

CURRITUCK COUNTY
NORTH CAROLINA
November 3, 2008

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Bowden, Gregory, Taylor and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley was present to give the invocation.

Approval of Agenda

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

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action** PB 08-46 Twiddy Family Partnership, LLC: Request to rezone .29 acres from Outer Banks Standard Residential (RO1) to Conditional District - General Business (CD-GB). The property is located at 1141 Persimmon Street, Tax Map 114, Parcel 24, Poplar Branch Outer Banks Subtownship.
- Item 4 **Public Hearing and Action** PB 08-47 Twiddy Family Partnership, LLC: Request to rezone .30 acres from Outer Banks Standard Residential (RO1) to Conditional District - General Business (CD-GB). The property is located at 1143 Persimmon Street, Tax Map 114, Parcel 23, Poplar Branch Outer Banks Subtownship.
- Item 5 **Public Hearing and Action** PB 07-40 Coinjock Meadows: Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units for a total of 48 units. The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.
- Item 6 **Public Hearing and Action** PB 08-09 Jarvis Landing: Amended Sketch Plan/Special Use Permit for 39 attached residential dwellings. The property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Road, Tax Map 110, Parcel 74, Poplar Branch Township.
- Item 7 **Public Hearing and Action** PB 08-44 Currituck County: Request to amend the Currituck County Unified Development Ordinance, Chapters 1, 4, 10, 11, 12, and 17, to establish a revised Development Review Process and adopt a manual by resolution.
- Item 8 **Consideration and Action** on Member Waste Management Agreement with Albemarle Regional Solid Waste Management Authority
- Item 9 **Consideration and Action** on Agreement for operation of Transfer Station with Republic Services of NC, LLC
- Item 10 **Consent Agenda:**
1. Jarvisburg Elementary School-Change Order #9-Blueridge General, Inc.

2. Budget amendments
3. Petition for Road Addition of Eagleton Circle to DOT System
4. Resolution to Appoint Review Officers
5. Approval of October 14, 2008, Special Meeting Minutes
6. Approval of October 20, 2008, Minutes
7. Resolution-Nonprofit Awareness Month

Item 11 Commissioner's Report

Item 12 County Manager's Report

Adjourn

Public Comment

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

Chairman Nelms opened the public comment period.

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

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

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

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

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

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

Public Hearing and Action PB 08-46 Twiddy Family Partnership, LLC: Request to rezone .29 acres from Outer Banks Standard Residential (R01) to Conditional District - General Business (CD-GB). The property is located at 1141 Persimmon Street, Tax Map 114, Parcel 24, Poplar Branch Outer Banks Subtownship.

Public Hearing and Action PB 08-47 Twiddy Family Partnership, LLC: Request to rezone .30 acres from Outer Banks Standard Residential (R01) to Conditional District - General Business (CD-GB). The property is located at 1143 Persimmon Street, Tax Map 114, Parcel 23, Poplar Branch Outer Banks Subtownship.

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

TYPE OF REQUEST: To rezone .29 acres from RO1 to CD-GB.

LOCATION: Located at 1141 Persimmon Street, approximately 200 feet west of the intersection with Ocean Trail.

TAX ID: Tax Map 114, Parcel 24
0114-000-0024-0000

OWNER: Elizabeth J. Campbell
99 Quail Run Drive
Elizabeth City NC 27909

APPLICANT: Twiddy Family Partnership, LLC
PO Box 369
Corolla NC 27927

CURRENT ZONING: Outer Banks Standard Residential (RO1)

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

ZONING CONDITIONS: Uses

1. Generally, limited to mixed residential uses, neighborhood serving commercial uses, and traditional uses associated with a pedestrian oriented area. However, the following uses shall be excluded: Family Care Homes, Mobile Homes, Nursing Care Facilities, Civil Defense Operations, Schools & Associated Uses, Cemeteries, Religious Institutions, Animal Services (With Outdoor Kennels), Automotive Services & Repair, Car Washes, Drive-Thru Uses, Dry Cleaning & Laundromats, Funeral Homes, Heavy Equipment Services & Repair, Tattoo and Body Piercing Studios, Automotive Sales & Rental, Drive-Thru Uses, Heavy Equipment Sales & Rental, Manufactured/Modular Home Sales, Restaurants (With Drive-Thru), Landfills, Convenience Centers, County Owned or Operated, Sanitary, Landfills, Airports (County Owned or Operated).

Transportation

2. Adopt a pedestrian friendly circulation, limited parking between commercial buildings and adjacent right(s) of way.

Landscaping

- 3. Mature trees will be identified and preserved where practical and commercially reasonable.
- 4. Dumpsters, or similar solid waste receptacles, HVAC equipment, commercial mechanical units or similar fixtures will be screened from view where practical and commercially reasonable utilizing a combination of solid landscaping or opaque fencing.
- 5. Commercial parking areas will be screened in a commercially reasonable manner and shall consist of evergreen planting, earthen berms, solid opaque fencing or any combination thereof.

Signage

6. Freestanding signs shall be consistent with 2008 Currituck County Sign Ordinance and in a manner consistent with Outer Banks vernacular and shall not include any neon or internally lit signs.

Site Design/Architectural

7. Maximum building footprint of an individual building shall not exceed 4,000 square feet of gross "heated" floor area.
8. The materials used, scale, height, building façade and colors of any structure shall be reflective of the historic architecture and vernacular of the Corolla Village.
9. Large expanses of blank walls shall be avoided where commercially reasonable. Facades shall incorporate architectural elements that add visual interest, including, but not necessarily limited to a variation in exterior materials; functioning windows and doorways and projecting elements such as front porches, eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
10. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent materials or on elevations not visible from a right-of-way or area for residential uses.

DENSITY: The General Business zone allows an approximate gross residential density of 2.5 du/acre.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	RO1
SOUTH:	Retail	GB
EAST:	Retail	GB
WEST:	Undeveloped	RO1

EXISTING LAND USE: Undeveloped

PURPOSE LAND USE: Mixed residential uses, neighborhood serving commercial uses, and traditional uses associated with a pedestrian oriented area.

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla Sub-Area**.

The purpose of the Full Service Area class is to provide areas preferred for community centers. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available to the public and/or private sectors. With nonresidential uses, it is essential that the existing community character be preserved.

The policy emphasis of the Corolla Sub-Area is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters.

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

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater

runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

Based on the soils map, this lot appears to include wetlands. An accurate delineation of wetlands by the Army Corps of Engineers will be necessary prior to development.

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

The zoning conditions submitted by the applicant limit the size of commercial buildings and require architectural standards for new construction. Many of the automobile oriented uses typically associated with General Business zoning have also been excluded, making the request more consistent with this policy.

POLICY OB5: Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the COROLLA VILLAGE area of the Outer Banks.

The zoning conditions included as part of this request ensure compatibility with the surrounding area.

**PUBLIC SERVICES
AND UTILITIES:**

The Corolla Fire Department provides fire protection for this area. Electric, telephone, cable television, and public water are available. Considering environmental conditions onsite, connection to a central wastewater system is preferable.

