

CURRITUCK COUNTY  
NORTH CAROLINA  
MAY 5, 2008

The Board of Commissioners met on May 5, 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**

Chairman Nelms presented the invocation.

### **Approval of Agenda**

Commissioner Bowden moved to amend the agenda by deleting Item 3 and Item 13, adding Item 9A, Purchase Agreement for Lankford Property; Item 9B, Engineering services for OLF, and adding to consent agenda, Request DOT to maintain Dolphin and Bonito Streets in the Whalehead Subdivision. Commissioner Gregory seconded the motion. Motion carried.

- Item 1            Approval of Agenda
- Item 2            Public Comment  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3            **Update from Fire and EMS Advisory Board**
- Item 4            **Public Hearing and Action** PB 08-14 Kilmarlic Health & Racquet Club: Request to establish a Multi Family Overlay Zone on 14.1 acres. The property is located adjacent to the entrance of the Kilmarlic Club on North Side Lane. Tax Map 124, Parcels 57B, 54 and 56, Poplar Branch Township.
- Item 5            **Public Hearing and Action** PB 08-15 Deborah Gorham: Request to rezone .97 acres from Agricultural (A) to General Business (GB). The property is located at 5834 Caratoke Highway, Tax Map 84, Lot 13A, Poplar Branch Township.
- Item 6            **Public Hearing and Action** PB 08-16 Bob Evans: Request to rezone 2.53 acres from Agricultural (A) to General Business (GB). The property is located at 5828 Caratoke Highway, Tax Map 84, Lot 13B, Poplar Branch Township.
- Item 7            **Public Hearing and Action** PB 08-18 Corolla Light Town Center: Request a Special Use Permit for a pony ride concession. The property is located at 1159 Austin Street, Corolla Light Town Center, Poplar Branch Outer Banks Township.
- Item 8            **Appointment to College of the Albemarle Board of Trustees**
- Item 9            **Appointment to Social Services Board**
- Item 10           **Consent Agenda:**
  - 1. Budget amendments
  - 2. Approval of April 21, 2008, Minutes
  - 3. State Aid to Airports Block Grant Agreement to Construct Partial Parallel Taxiway
  - 4. State Aid to Airports Block Grant Agreement for Hangar and Hangar Taxiway Construction

- Item 11 Commissioner's Report
- Item 12 County Manager's Report
- Item 13 **Closed Session:**
  - 1. To discuss personnel

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.

Doris Flora, thanked the Board for their support in opposing the proposed OLF site.

William Baker, commended the Board in their efforts opposing the OLF.

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

**Update from Fire and EMS Advisory Board**

Deleted

**Public Hearing and Action PB 08-14 Kilmarlic Health & Racquet Club: Request to establish a Multi Family Overlay Zone on 14.1 acres. The property is located adjacent to the entrance of the Kilmarlic Club on North Side Lane. Tax Map 124, Parcels 57B, 54 and 56, Poplar Branch Township.**

Ben Woody, Planning Director, presented the request.

**TYPE OF REQUEST:** Request to establish a 14.1 acre Residential Multi-Family (RMF) overlay district.

**LOCATION:** The property is located adjacent to the entrance to the Kilmarlic Club at 101 Wimbledon Court.

**TAX ID:** Map 124, Parcels 57B, 54 and 56

**OWNER:** WGH&L, LLC  
4112 N. Croatan Hwy.  
Kitty Hawk, NC 27949

**APPLICANT:** Rob Lawson  
1248 Duck Rd., Suite 201  
Duck, NC 27949

<b>ZONING:</b>	<u><b>Current Zoning</b></u> General Business (GB)	<u><b>Proposed Zoning</b></u> Residential Multi-Family Overlay (RMF)
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**ZONING HISTORY:**

Parcels 54, 56 and 57A were split zoned GB and A on the April 2, 1989 zoning atlas and were rezoned to GB on January 6, 2003.

Parcel 57B was created as a separate lot from 57A on February 13, 2003 by the "Kilmarlic Health and Racquet Club" Private Access Subdivision.

A previous request for a RMF overlay district was denied by the Board of Commissioners on July 17, 2006.

