$ 825	\$ 825

Explanation: *Recreation (10795)* - To increase appropriations for aerobics classes started this spring.

Net Budget Effect: Operating Fund (10) - Increased by \$825.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15446-503500	Temporary Services	\$ 1,200	
15446-511000	Telephone & Postage	\$ 6,000	
15446-590000	Capital Outlay	\$ 30,000	
15446-503000	Salaries - Part-time		\$ 1,200
15446-506000	Insurance Expense		\$ 344

15446-513000	Utilities	\$	2,000
15446-590441	Technology Over \$1000	\$	14,286
15320-415000	Occupancy Tax	\$	19,370
		\$	37,200
		\$	37,200

Explanation: *Occupancy Tax - Promotion (15446)* - To increase appropriations operations for the remainder of the year and for additional furnishings for the Moyock Welcome Center.

Net Budget

Effect: Occupancy Tax Fund (15) - Increased by \$19,370.

Commissioner's Report

Commissioner Etheridge moved to support the concept presented by the Animal Lovers Assistance League of 8 acres whether it be at the Airport or some other location. Commissioner Taylor seconded the motion. Motion carried.

Commissioner Bowden, expressed his concerns with traffic issues that are still on Carova Beach. He also requested an update on the Knotts Island Bridge.

Commissioner Gregory requested an update on the Historic Jarvisburg Colored School project.

County Manager's Report

Mr. Scanlon stated that the Town Meeting in Powells Point on Thursday, June 5, was not a public hearing on the Land Use Plan.

Adjourn

There being no further business, the meeting adjourned.

Special Meeting Ocean Sands Water and Sewer District

Call to Order

Chairman Nelms called the meeting to order

Ocean Sands Budget amendment

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-511000	Telephone & Postage - Water	\$ 200	

60808-511001	Telephone & Postage - Sewer	\$	150	
60808-532000	Supplies - Water	\$	300	
60808-561001	Professional Services - Sewer	\$	84,000	
60808-561000	Professional Services - Water			\$ 50,000
60808-590001	Capital Outlay - Sewer			\$ 34,650
			<u>\$ 84,650</u>	<u>\$ 84,650</u>

Explanation: *Ocean Sands Water & Sewer (60808)* - Operating transfers for the remainder of this fiscal year.

Net Budget

Effect: Ocean Sands Water & Sewer Fund (60) - No change

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

Adjourn

There being no further business, the meeting adjourned