FLOOD ZONE:

Flood Zone AE(5).

WETLANDS:

It appears this lot includes significant wetlands.

SOILS:

The Currituck County Soils map indicates the property contains non-suitable soils.

**STAFF
RECOMMENDATION:**

Staff recommends **approval** of the request to establish a .29 acre tract from Outer Banks Standard Residential (RO1) to Conditional District- General Business (CD-GB) for the following reasons:

1. The proposed request is in general compliance with the Full Service designation of the 2006 Land Use Plan and the Corolla Sub-Area Policy Emphasis.

2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area (LUP Policies CD5 and OB5)
3. The adjacent property to the east and properties across Persimmon Street are presently zoned General Business.
4. Promoting mixed use, neighborhood serving commercial development in the Corolla Village area provides additional opportunities for the community in a safe, walkable setting. The Corolla Village area has become a major Outer Banks destination and by carefully expanding its commercial viability, the county, Corolla residents, and the local business community will continue to derive both economic and quality of life benefits.

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

1. Staff has suggested slight modifications to the wording of the zoning conditions to ensure they are enforceable in the future. The applicant has been made aware of these suggestions and staff intends to have the specifics worked out by the Planning Board meeting date.

PLANNING BOARD DISCUSSION

Mr. Kovacs asked how much parking is required.

Mr. Woody stated the ordinance requires 1 space for every 200 sq. ft. Mr. Woody stated that the parking ordinance may need to be rewritten to find some relief in the parking requirements for historic areas. Mr. Woody stated the applicant will combine the two parcels, Tax Map 114, Parcels 24 and 23. Mr. Woody stated the goal of the applicant is to develop the remaining portion of Persimmon Street.

Mr. Kovacs asked what type of surface the parking lot will be.

Mr. Deel stated that would be addressed in the site plans.

Ms. Merrell provided a sketch of the elevation of the maintenance building on Persimmon Street.

Ms. Twiddy stated they would be doing a project that would enhance the property at Corolla Village.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone 0.29 acres from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) according to the 2006 Land Use Plan. Mr. Winter seconded the motion. Motion carried unanimously.

TYPE OF REQUEST: To rezone .30 acres from RO1 to CD-GB.

LOCATION: Located at 1143 Persimmon Street, approximately 290 feet west of the intersection with Ocean Trail.

TAX ID: Tax Map 114, Parcel 23
0114-000-0023-0000

OWNER: Edward and Faye Coats
1636 Goldfinch Lane
West Columbia, SC 29169

APPLICANT: Twiddy Family Partnership, LLC
PO Box 369
Corolla NC 27927

CURRENT ZONING: Outer Banks Standard Residential (RO1)

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

ZONING CONDITIONS: Uses

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- 9. Large expanses of blank walls shall be avoided where commercially reasonable. Facades shall incorporate architectural elements that add visual interest, including, but not necessarily limited to a variation in exterior materials; functioning windows and doorways and projecting elements such as front porches, eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
- 10. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent materials or on elevations not visible from a right-of-way or area for residential uses.

DENSITY: The General Business zone allows an approximate gross residential density of 2.5 du/acre.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Wastewater drain field area	RO1
SOUTH:	Retail & utility storage building	GB
EAST:	Undeveloped	RO1
WEST:	Undeveloped	RO1

EXISTING LAND USE: Undeveloped

PURPOSE LAND USE: Mixed residential uses, neighborhood serving commercial uses, and traditional uses associated with a pedestrian oriented area.

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla Sub-Area**.

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supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

Based on the soils map, this lot appears to include wetlands. An accurate delineation of wetlands by the Army Corps of Engineers will be necessary prior to development.

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The zoning conditions submitted by the applicant limit the size of commercial buildings and require architectural standards for new construction. Many of the automobile oriented uses typically associated with General Business zoning have also been excluded, making the request more consistent with this policy.

POLICY OB5: Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the COROLLA VILLAGE area of the Outer Banks.

The zoning conditions included as part of this request ensure compatibility with the surrounding area.

**PUBLIC SERVICES
AND UTILITIES:**

The Corolla Fire Department provides fire protection for this area. Electric, telephone, cable television, and public water are available. Considering environmental conditions onsite, connection to a central wastewater system is preferable.

FLOOD ZONE:

Flood Zone AE(5).

WETLANDS:

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**STAFF
RECOMMENDATION:**

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

Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area (LUP Policies CD5 and OB5)

3. The nearby property to the east and properties across Persimmon Street are presently zoned General Business.
4. Promoting mixed use, neighborhood serving commercial development in the Corolla Village area provides additional opportunities for the community in a safe, walkable setting. The Corolla Village area has become a major Outer Banks destination and by carefully expanding its commercial viability, the county, Corolla residents, and the local business community will continue to derive both economic and quality of life benefits.

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

Staff has suggested slight modifications to the wording of the zoning conditions to ensure they are enforceable in the future. The applicant has been made aware of these suggestions and staff intends to have the specifics worked out by the Planning Board meeting date.

PLANNING BOARD DISCUSSION

Mr. Kovacs asked how much parking is required.

Mr. Woody stated the ordinance requires 1 space for every 200 sq. ft. Mr. Woody stated that the parking ordinance may need to be rewritten to find some relief in the parking requirements for historic areas. Mr. Woody stated the applicant will combine the two parcels, Tax Map 114, Parcels 24 and 23. Mr. Woody stated the goal of the applicant is to develop the remaining portion of Persimmon Street.

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Mr. Deel stated that would be addressed in the site plans.

Ms. Merrell provided a sketch of the elevation of the maintenance building on Persimmon Street.

Ms. Twiddy stated they would be doing a project that would enhance the property at Corolla Village.

ACTION

Mr. West motioned to recommend approval with staff recommendations to rezone 0.30 acres from Outer Banks Standard Residential (RO1) to Conditional District-General Business (CD-GB) according to the 2006 Land Use Plan. Mr. Kovacs seconded the motion. Motion carried unanimously.

Chairman Nelms opened the public hearing.

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

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

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

Public Hearing and Action PB 07-40 Coinjock Meadows: Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units for a total of 48 units. The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Tax Map 70, Parcel 13, Crawford Township.

Sworn testimony was given prior to making any statements.

Ben Woody, Planning Director, reviewed the request.

ITEM: PB 07-40 Coinjock Meadows, Amended Sketch Plan/Special Use Permit for a 48 unit Planned Residential Development.

LOCATION: The property is located along Worth Guard Road, approximately 4/10th of a mile from the north bank of the Coinjock Canal, Crawford Township.