**SURROUNDING PROPERTY:**

	<b>Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Undeveloped/Agricultural	A
<b>SOUTH:</b>	Kilmarlic Club/Undeveloped	A
<b>EAST:</b>	Residential	GB/RMF
<b>WEST:</b>	Kilmarlic Club/ Undeveloped	R

**EXISTING LAND USE:** Kilmarlic Health and Racquet Club

**PROPOSED LAND USE:** To allow villa type multi-family development.

**LAND USE PLAN CLASSIFICATION:**

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

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

The policy emphasis of this plan is to allow portions of the Point Harbor sub-area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Housing in the Point Harbor area should continue to reflect a range of housing types and prices with emphasis on single-family site-built homes.

The following policies are also relevant to this request:

**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.

**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.

**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 property is accessed by Wimbledon Court, adjacent to the entrance of the Kilmarlic Club.

**FLOOD ZONE:**

Most of the property is located in flood zone AE (7). The remainder of the property is located outside of the flood zone (Zone X).

**SOILS:**

The Currituck County Soil Suitability map indicates this property contains soils that are Marginal and Un-Suitable.

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**STAFF RECOMMENDATION:**

Staff recommends **approval** of the request to establish a 14.1 acre Residential Multi-Family (RMF) overlay district for the following reasons:

1. The proposed zoning amendment is in general compliance with the policy emphasis of the Point Harbor Sub-Area and policies AG3, AG6, and HN1 of the 2006 Land Use Plan.
2. The maximum density of four dwelling units per acre is compatible with previously approved RMF overlay districts in the immediate area.
3. The subject property's existing zoning designation of General Business would conceivably allow more intense and less compatible uses than a villa type multi-family development.
4. Considering the broad range of infrastructure and service investments that exist in the immediate area and the establishment of the Kilmarlic Health & Racquet Club facility, this parcel is a logical location for an attached housing project.

**PLANNING BOARD DISCUSSION**

Mr. Kovacs asked if the land is suitable for septic.

Mr. Woody stated the property contains soils that are marginal and un-suitable. The un-suitable soil is primarily the wooded area where the wetlands are.

Mr. Valdivieso stated the property has been evaluated by a license soil scientist, Dave Meyer and some proposed sites have been picked out for on-site septic system.

Mr. West stated that most of the property is located in flood zone AE (7).

Mr. Lawson provided more information where the septic systems would be located.

Mr. Kovacs asked how many units they are planning.

Mr. Lawson stated they were looking at 35 units originally, but somewhere in the low 30's.

Mr. Woody stated if the rezoning is approved when they come back for a sketch plan/special use permit more details will be provided at that point and the issue of septic will be addressed.

Mr. West stated he did not see any comments from county personnel in the case analysis.

Mr. Woody stated that the planning staff does the review of rezoning cases which is based upon the Land Use Plan.

Mr. Valdivieso stated that they are asking for approval of the rezoning request tonight and when they come back with the sketch plan/special use permit then the Technical Review Committee will review and make comments.

**ACTION**

Ms. Turner motion to recommend approval with staff recommendations to establish a Multi Family Overlay Zone on 14.1 acres according to the 2006 Land Use Plan. Mr. Kovacs seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Rob Lawson, Applicant, was present to answer questions.

Gerald Cartwright, adjacent landowner, expressed concerns with water and would like a buffer between his property and the applicants.

Commissioner Taylor also would like to see a buffer between properties.

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

Commissioner Bowden moved to approve with staff findings of fact and other recommendations. Commissioner Taylor seconded the motion. Motion carried with Commissioner Etheridge voting no.

**Public Hearing and Action PB 08-15 Deborah Gorham: Request to rezone .97 acres from Agricultural (A) to General Business (GB). The property is located at 5834 Caratoke Highway, Tax Map 84, Lot 13A, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Request to rezone .97 acres from Agricultural (A) to General Business (GB).

**LOCATION:** The property is located in Poplar Branch at 5834 Caratoke Highway, Poplar Branch Township.

**TAX ID:** 0084-000-013A-0000

**OWNER:** Deborah L. Gorham  
11770 Gailemont Ct  
Woodbridge VA 22192

**APPLICANT:** Bill Owen  
Seaboard Surveying and Planning Inc  
PO Box 58  
Nags Head NC 27959

**ZONING:** Current Zoning Proposed Zoning  
Agricultural (A) General Business (GB)

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

**SURROUNDING PROPERTY:**

	<b>Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Single Family Dwelling	GB
<b>SOUTH:</b>	Vacant	A
<b>EAST:</b>	Vacant, Farmland	GB
<b>WEST:</b>	Single Family Dwelling	A

**EXISTING LAND USE:** Single Family Dwelling

**PROPOSED LAND USE:** To allow multi-family development.

**LAND USE PLAN CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Limited Service Area** within the Aydlett, Waterlily, and Churches Island sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at **low densities** (one unit per acre). With respect to nonresidential uses, it is essential that the existing community character be preserved.