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

**OWNERS/
APPLICANT:** Coinjock Meadows, LLC
PO Box 190
Nags Head, NC

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

**CURRENT
ZONING:** Mixed Residential (RA) and General Business (GB)

**EXISTING LAND
USE:** Agricultural

EXISTING LAND USE AND ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural	A and GB
SOUTH	Residential	RA
EAST:	Residential and vacant wetlands	RA and A
WEST:	Residential	GB

SCHOOL DISTRICT: Central Elementary School District

FIRE DISTRICT:	Crawford V.F.D.
LAND AREA:	36.68 acres (excludes 2.92 acres GB)
NUMBER OF UNITS:	48 (36 single family dwelling units and 12 two family attached dwelling units)
DENSITY:	1.31 units/ acre including wetlands 1.38 units/acre excluding wetlands (3 units per acre allowed in a PRD overlay)
MINIMUM LOT SIZE:	20,001 SF
AVERAGE LOT SIZE:	20,973SF
STREETS:	The streets will be built to NCDOT construction standards with a reduced right of way width for private streets.
WATER:	The development will be served by the Currituck County Water System. The developer estimates 300-360 gallons per day of water will be used for each dwelling unit.
WASTEWATER:	The applicant is proposing on-site wastewater systems for each 20,000 SF residential lot and two-family attached units.
OPEN SPACE:	Planned Residential Developments are required to have 35% Open Space. The required open space for Coinjock Meadows is 12.84 acres (36.68AC *.35). The submitted plan proposes 36.6% (13.44 acres) open space.
DRAINAGE:	The proposed development will have one stormwater basin to accommodate the drainage demands.
FLOOD ZONES:	Approximately 14 acres of the property is located in Flood Zone AE (4). The remaining acres are in Flood Zones (X) or Shaded (X), outside of the 100-year flood plain.

I. NARRATIVE OF REQUEST:

- Ocean Builders. LLC is seeking approval of an amended sketch plan for a 48 unit Planned Residential Development (PRD), the first PRD in Currituck County.
- The BOC approved the sketch plan/special use permit on September 17, 2007 for a 50-lot PRD.
- The applicant requests a two unit reduction of the overall development. In addition, the applicant is requesting to convert 12 single family lots to 12 two-family dwelling units, located in Phase 2 of this project.
- A minor subdivision of two commercial parcels identified as commercial #1 and commercial #2 is under administrative review. These parcels will not be part of the PRD.
- According to the Development Impact Statement dated May 17, 2007 and amended August 21, 2008:
 - The development will include 36 single-family detached units and 12 multi-family dwelling units. This project is being developed to provide workforce housing for Currituck County and surrounding counties.
 - The applicants are working with the Outer Banks Community Development Corporation to offer down payment assistance and special financing.
 - The sizes and costs are as follows:

Model	Sq. Ft	# Bedrooms	# Baths	Price Range
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Ashland	1615	3 bedroom	2 bath	\$195,000
Millbrook	1200	3 bedroom	2 bath	\$165,000-\$175,000
Wedgeport	1640	3 bedroom	3 ½ bath	\$200,000
Kingsport	1000 finished	2 bedroom	2 bath	\$170,000- \$180,000
	688 unfinished			
Two-Family Units		2-3 bedrooms		\$140,000-\$175,000

- The project will be developed in 2 phases with 28 single family homes in the first phase and 8 single family homes and 12 multi-family units in the second phase.
- The median home price is expected to be \$187,446 and the median town home price will be \$157,500.

II. SPECIAL USE PERMIT CRITERIA:

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

In order to approve a Special Use Permit, the Board of Commissioners must propose specific findings of fact based upon the evidence submitted. The board must consider the following criteria:

A. *Does the proposal comply with the general standards found in Section 11.7.1 F. 12. for a Special Use Permit/Sketch Plan?*

1. *The application is complete.*

The application meets the submission requirements for amended sketch plan review.

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

The application and proposed amended sketch plan generally complies with the provisions of the UDO for sketch plan approval. The proposed conditions meet the minimum requirements of the UDO and are agreed to by the applicant.

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

Public health and safety issues including stormwater management and access for emergency services have been adequately addressed within this proposal.

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

The proposed subdivision should have no negative impact on adjoining property. The adjoining uses are low density single family dwellings mixed with smaller lots (less than ½ acre) on Coinjock Development Road. The density of the proposed subdivision is compatible with the adjacent residential subdivisions.

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

LAND USE PLAN CLASSIFICATION:

The property is predominately designated **Full Service** within the **Barco/Coinjock/Airport** sub-area by the 2006 Land Use Plan. At the rear of the property, 2.69 acres is designated **Conservation** Class. With respect to residential

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

The policy emphasis of the 2006 Land Use Plan is for the Barco/Coinjock/Airport area to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.

POLICY PA2: The county supports MANY FORMS OF "ACCESS" to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.

POLICY ES3: COASTAL WETLANDS shall be conserved for valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species. CAMA use standards and policies for coastal wetlands shall be supported. Uses approved for location in coastal wetland must be water dependent (i.e. utility easements, bridges, docks and piers) and be developed so as to minimize adverse impacts.

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. COASTAL AND NON-COASTAL WETLANDS shall not be considered part of a lot's acreage for the purpose of determining minimum lot size or development density. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

The proposed planned residential development conforms to the Full Service Land Use Plan designation. The area that is Conservation class is being set aside as open space. This request generally complies with the 2006 Land Use Plan.

6. *The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 11.7.1.*

The overall proposed development density will be reduced from 50 units to 48 units, and there are adequate public facilities to serve this development.

III. TECHNICAL STAFF COMMENTS:

Planning Department (Donna Voliva)

1. The sidewalks are required along both sides of the street including the multi-family parking area. The parking spaces must be shifted out of the pedestrian/ sidewalk easement. *Staff comment: The plan was revised and the sidewalk is located along both sides of the street including the front of each multi-family parking space.*

2. The septic system improvements shall be located on the individual lot it is designed to serve. (Section 9.2.7.2.H) *Staff comment: The plan was revised and the septic area for lots 29, 35, and 36 has been removed from the residual acreage. The septic area intended for the two-family detached units will be located adjacent to the VEPCO Easement which must be part of the tract of land where the buildings are located. The preliminary plat submittal for Phase 2 must identify the two-family dwelling units and the septic area as one parcel excluded from the open space.*
3. The septic area must be excluded from open space (Section 10.4.1. C.4.) *Staff comment: The preliminary plat submittal for Phase 2, including the two-family dwelling units, must identify the septic area as a part of a separate tract and excluded from the open space.*
4. The calculations for the reserve utility open space must be provided. Also include the multi-family improvements. *Staff comment: The calculations have been received.*
5. The north arrow must be indicated on the amended sketch plan. *Staff comment: The north arrow was added to the revised plan.*

NC Division of Coastal Management (Charlan Owens)

A 74-foot walkway to access the water with a 120 square foot deck along the water's edge was approved under CAMA Minor Permit M08-20 issued by the County's Local Permit Officer on June 20, 2008.

Currituck Fire Services (James Mims)

Will the multi-family dwellings require sprinklers as specified in the NC Building Code? If so, I need to see the fire department connections on the site plan. They should be positioned in a manner that a connection from a fire hydrant to the fire apparatus to the fire department connection will not block the full width of the fire apparatus access. *Staff comment: The revised plan indicates two-family attached units. Two-family attached units will not require fire sprinklers.*

Currituck Public Works, Utilities (Pat Irwin)

Approved with the following conditions and comments: Run the waterline around the cul-de-sacs. *Staff comment: The waterline plans for phase 1 were approved and have been installed. The requested changes will be made to phase 2 construction plans.*

Currituck Public Works, Engineering (Eric Weatherly)

Approved.