The policy emphasis of this plan is for developable areas of Aydlett, Waterlily, and Churches Island to remain as **low-density** (one unit per acre) residential areas at one unit per acre. While services that satisfy direct public health, safety, and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, no commercial development should be permitted in these areas.

The following 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 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.**

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.

This request for a General Business zone **does not comply** with the 2006 Land Use Plan Limited Services classification within the Aydlett, Waterlily, and Churches Island sub-area.

**TRANSPORTATION:**

The site has approximately 85 linear feet of frontage on Caratoke Highway.

**FLOOD ZONE:**

AE (6.0') and Shaded X.

**PUBLIC SERVICES AND UTILITIES:**

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

**SOILS:** The Currituck County Soils map indicates the property contains NOT SUITABLE soils for on-site septic.

**STAFF RECOMMENDATION:**

Upon evaluating the application, staff concludes that the proposed rezoning does not satisfy the above-referenced criteria and for the reasons listed below staff recommends **denial**:

- 1) There appears to be ample land zoned General Business in the county to meet the needs. This request does not appear to meet the test indicated in UDO Section 2407 that there is an extraordinary showing of public need or demand.
  - a. Total GB zoned property = 4,278 acres (2.6% of all zoning)
  - b. Total GB zoned property developed for commercial use = 1,167 acres
  - c. Total percentage of GB zoned property actively used as commercial = 27%
- 2) The proposed rezoning **does not** comply with the 2006 Land Use Plan designation of Limited Service due to the range of uses permitted by right in a General Business zone that may not be compatible with the neighborhood. Staff suggested a conditional zoning application.
- 3) The proposed rezoning "to allow for multi-family housing" does not comply with the 2006 Land Use Plan definition of low density (one unit per acre) as required within this sub-area.
- 4) This request does not comply with Land Use Plan policies ES1 and AG3.

**PLANNING BOARD DISCUSSION**

Mr. Owen stated that Mr. Webb made a suggestion that he file this request as a Conditional Zoning Request. Mr. Owen stated his client's would like to do some low cost, multi family

development here and by combining these two parcels it would give them about 9 units. His client would like to do a small real estate office but decided not to do this. Mr. Owen and his client understand the concerns the staff have but his client's main purpose in requesting the rezoning is for the multi family use and the density of 2.5 units per acre. Mr. Owen asked if the board could change this request tonight to a Conditional Zoning Request his client would agree to this.

Mr. Woody stated they would have to reapply for a Conditional Zoning Request and start the process over.

Mr. Kovacs asked if the applicant would have to ask to have this removed from the agenda if they were going to file this as a Conditional Zoning Request.

Mr. Woody stated "yes". Mr. Owen could request that these applications be withdrawn otherwise the board will need to act on the request as presented.

Mr. Owen stated he would like the board to take action tonight and then they could decide later if they would like pursue the Conditional Zoning Request.

**ACTION**

Mr. West motion to recommend denial with staff recommendations to rezone .97 acres from Agricultural (A) to General Business (GB) according to the 2006 Land Use Plan. Mr. Keel seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Bill Owens, Surveyor, was present to answer questions.

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

Commissioner Gregory moved to deny request because it does not comply with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried.

**Public Hearing and Action PB 08-16 Bob Evans: Request to rezone 2.53 acres from Agricultural (A) to General Business (GB). The property is located at 5828 Caratoke Highway, Tax Map 84, Lot 13B, Poplar Branch Township.**

Ben Woody, Planning Director, reviewed the request.

**TYPE OF REQUEST:** Request to rezone 2.53 acres from Agricultural (A) to General Business (GB).

**LOCATION:** The property is located in Poplar Branch at 5828 Caratoke Highway, Poplar Branch Township.

**TAX ID:** 0084-000-013B-0000

**OWNER:** Bob Evans  
105 Scarborough Lane  
Duck NC 27949

**APPLICANT:** Bill Owen  
Seaboard Surveying and Planning Inc  
PO Box 58

Nags Head NC 27959

<b>ZONING:</b>	<b><u>Current Zoning</u></b> Agricultural (A)	<b><u>Proposed Zoning</u></b> General Business (GB)
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**ZONING HISTORY:** The property was zoned Agricultural (A) on the 1989 zoning atlas.

**SURROUNDING PROPERTY:**

	<b>Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Single Family Dwelling	A
<b>SOUTH:</b>	Vacant	A
<b>EAST:</b>	Vacant, Farmland	GB and A
<b>WEST:</b>	Single Family Dwelling	A

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** To allow multi-family development.

**LAND USE PLAN CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Limited Service Area** within the Aydlett, Waterlily, and Churches Island sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at **low densities** (one unit per acre). With respect to nonresidential uses, it is essential that the existing community character be preserved.

The policy emphasis of this plan is for developable areas of Aydlett, Waterlily, and Churches Island to remain as **low-density** (one unit per acre) residential areas at one unit per acre. While services that satisfy direct public health, safety, and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, no commercial development should be permitted in these areas.

The following 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 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**.

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.

This request for a General Business zone **does not comply** with the 2006 Land Use Plan Limited Services classification within the Aydlett, Waterlily, and Churches Island sub-area.

**TRANSPORTATION:** The site has approximately 289 linear feet of frontage on Caratoke Highway.

**FLOOD ZONE:** AE (6.0') and Shaded X.

**PUBLIC SERVICES AND UTILITIES:** The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric service, telephone, and public water are available.

**SOILS:** The Currituck County Soils map indicates the property contains NOT SUITABLE soils for on-site septic.

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**STAFF**

**RECOMMENDATION:** Upon evaluating the application, staff concludes that the proposed rezoning does not satisfy the above-referenced criteria and for the reasons listed below staff recommends **denial**:

- 1) There appears to be ample land zoned General Business in the county to meet the needs. This request does not appear to meet the test indicated in UDO Section 2407 that there is an extraordinary showing of public need or demand.
  - a. Total GB zoned property = 4,278 acres (2.6% of all zoning)
  - b. Total GB zoned property developed for commercial use = 1,167 acres
  - c. Total percentage of GB zoned property actively used as commercial = 27%
- 2) The proposed rezoning **does not** comply with the 2006 Land Use Plan designation of Limited Service due to the range of uses permitted by right in a General Business zone that may not be compatible with the neighborhood. Staff suggested a conditional zoning application.
- 3) The proposed rezoning "to allow for multi-family housing" does not comply with the 2006 Land Use Plan definition of low density (one unit per acre) as required within this sub-area.
- 4) This request does not comply with Land Use Plan policies ES1 and AG3.

**PLANNING BOARD DISCUSSION**

Mr. Midgette stated that this case was presented at the same time the PB 08-15 Deborah Gorham case was presented.

Mr. Keel stated that a lot of cases are coming to the Planning Board as affordable housing. In the last seven years how many houses are affordable, what is considered affordable housing, and how many are built as affordable housing.

**ACTION**

Mr. Keel motion to recommend denial with staff recommendations to rezone 2.53 acres from Agricultural (A) to General Business (GB) according to the 2006 Land Use Plan. Mr. Etheridge seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Bill Owen, Surveyor, was present to answer questions.

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

Chairman Nelms moved to deny request because it does not comply with the Land Use Plan. Commissioner Gregory seconded the motion. Motion carried.

**Public Hearing and Action PB 08-18 Corolla Light Town Center: Request a Special Use Permit for a pony ride concession. The property is located at 1159 Austin Street, Corolla Light Town Center, Poplar Branch Outer Banks Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**TYPE OF REQUEST: SPECIAL USE PERMIT FOR PONY RIDE CONCESSION**

**LOCATION:** 1159 Austin Street, Corolla Light Town Center, Corolla

**ZONING DISTRICT:** General Business (GB)/PUD

**TAX ID:** Tax Map 115, Parcel 2P2B  
115B-000-2P2B-0000

**OWNER:** Corolla Light Town Center, LLC  
P.O.Box 235  
Corolla, NC 27927

**APPLICANT:** Vickie Garvey  
P.O.Box 134  
Corolla, NC 27927

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Corolla Light PUD WWTP	Zoned R01/PUD
<b>SOUTH:</b>	Residential	Zoned R01/PUD
<b>EAST:</b>	Residential/Stormwater Pond	Zoned R01/PUD
<b>WEST:</b>	Residential	Zoned R01/PUD

**LAND USE PLAN**

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

**NARRATIVE:**

1. Corolla Light Town Center, LLC is requesting a Special Use Permit for 1159 Austin Street, in the Corolla Light Town Center, in Currituck County for a pony ride concession.