Currituck Soil and Water (Mike Doxey)

Approved.

Currituck Building Inspections (Spence Castello)

Handicap parking and accessible route is required for the pavilion. *Staff comment: A concrete parking and sidewalk will be installed.*

NCDOT (Roger Ward)

The driveway permit was issued on 5/02/08.

Parks and Recreation (Jason Weeks)

Parks and Recreation suggests making the mulch trail an ADA accessible trail by using an approved surfacing such as concrete or pavement. *Staff Comment: The approved mulch trail was installed as part of phase 1 improvements.*

Dominion Power (Donald Hoover)

Consent for right-of-way encroachment is approved for grading, Dominion access road, stormwater basin, active and non-active drain fields, utility open space (potential drain field repair areas), drainage, culverts and road crossing.

US Army Corps of Engineers (Tom Steffens)

Approved wetland delineation map.

Albemarle Regional Health Services

No comment received.

V. SPECIAL USE PERMIT CONDITIONS FROM SEPTEMBER 17, 2007:

1. All lots for the development shall have a minimum size of 20,000 square feet with individual on-site septic systems.
2. The applicant shall submit an amended sketch plan that shows all lots meet the minimum size of 20,000 square feet. The plan dated 7-27-07 does not indicate 20,000 square foot lots.
3. The applicant shall complete the development strictly in accordance with the conditions approved by the Board of Commissioners and the Amended Sketch Plan on file with the Planning Department.
4. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
5. This permit is valid for two years and will expire on September 17, 2009 if work has not begun on the project at that time. Once work has begun and the use begins, this special use permit shall remain valid so long as the conditions under which it was granted are met.
6. Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 922, which indicates the post development stormwater run off shall not exceed the pre-development runoff prior to preliminary plat submission.
7. Indicate the breakdown of the open space used for active recreation and visual relief. This should show that the active recreation meets or exceeds 50% of the open space (Section 936)
8. The applicant has not provided a reserve utility open space as required by Section 703. The county engineer shall approve the area required for a reserve utility open space before the Sketch Plan receives approval.
9. Additional recreational areas shall be indicated to meet the requirement of 50% of the open space designated for recreation. The plan dated 7-23-07 does not indicate a multi-purpose open play field shall be graded and installed with soccer goals. This play field shall be placed in a portion of the area indicated for a community garden. (Section 936-937)
10. An improved driveway and parking area shall be provided to access the waterfront park and garden. The current plan does not appear to provide access to the park. (Section 701)
11. Section 914 of the UDO (as of 8-20-2007) requires all subdivisions over 20 lots to install concrete sidewalks along both sides of all proposed streets in accordance with NCDOT regulations.
12. The required improvements shall be installed and accepted prior to submission for Final Plat approval for each phase.
13. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.

14. No land disturbing activities shall be permitted on site prior to issuance of the Preliminary Plat approval, including clearing vegetation, grading, filling the property, or installing bulkheads. (Section 910)
15. A wetlands plat approved by the Corps of Engineers is required at preliminary plat submission.
16. Correct the date of the previously recorded survey of the parcel in the note 9.
17. The materials submitted to date provide only four house styles. The applicant should submit a home and building design template that shall be incorporated with the approval. The template should be provided prior to preliminary plat approval and incorporate architectural elements for the residential structures. At a minimum the applicant shall consider the following with respect to the residential structures:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types; and,
 - d. Inclusion of front porches, projecting bays, vestibules.
18. A landscape plan shall be submitted in conjunction with the preliminary plat showing the location, spacing, caliper dimension, and species of proposed landscaping materials. Shrubs shall be at least ten gallons in size and trees must be at least two inches in caliper at planting.
19. A complete loop trail system shall be installed prior to the recordation of the first phase in order to ensure active recreation amenities are completed in tandem with the residential construction. Additions to the trail and sidewalk system should be installed prior to the recordation of additional phases.
20. All of the open space areas surrounding the ponds shall be stabilized with grass, vegetation, and the proposed landscaping prior to recordation of the first phase.
21. All visual relief open space within each phase shall be stabilized and vegetated with grass.
22. Given the relatively small size of the proposed lots, an R/V and boat parking area shall be shown to the rear of the development.

VI. STAFF RECOMMENDATION:

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

1. The applicant shall complete the development in accordance with the conditions approved by the Board of Commissioners and the amended sketch plan on file with the Planning Department.
2. If any of the conditions affixed hereto or any part thereof are invalid or void, then this permit shall be void and of no effect.
3. All required improvements, including a multi-purpose open play field with soccer goals, shall be graded, installed and accepted prior to submission for final plat approval or each phase.
4. An improved driveway and parking area shall be provided to access the waterfront park and garden.
5. Sidewalks shall be installed along both sides of the street including the two-family detached parking area.
6. The septic area may not be included in open space (Section 10.4.1. C.4)
7. Parking spaces may not be located within 15 feet of a fire hydrant (Section 8.1 F.)
8. All required septic system improvements shall be located on the individual lot they are designed to serve. (Section 9.2.7.2. H)

9. All lots on individual on-site septic systems shall be a minimum of 20,000 square feet.
10. An improved driveway and parking area shall be provided to access the waterfront park and garden.
11. Concrete sidewalks shall be provided along both sides of all proposed streets. Sidewalks shall be installed in accordance with NCDOT regulations.
12. The applicant proposes four single family residential housing styles. At a minimum the applicant shall consider the following with respect to the residential structures:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types; and,
 - d. Inclusion of front porches, projecting bays, vestibules.
13. A landscape plan shall be submitted in conjunction with the preliminary plat showing the location, spacing, caliper dimensions, and species of proposed landscaping materials. Shrubs shall be at least ten gallons in size and trees must be at least two inches in caliper at planting.
14. A complete loop trail system shall be installed prior to the recordation of the first phase in order to ensure active recreation amenities are completed in concurrence with the residential construction. Additions to the trail and sidewalk system shall be installed prior to the recordation of additional phases.
15. All open space areas, including areas surrounding the pond, shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
16. Given the relatively small size of the proposed lots, an R/V and boat parking area shall be shown to the rear of the development.
17. The septic system improvements shall be located on the individual lot it is designed to serve. (Section 9.2.7.2.H)

PLANNING BOARD DISCUSSION

Mr. Kovacs asked what type of septic system will be installed.

Mr. Deel stated it will be a conventional system that will serve more than one unit.

Mr. Midgette asked Mr. Deel if he is okay with the staff recommendations.

Mr. Deel stated yes.

Mr. Kovacs asked how many parking spaces will be available.

Mr. Webb stated each building will have 12 spaces plus 4 extra spaces to a total of 16 parking spaces per building.

ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations of the Amended Sketch Plan/Special Use Permit to convert 12 single family dwelling units to 12 multi-family units. Ms. Turner seconded the motion. Motion carried unanimously.

Chairman Nelms opened the public hearing.

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

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

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

Public Hearing and Action PB 08-09 Jarvis Landing: Amended Sketch Plan/Special Use Permit for 39 attached residential dwellings. The property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Road, Tax Map 110, Parcel 74, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request

ITEM: PB 08-09 Jarvis Landing Multi-Family, Amended Special Use Permit for 39 attached residential dwellings.

LOCATION: Located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd.

TAX ID: Tax Map 110, Parcel 74
0110-000-0074-0000

OWNER: GOB, LLC
PO Box 125
Point Harbor, NC 27964

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

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

- ZONING HISTORY:**
1. The property was zoned Residential (R) on the 1989 zoning atlas.
 2. A Sketch Plan/ Special Use Permit for a 14 lot residential subdivision was granted for this property on April 3, 2006.
 3. The subdivision was constructed and Final Plat approval was granted on May 8, 2007.
 4. The Final Plat was not recorded within 90 days of the approval and has now expired.
 5. A Conditional Zoning- General Business district was approved for the property on March 3, 2008.
 6. A Special Use Permit for a 39 unit multi-family development was approved March 3, 2008

NARRATIVE:
GOB, LLC is applying to amend their special use permit from a duplex, condo complex to an apartment development under single ownership. The design of the housing is also changing. The apartments will be in a duplex design with parking to the rear of the buildings. The amenities will include a clubhouse, mulched trail through the wooded area and a 9,000 square foot neighborhood park area.

LAND AREA: 15.40 acres

NUMBER OF UNITS: 39

DENSITY: 39 units allowed by the conditions of the zoning approval.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential and Sand Mine	R and GB
SOUTH:	Residential and Undeveloped	R
EAST:	Undeveloped	GB
WEST:	Undeveloped	R

EXISTING LAND USE: Vacant Residential Subdivision.

PROPOSED LAND USE: 39 duplex apartments, and related amenities.

PUBLIC SERVICES AND UTILITIES:

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

TRANSPORTATION:

The site has approximately 24 linear feet of frontage on Caratoke Highway.

FLOOD ZONE:

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

SOILS:

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

OPEN SPACE:

The development is required to have 30% open space (4.62 acres). The plan proposes 58% open space (8.97 acres).

WATER:

The development will be served by county water.

WASTEWATER:

Conventional bed systems are being proposed.

DRAINAGE:

The drainage will be directed to roadside ditches that will lead to two stormwater infiltration basins.

SPECIAL USE PERMIT CRITERIA:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *The application is complete.*
Based on staff review all required information has been submitted.
2. *The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".*
A multi-family apartment complex is a permitted use in a General Business zoning district.
3. *The conditions proposed meet or exceed the minimum requirements of this ordinance and are agreed to by the applicant.*
The plan meets the requirements of the UDO and previously approved conditions.
4. *The special use will not endanger the public health or safety.*
Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed for this development.

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

The proposed 39 unit residential development should have no negative impact on adjoining property. The adjoining uses include residential and multi-family uses. The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance and promotes compatibility between the subject property and surrounding area.

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

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

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments.

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

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

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

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

The proposed special use permit is in **general compliance** with the policy emphasis of the Jarvisburg Sub-Area and policies AG6, and HN3 of the 2006 Land Use Plan.

7. *The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place*

within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

1. The county water department has adequate water to serve the proposed 39 dwelling residential development.
2. School seats for 39 residential dwellings were previously allocated on March 3, 2008.
3. Staff has determined adequate public facilities exist to serve this subdivision.

Technical Review Meeting was held on September 17, 2008 and the reviewing agencies had the following comments:

1. **NCDOT:** Approved with following comments: A driveway permit was issued 7/14/06, additional development may require improvements to US 158.
2. **CURRITUCK COUNTY SOIL AND WATER:** Approved with no comment.
3. **COUNTY ENGINEER:** Approved with the following comment:
 - a. All of the units need individual water meters unless a single meter is installed for the entire project.
 - b. Tap fees will be required for all units, but credits will be applied for the 14 tap fees previous paid.
 - c. The other option is to have one 6" meter for the entire development since it will now be single ownership.
 - d. Please contact the Water Department to determine the costs for each option.
4. **CURRITUCK COUNTY WATER DEPARTMENT:** Approved with the following comments:
 - a. The waterlines are installed along the existing streets.
 - b. If additional lines or hydrants are needed, plans will need to be submitted for review.
5. **CURRITUCK COUNTY FIRE SERVICES:** Approved with the following comments:
 1. Any islands located in the middle of cul de sacs should be designed without any large shrubs, trees, signs, gazebos, or utility equipment that would hamper ladder trucks from driving over them.
 2. Will the multifamily dwellings require sprinklers as specified by the North Carolina Building Code? If so, I need to see the fire department connections on the site plan. They should be positioned in a manner that a connection from a fire hydrant to the fire apparatus then to the fire department connection will not block the full width of the fire apparatus access.
6. **N.C. DIVISION OF COASTAL MANAGEMENT:**

The plan was reviewed with no comment.
7. **ALBEMARLE REGIONAL HEALTH SERVICES:** Approved with the following comments:
 - a. Topography is not flat; therefore septic systems may take up larger area than normal- lines may have to run diagonal on lot in order to fit system in.
 - b. Need to show the initial and repair areas with each unit along with contours. The woodland areas appear to limit available space.
 - c. There needs to be a septic easement for lines under the streets.
 - d. These systems will require an engineered approval.
8. **CURRITUCK INSPECTIONS DIVISION:** Approved with the following comment:

Where is the accessibility parking?

9. **CURRITUCK COUNTY RECREATION:** The plan was reviewed with no comment.
10. **CURRITUCK COUNTY GIS/ TAX MAPPING:** Approved with the following comment: Street names are OK, but GIS would like the cul-de-sacs to have separate names for 911 purposes. Please propose at least 2 names. Addresses will be assigned to buildings after GIS street names are finalized.
11. **NC Office of State Archeology:** Approved as is.

STAFF RECOMMENDATION

Because it appears the application has satisfied the criteria for granting a Special Use Permit approval as outlined above, staff recommends **conditional approval** of the application subject to satisfaction of the TRC comments, and subject to the following new conditions and the conditions required by the Board of Commissioners in their 3-3-08 approval of the Special Use Permit and the Conditional Zoning-General Business district:

CODE and SPECIAL USE PERMIT REQUIREMENTS:

1. An open space preservation easement needs to be recorded when the following list of easements are recorded (as required in the SUP 3-3-08):
A recorded deed of easements along with a map of the easements shall be recorded in the Currituck County Registry of Deeds for the following (Section 9.2.1 Utility Easements):
 - a. A utility easement shall be dedicated to the Currituck County Water Department for all areas that contain county water lines.
 - b. A utility easement area shall be established for all drainage infrastructures, power, telephone, and cable lines.
 - c. The width of the drainage and utility easement shall be 60 feet wide along the streets with a 60 foot radius at the cul-de-sacs. This will comply with the requirements for lots of 45 feet wide street right of way plus 15 feet along the frontage of lots. (Section 9.2.1 Utility Easements)
2. Individual site plan submissions will be required for each building when the architectural drawings are submitted.
3. The concrete sidewalks shall be installed with each building as they are constructed so that a pedestrian travel way is created between the residential unit and the amenities area.
4. All of the conditions approved 3-3-08 for the Special Use Permit and Conditional District-General Business district (CD-GB) apply to this amended project.