2. The parcel consists of 292,287.6 sq. ft. (6.71 acres) in area.
3. This property is zoned General Business and the Table of Permissible uses allows horse back riding in this zoning district with a Special Use Permit within a PUD.
4. A site plan dated February 25, 2008 has been submitted. On March 25, 2008 Maureen O'Shea, Planner conducted an on-site review with the following findings:
  - a) The pony ride concession area shall be on existing grass area. There will not be an increase in lot coverage.
  - b) The pony ride concession and participant waiting areas are on existing grass and will not impede any required parking spaces or pedestrian thoroughfare. The activity shall not be on asphalt.

#### **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 south and east along Gray Court and Franklyn Street. The parcel is currently a well established commercial area which includes apartments and a skateboard 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 is a permitted land use with a Special Use Permit in a General Business (GB)/PUD 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 a grocery store, restaurants and 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 a two-lane Major Collector Road 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 COMMITTEE COMMENTS:**

Soil Conservation, Mike Doxey

3/24/08 - Approved as is.

Fire Chief, Rick Galganski

3/24/08 - Approved with the following comments: As long as the county feels parking will not be an issue; reminder not to block fire lanes and roads or hydrants; must have access for EMS for easy egress inside compound on 2 sides opposite each other.

Cooperative Extension, Rodney Sawyer

3/26/08 discussion comments:

- Wild horse endorsing? – get validation letter
- Wild Horse Days
  - Is it shifted to CLTC? Is Heritage Park aware? Is it an extension of wild horse days? Answer: 2 days at Heritage Park, 1 day at CLTC
- Contractor responsible for all required maintenance of the concession:
  - For each horse/pony proof of provided to the county & on-site at all times: Veterinary Health Certificate required (renewed every 30 days), & All vaccinations be current, & Current Coggins Test (dated w/in 6 months), & Equine Infectious Anemia (EIA)
- Daily clean up and removal of pony waste materials:
  - Specify and detail how waste is being removed/disposed of daily
- Animal Control to review application & site
  - Periodic patrol/site visits & Request a site visit
- Are there size restrictions for the riders?
  - Spotter / safety belt
  - ADA / handicapped – required to have side walkers & leaders
- Will horses/ponies be lead? Picket line?
- Water access/trough where?
- General Statutes risk law – post disclaimer the NC Dept of Agriculture sign posted – GS states riders understand danger & releases liability etc. and holding operator etc. harmless - waiver form – how getting waiver signed by riders?
- Horses are to be a minimum of 100 ft. from a well source.

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends approval contingent upon the following conditions:

1. Pony ride concession area shall be limited to the area depicted on the approved site.

2. Proof of NC Department of Agriculture Equine Event Permit required.
3. Concession must be operated and maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.
4. Concession area shall be maintained in a sanitary manner free from noxious odors.
5. All concession supplies shall be properly secured to prevent theft or unauthorized use.
6. Concession supplies shall not pose a hazard during periods of severe weather conditions. When a storm is imminent the concession supplies shall be anchored for 120 mph winds or removed and stored accordingly.
7. The concession shall be allowed the third Friday of May through Labor Day and Thanksgiving weekend (Thursday through Sunday).
8. No additional signage, except with an approved sign permit, shall be permitted with this use.
9. 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.
10. The ponies/horses will not be kenneled overnight at the subject property or within the RO1 zoning district.

#### **PLANNING BOARD DISCUSSION**

Ms. Robbins asked if the building that was going to be put on the site, will it be a permanent building.

Ms. O'Shea stated that the site plan that has been approved for the shopping center has a building which has not been built. The building that has not been built will be the site for the ponies.

Ms. O'Shea stated that the wild horse museum in Corolla Village has opened a second shop in the Corolla Light Town Center.