PREVIOUS CONDITIONAL ZONING REQUIREMENTS

1. Uses: 39 townhome style dwellings, manager's office/community center, and related amenities.
2. Density shall not exceed 2.574 dwelling units per acre.
3. 25 feet of undisturbed natural vegetative buffer shall remain along the northern and western property lines.
4. A walking path/sidewalk shall be constructed for pedestrian connectivity to the existing GB zoning district to the east.
5. Existing woodlands shall be preserved to the extent practicable.
6. An opaque privacy fence will be constructed along the northern property line adjacent to tax map parcel 110-75B and along the western property line adjacent to tax map parcel 110-75D.
7. A minimum of 30% of the acreage of existing woodland, excluding utility areas, shall be designated and maintained as an undisturbed tree preservation area.

PREVIOUS SUP REQUIREMENTS

1. This development shall be subject to final plan approval by the Technical Review Committee.
2. The applicant shall submit detailed drawings that comply with the standards for a commercial site plan for Technical Review Committee Review. (11.14.4)
3. A recorded deed of easements along with a map of the easements shall be recorded in the Currituck County Registry of Deeds for the following (Section 9.2.1 Utility Easements):
 - a. A utility easement shall be dedicated to the Currituck County Water Department for all areas that contain county water lines.
 - b. A utility easement area shall be established for all drainage infrastructures, power, telephone and cable lines.
 - c. The width of the drainage and utility easement shall be 60 feet wide along the streets with a 60 foot radius at the cul-de-sacs. This will comply with the requirements for lots of 45 feet wide street right of way plus 15 feet along the frontage of lots. (Section 9.2.1 Utility Easements)
4. The final site plan shall indicate who will be responsible for the stormwater system maintenance.
5. The applicant shall indicate prior to Board of Commissioners approval where a power line, telephone easement will be placed and where the connections will occur off-site. If the utilities are connecting to the lines on US 158, additional easements from the Jarvis property may have to be acquired.
6. Before a final plan approval is issued, the applicant shall have the following permits approved: a NC Stormwater Management permit, a NC Sedimentation and Erosion Control permit, and an Environmental Health or Division of Water Quality wastewater permit.
7. The construction of streets, parking and infrastructure may begin after a final plan approval is issued by the Technical Review Committee. This approval may be issued in phases.
8. No part of the open space shall be encumbered by an active or repair septic area, roadways, drainage systems or utility lines. (Chapter 17, Definition of Open Space) The final plan submission shall deduct these areas from the open space calculation.
9. If a tree designated for preservation is removed or dies after a certificate of occupancy is issued, the permit recipient or successor shall be responsible for replacement. (Section 5.7 Bufferyard Maintenance)
10. Payment of water tap fees will be required prior to the building permits being issued for each unit.
11. The loop walking trail shall be installed prior to the first building receiving a certificate of compliance.
12. The following shall be submitted with the landscaping plan:
 - A. Approximate location and description of the protective tree fencing, staking, or continuous ribbon to be installed which, at a minimum, follows the drip line of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.
 - B. Location, spacing, and caliper dimension, and species of new trees to be provided.
 - C. A summary table of the number of new trees to be planted and existing trees to be retained along with calculations showing the buffer and shading requirements have been satisfied. Grouping of trees in tree preservation areas may be keyed to the summary table by area rather than having each individual tree labeled on the plan.

- D. A note on the plan indicating that a one-year full-price replacement guarantee on all new trees planted is held by the applicant and an additional one-year guarantee on replacement plant. The applicant is expected to maintain plantings, including watering all plants when natural rainfall is less than one inch per week.
- E. A note on the plan indicating that the applicant shall remove all stakes and guy wires from trees and site one year after planting.

13. The architectural standards are:

- A. Vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest;
- B. Inclusion of front porches, projecting bays, vestibules;
- C. Attached dwelling units containing more than (5) units in a row shall have facades, which alternate siding styles and patterns to provide visual distinction to each unit. Alternation between siding and brick is encouraged;
- D. An architectural elevation for each unit shall be approved by the Planning Department prior to each building permit being issued.

Chairman Nelms opened the public hearing.

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

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

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

**Public Hearing and Action PB 08-44 Currituck County:
Request to amend the Currituck County Unified Development Ordinance, Chapters 1, 4, 10, 11, 12, and 17, to establish a revised Development Review Process and adopt a manual by resolution.**

Ben Woody, Planning Director, reviewed the request.

As directed by the Board of Commissioners at their January 2008 retreat, planning staff has recently completed a process to consolidate and modernize the development review process. This nearly year long effort has resulted in an improved review process that promotes efficiency and continues to allow reasonable oversight by county staff and public officials.

The need for changes to the development review process is a result of conflicting procedures and requirements that often cause frustration among regular users. Additionally, administration of the current process is cumbersome for county staff. The inefficiencies of the current process create a lengthy and complex process that is confusing for the general public. It is also the opinion of the county attorney that the vesting of subdivisions does not properly occur under the current process.

Extensive public input was sought to best identify the specific problems that existed with the review process and then determine the most appropriate solutions. Following the January Board of Commissioners retreat the following steps were taking:

- To identify deficiencies, the review process was benchmarked or compared to other local governments.

- A survey was mailed to 36 governmental agencies or representatives and 38 developers/engineers/surveyors
- A public meeting/luncheon was held and the survey results were reviewed. Additional comments were accepted during the meeting.
- On July 17 a draft document was released based the survey results and public comments.
- Additional comments were accepted on the draft through the end of July.
- A Planning Board work session was held on September 8.
- A Board of Commissioners work session was held on September 15.

As a result of the input gathered from governmental agencies, Planning Board members, the development community and citizens, the following changes are being recommended:

- Revise and update submittal requirements and deadlines to promote efficiency and lessen confusion.
- Utilize electronic submission of plans and rely on newer technology that is now available.
- Centralize adjoining property notices and Technical Review Committee mailings which allows for timelier public notice (currently the applicant is responsible for notification).
- Establish clear deadlines and lines of communication between county staff and users of the process.
- Reduce the total number of public hearings from four to two:
 - Speeds up and shortens the development review process.
 - Provides less confusion to the general public (i.e., why does the same subdivision keep coming back for public hearings).
 - Promotes efficiency and allows more staff time and resources to be dedicated to other planning efforts.
 - Approval of preliminary plat/SUP by the Board of Commissioners to ensure legal vesting is consistent with State law.
- Establish a Development Review Manual:
 - Includes information on review processes, submittal procedures and design requirements.
 - Detailed information related to processes is included in the Development Review Manual rather than the Unified Development Ordinance (everything is found in one location rather than spread throughout the UDO).
 - Allows for increased flexibility in establishing policies to ensure the review process remains fluid and reflective of changing economic and environmental conditions.

In summary, the changes proposed to the development review process should provide a framework that allows reasonable oversight by county officials while ensuring development projects are consistent with the Unified Development Ordinance and adopted plans. The revised process not only provides an opportunity to protect the public health, safety, and welfare; but also allows the county to more efficiently coordinate development impacts with the provision of public services.

The Planning Board considered this request at their October 14 meeting and unanimously recommended approval. Attached please find the Planning Board meeting minutes, a resolution of adoption, and the Development Review Manual. The associated text amendments proposed to the Unified Development Ordinance can be found on the Planning Department's website under latest news: www.co.currituck.nc.us/planning.cfm.

Should you have any questions or concerns, please feel free to contact me at your convenience.

PLANNING BOARD DISCUSSION

Mr. Woody stated that the fee schedule will probably need to be revised because staff will be taking on more work and lessen the developers cost. The fee schedule has not been increased since 1994.

Mr. Midgette asked if we were compatible to other counties.

Mr. Woody stated Currituck's fees are lower than other counties.

The Planning Board discussed the fee schedule increase and the timing of submissions on the planning board agenda.

ACTION

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance, Chapters 1, 4, 10, 11, 12, and 17 and to revise the fee schedule and establish timing of submissions. Ms. Turner seconded the motion. Motion carried unanimously.

**CURRITUCK COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF ADOPTION FOR
DEVELOPMENT REVIEW PROCESS MANUAL**

WHEREAS, the Currituck County Board of Commissioners has determined a need for the adoption of a Development Review Process Manual to consolidate the development review processes and promote efficiency; and,

WHEREAS, the Board has determined that development review processes should be incorporated into a single document as an aid for citizens, public officials, engineers and other users of the process; and,

WHEREAS, the establishment of a development review process manual provides a framework that allows reasonable oversight by county staff and officials while ensuring development projects are consistent with the Unified Development Ordinance and adopted plans; and

WHEREAS, the establishment of a development review process manual provides an opportunity to not only protect the public health, safety, and welfare; but also allows the county to better coordinate development impacts with the provision of services; and

WHEREAS, attached hereto is that certain "Development Review Process Manual," which contains review procedures for development in Currituck County; and,

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY, adopt by resolution and incorporate within the Unified Development Ordinance by reference, the "Development Review Process Manual", a correct copy of which is attached hereto.

ADOPTED the 3rd day of November, 2008.
EFFECTIVE the 22nd day of January, 2009.

Chairman Nelms opened the public hearing.

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

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

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

Board commended the staff for their work on this plan.

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

Deleted

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

Deleted

Consent Agenda:

1. Jarvisburg Elementary School-Change Order #9-Blueridge General, Inc.
2. Budget amendments
3. Petition for Road Addition of Eagleton Circle to DOT System
4. Resolution to Appoint Review Officers
5. Approval of October 14, 2008, Special Meeting Minutes
6. Approval of October 20, 2008, Minutes
7. Resolution-Nonprofit Awareness Month

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-561000	Professional Services Fund Balance	11,631	
10390-499900	Appropriated Article 39 Sales & Use Tax	34,890	
10320-411000			46,521
		\$46,521	\$46,521

Explanation: Finance (10440) - To increase Finance professional services for ongoing Tax Reduction Specialists services for Sales and Use Tax Reallocation. They have worked with the NC Department of Revenue to properly reallocate sales tax from vendors within the County. This has resulted in an additional \$46,521.79 of sales tax being returned to the County.

Net Budget Effect: Operating Fund (10) - Decreased by \$34,890.

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

Explanation: Moyock Watershed Service District (27690) - To increase budgeted funds for maintenance in service district.

Net Budget Effect: Moyock Watershed Service District (27) - Increased by \$7,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10445-526000	Advertising	510	
10445-532000	Supplies		510
		<u>\$510</u>	<u>\$510</u>

Explanation: Human Resources (10455) - To transfer budgeted funds to advertise to Payroll Clerk position vacancy.

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

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

\$10,360
\$10,360

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

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



8311 Brier Creek Parkway, Ste 105-369
Raleigh, NC 27617
919 251 9142

Invoice

Date	Invoice #
10/23/2008	SC07 3

Bill To:

Wayne Leary
Manager
Currituck County Airport
PO Box 38
Maple, NC 27956

Please Remit Payment to:

NCDOT Division of Aviation
Attn: Ted Alman
1560 Mail Service Center
Raleigh, NC 27699-1560

PO Number	Terms	Rep	Ship	Via	F.O.B.	Project
	On Receipt		DT			2007 SCASD NC Airlinks

Quantity	Item Code	Description	Price Each	Amount
1	Participation Fees	Community Partner Participation fees for inclusion in USDOT 2007 Small Community Air Service Development Program	10,360.00	\$ 10,360.00
			Total	\$ 10,360.00

Remit to :
NCDOT Division of Aviation
1560 Mail Service Center
Raleigh, NC 27699-1560



Program Overview

The United States Department of Transportation awarded a 2007 Small Community Air Service Development Grant to the NCDOT and a coalition of 11 small communities in North Carolina to promote on-demand air service at their local airports. This project, which we have named "NCFlyPorts", will promote the use of on-demand air service to these 11 communities located in North Carolina. The outputs from this project will include economic benefits to the community as a whole by means of enabling business and leisure connections where commercial air service is not otherwise available. Eleven communities were selected to be community partners during the grant period but we anticipate that the development of this concept will create an awareness and increased utilization of on-demand air service throughout the state. (To view the initial project concept and description please visit the USDOT website docket listings: http://dmses.dot.gov/docimages/pdf101/467242_web.pdf)

Project Ramp Up

The initial phases of the project will require substantial data collection from each Community Partner, Air Service Provider Partner, and various other agencies. Further, initial visits will be made to each community to collect information, meet with potential community partners for each airport and evaluate each facility. It is anticipated that these data collection periods and community visits will occur throughout the spring and summer months of 2008.

Information to be gathered from now through the summer months will include:

Community Business Contact Information

Current Airport Customer Data

Airport Facilities and Potential Needs/Requirements

Community Infrastructure/Tourism/Industry/Business Information

The data collection process will also capture potential customer information. As these databases are accumulated, the NCFlyPorts team will be able to provide our Community Partners and Service Providers with these essential customer profiles. This assistance with

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disseminating information regarding service and connections in a more comprehensive and specific way should prove invaluable to further utilization of services at our local North Carolina Airports.

Each Community Partner will be visited by the NCFlyPorts Staff to best determine the unique needs of the airport and the neighboring community. In this way, the NCFlyPorts Team can program an approach best tailored to each location. During these visits the Staff plans to meet with the local chambers of commerce, economic development organizations and other appropriate business or government contacts to establish detailed customer content. The visits began March 26, 2008 and continued through the summer.