Ms. Garvey stated that the ownership structure and management of the Corolla Light Town Center has changed over the last year. The town center was suffering from a negative view over the last few years. Ms. Garvey stated that that they offered the wild horse museum store front space on Route 12 and they would like to work with them to promote the wild horse fund. It is something they believe in and it has close ties to the heart of Corolla. Ms. Garvey talked about guidelines, health, safety well-being of the guests and ponies, riders, and neighbors.

Ms. McDonnell stated that most of the parking is in the back of the Corolla Light Town Center which would create safety issues.

Ms. Collins stated she is concerned with the site location which is bordered by two streets and parking spaces on the other two sides. On Austin Street a small play area where small children can play sits under two large trees. This is the only shaded area in this proposed site and the only area where the ponies could get shade. Ms. Collins stated that the site does not have a waiting area for parents and children. Ms. Collins stated that along with all the safety issues, this is just one more attempt to make Corolla a carnival like atmosphere. She is asking that the board not to approve the request.

Ms. Garvey provided a drawing that showed the layout of the site.

Mr. West asked is any consideration had been given to move the play area which is under the shaded trees.

Ms. Garvey stated the ponies will share a different part of the shaded area.

Mr. West asked if the area where the ponies will be ridden is 30' x 52'.

Ms. Garvey stated she did not know the exact measurement.

Mr. West asked if it is a double fence between Route 12 and Austin Street where the pony rides will take place.

Ms. Garvey stated that there is one fence between Route 12 and Austin Street.

Ms. Turner asked what the schedule of operation will be.

Ms. Garvey stated the pony rides will be up to 8 hours per day and they will operate from the third Friday of May through Labor Day and Thanksgiving weekend (Thursday through Sunday).

Ms. Turner asked if this would be a one year permit.

Mr. Woody stated that typically the BOC has put a time limit on Special Use Permits. After the time limit has expired which could be one year or two years, the applicant will come back before the BOC and they will reassess the permit.

Ms. Robbins asked where the trailers will be stored during the day.

Ms. Garvey stated that they will be kept off the site during the day and brought back during the evening to pick up the ponies.

Mr. West asked what days will they be doing the pony rides.

Ms. Garvey stated Monday through Friday.

#### **ACTION**

Ms. Robbins motion to recommend approval with staff recommendations for the Special Use Permit as presented with a 2-year limit. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

Vickie Garvey, applicant, reviewed what the plans were for the pony rides and also to support the Wild Horse Fund.

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

Commissioner Etheridge moved to approve with findings of fact and conditions from staff and TRC comments. Commissioner Taylor seconded the motion. Motion carried.

#### **Agreement for Purchase of Lankford Property, 63 acres, located on US 158, Maple.**

Commissioner Etheridge requested to be recused from this item. Chairman Nelms moved to recuse Commissioner Etheridge. Commissioner Taylor seconded the motion. Motion carried.

Commissioner Gregory moved to approve purchase of Brenda Lankford property, 63 acres, for \$2,520,000. Commissioner Bowden seconded the motion. Motion carried.

Commissioner Taylor questioned if the Division of Aviation did not approve the 90/10 grant whether the County would be responsible for all of the purchase price.



<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10531-545000	Contract Services	\$ 21,683	
10330-445000	Emergency Mgmt Grants		\$ 21,683
		<u>\$ 21,683</u>	<u>\$ 21,683</u>

**Explanation:** *Emergency Management (10531)* - To increase appropriations to record Emergency Performance Supplemental Grant for \$5,581 and an Exercise Grant for \$16,102 which will be used to update the Emergency Operating Procedures and for a disaster recovery exercise.

**Net Budget Effect:** Operating Fund (10) - Increased by \$21,683.

<u>Account Number</u>	<u>Account Description</u>	Debit  Decrease Revenue or <u>Increase Expense</u>	Credit  Increase Revenue or <u>Decrease Expense</u>
15446-526200	Promotional Efforts	\$ 20,500	
15350-465002	Co-Op Advertising		\$ 20,500
		<u>\$ 20,500</u>	<u>\$ 20,500</u>

**Explanation:** *Occupancy Tax - Tourism Promotion (15446)* - To increase appropriations to record funds received from businesses for Co-op advertising.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$20,500.

<u>Account Number</u>	<u>Account Description</u>	Debit  Decrease Revenue or <u>Increase Expense</u>	Credit  Increase Revenue or <u>Decrease Expense</u>
10750-511000	Telephone & Postage	\$ 1,500	
10750-516000	Repairs & Maintenance		\$ 1,500
10752-519700	HCCBG-In Home	\$ 2,087	
10330-432200	HCCBG		\$ 1,878
10390-499900	Fund Appropriated Balance		\$ 209
		<u>\$ 3,587</u>	<u>\$ 3,587</u>

**Explanation:** *Social Services Administration (750): Telephone & Postage*-Adjust line item to reflect increased telephone costs for our department with the new phone system.  
*Public Assistance (752): HCCBG In Home*-Adjust line item to reflect additional funds received and county match.

**Net Budget Effect:** Operating Fund (10) - Increased by \$209.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-590000	Capital Outlay	\$ 115,680	
63330-449900	Solid Waste Grants		\$ 91,680
63380-481000	Investment earnings		\$ 24,000
		\$ 115,680	\$ 115,680

**Explanation:** **Solid Waste (63838)** - To record NCDENR grant award for the construction of a concrete pad to be used 100% of the time for white goods management. This will be funded with \$91,680 in grant funds and a County match of \$24,000.

**Net Budget Effect:** Solid Waste Fund (63) - Increased by \$24,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10794-545000	JCPC - PASS	\$ 2,000	
10794-545002	JCPC - Restitution		\$ 2,000
		\$ 2,000	\$ 2,000

**Explanation:** **Juvenile Crime Prevention Council (10794)** - To transfer funds from the restitution program to the PASS program as approved by the State.

**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
10415-561000	Professional Services	\$ 50,000	

10380-481000	Investment Earnings		\$ 50,000
		\$ 50,000	\$ 50,000

**Explanation:** **Legal (10415)** - To increase appropriations for 50% share of Camden fees for opposition to OLF.

**Net Budget Effect:** Operating Fund (10) - Increased by \$50,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-526000	Advertising	\$ 500	
63838-545600	Sitework/Landscaping	\$ 5,000	
63838-561000	Professional Services	\$ 80,000	
63838-545002	Contracted Services - Disposal		\$ 85,500
		\$ 85,500	\$ 85,500

**Explanation:** **Solid Waste (63838)** - To transfer funds for cost increases and professional services related to the Ferebee Lane site clean-up.

**Net Budget Effect:** Solid Waste Fund (63) - 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
10750-519500	TANF EA/Domestic Violence Funds		\$ 3,000
10752-519600	Daycare		\$ 93,000
10330-431000	DSS Administration	\$ 3,000	
10330-432800	Daycare	\$ 93,000	
		\$ 96,000	\$ 96,000

**Explanation:** **Social Services Administration (750): TANF Emergency Assistance**-Adjust line item to reflect amount of Domestic Violence funding reverted by the state. **Public Assistance (752): Daycare**-Adjust line item to reflect amount of Daycare funds reverted by the state.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$96,000.

**Debit** **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or Decrease Expense
		Increase Expense	
10775-531000	Gas, Oil, Etc.	\$ 500	
10775-532000	Supplies	\$ 750	
10775-514000	Travel	\$ 250	
10775-590000	Capital Outlay	\$ 10	
10775-561300	Instructor Fees		\$ 1,510
		<u>\$ 1,510</u>	<u>\$ 1,510</u>

**Explanation:** *Senior Citizens Center (10775)* - To transfer budgeted funds for operations due to increased costs.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
43848-590000	Capital Outlay Fund Balance	\$ 630,000	
43390-499900	Appropriated		\$ 630,000
		<u>\$ 630,000</u>	<u>\$ 630,000</u>

**Explanation:** *Land Banking (43848)* - To appropriate fund for the initial payment for purchase of Lankford property. The County has applied for State Aid to Airports funding for 90% reimbursement.

**Net Budget Effect:** Land Banking Fund (43) - Increased by \$630,000.

**Commissioner's Report**

Commissioner Etheridge requested a copy of the waiting list of hangars at the airport.

Commissioner Bowden commented on the progress of the Knotts Island Bridge and the installation of a traffic light at The Currituck Club intersection.

Chairman Nelms commented on the storm water program for Whalehead Subdivision and the completion of the Welcome Center in Moyock.

**County Manager's Report**

Dan Scanlon, stated that the meeting is now live on the web.

Tulls Creek Road widening project is off schedule. DOT will provide an updated schedule.

**Closed Session: To discuss personnel**

Deleted

**Adjourn**

There being no further business, the meeting adjourned.