Collateral Materials

The NCFlyPorts program aims to increase awareness and accessibility to air taxi services throughout the state. The concept of "on-demand" air service is a new transportation alternative for the target market in which NCFlyPorts will be focused. Air Charter service has been available for many years but has always held the perception that it was quite expensive or only for "the elite." The "on-demand" concept supports a network of aircraft, available in multiple formats, with newer concepts in scheduling and cost. As the services are promoted and more is learned from the NCFlyPorts effort, appropriate approaches will be constructed. Keeping in mind that each community will have a tailored approach based on their own unique needs, the following is anticipated in the forefront of the program for Community Partners across the state:

Airport Facilities

Each airport will be evaluated for needs with regard to making its facilities more conducive to air taxi service. Each community's needs are different, but the following are types of improvements anticipated within airport facilities:

Passenger waiting area improvements for FBO and Airport Terminal Facilities

Website Development

Wireless Internet Connections

Business Center/Computer Access/Telephone Access

Restroom Facilities

Ground Taxicab Accommodations

Rental Cars/Airport Cars

Various advertising collateral materials will be available to the airport facilities and to the targeted market audience which will be generated during the course of the program. But one of the most valuable pieces of the marketing collateral will be the development of the various airport websites, the NCFlyPorts website and both of these with access to *Connect IT*. *Connect IT* is a software tool that has been developed by Coastal Technologies Group, Inc in association with the Air Taxi Association. This software is web driven and allows potential customers to

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access a comprehensive list of air taxi providers, locations, flight availability and potential costs. *Connect IT* will also provide the most up-to-date information for passengers to directly contact service providers in their area.

Cost Benefits

NCFlyPorts will enable local communities to derive multiple economic impacts and benefits from the infrastructure investments already made in their local airports.

When businesses look to relocate, one of the top three questions usually asked is, "What is the accessibility to reliable air service from this community?" As the availability and usefulness of on-demand, air taxi service grows and matures, smaller communities not currently served by commercial airline service will have better connections within North Carolina and beyond. The perception in the community that air service is available will grow with awareness. Hence, communities formerly perceived as lacking the vital link of accessibility by air will enjoy better transportation and services.

Increasing community awareness of the local airport and its value to the economy and quality of life will also bring needed emphasis in funding for airport infrastructure. Small airports provide some of the most vital infrastructure links and economic drivers available to a community, but this fact is often unrecognized by the general public.

Return on Investment

During the first three years of the program each airport will receive the following collateral items:

Website Development /Website Links to **Connect IT**, individualized website development, links to service providers and customer support for on-demand services

Appropriate Terminal Area or Customer Service Related Improvements

Marketing Collateral Materials; both print and electronic media

Customer contact lists managed and monitored by *Contact*, an email marketing management tool which produces whitelist agreements with major ISPs to enable the best deliverability and retention of electronic marketing to the customer contact lists

Other program enhancements will be determined as the marketing plans evolve so that each location can take advantage of opportunities that become apparent during the discovery process.

Each community will also benefit from the entire content of the NCFlyPorts program through its statewide efforts. Participating communities will, in essence, receive not only the dollar amounts spent in each community, but a benefit from the entire program as the services and concept of affordable and accessible air taxi service are promoted.

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The NCFlyPorts Team

NCFlyPorts is contracted as a part of the NCDOT Aviation Division and is staffed by a collaborative team of aviation professionals headquartered from offices in Raleigh, North Carolina.

Dave Thomas
Principal

DaveThomas@ncdot.gov
(919)251 - 9142

With over 25 years experience in executive level planning, scheduling, and cost analysis with four airlines, Dave Thomas' background in economic development and analysis brings tremendous experience to the NCFlyPorts project. Mr. Thomas' aviation expertise includes extensive work in small community air service development including projects accomplished as part of the USDOT Small Community Air Service Development Program (SCASD). Dave has been instrumental in the successful growth and adoption of NextGen Aviation Technologies as he continues to develop ADS-B throughout North Carolina; sharing concepts with the FAA for further development across the East Coast. As an integral part of the North Carolina DOT Division of Aviation Staff he continues to consult to the division on a myriad of aviation planning and development throughout the state.

Shelly Reams
Principal

Shelly.Reams@NCFlyPorts.com
(919)251 - 9142

Airport planning, facility construction, aviation business development, marketing, finance and grant management are among key components of experience Shelly Reams contributes to the NCFlyPorts project. As a lifelong aviation enthusiast with over 20 years of experience, Ms. Reams has consulted to air service enhancement projects, including projects with the SCASD Program, throughout the United States. Skilled in the art of airline negotiations, she has partnered to gain strategic air service on regional and local scenarios but especially to small communities. Her previous roles which included heading up Wyoming's state aeronautics

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department, emphasize her solution driven state and federal government expertise and an extensive background in operations and management of state's use and FAR Part 135 flight operations, aircraft sales and procurement, and aviation safety.

Tonya Hampton

Marketing Manager

Tonya.Hampton@NCFlyPorts.com
(919)251 - 9142

Formerly with the United States Air force, Tonya Hampton has a background in aviation and related services. She worked with the NCDOT in administrative support roles and aviation education throughout the state of North Carolina. Tonya has been innovative with aviation business and development for fixed base operators, charter operations, flight training, and aircraft management in her roles as marketing director and director of customer relations. Ms. Hampton also maintains a Commercial Pilot License with Multi-Engine Rating.

Dave Dorsey

Senior Marketing Associate

Dave.Dorsey@NCFlyPorts.com
(919)251 - 9142

A long history of executive directorships in sales and account management distinguishes Dave Dorsey's marketing expertise. Mr. Dorsey's executive sales management in companies such as SAS and IContact has made him a leader in the high tech venue for strategic customer platforms. His roles as inside sales manager and director of sales and distribution at Midway Airlines in addition to his sales roles at American Airlines add particular value to aviation based marketing, sales and development.

Carla Faulkner

Project Development Associate

Carla.Faulkner@NCFlyPorts.com
(919)251 - 9142

Carla Faulkner is Aerospace Engineering graduate of NCSU. She has been an intern with the NCDOT Division of Aviation working on the Statewide Economic Benefits Study, Aviation Education and the North Carolina ACE Academy in addition to involvement with multiple Division planning and engineering projects. She has spearheaded many of the graphic designs for promotions within the state and provides extensive knowledge of IT and computer support. Ms. Faulkner is also a Private Pilot.

For more information and program updates, please visit our website at www.NCFlyPorts.com

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RESOLUTION

WHEREAS, GS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as review officers to review plats before they are recorded; and

WHEREAS, appointed review officers shall certify that the plat meets the statutory requirements for recording; and

WHEREAS, the persons appointed as review officers should be experienced in mapping or land records management.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals serving in the positions indicated are hereby designated as review officers as required by GS 47-30.1.

Tracy Sample, Tax Administrator
Donna Voliva, Planner
Lucy Cardwell, GIS Specialist - Land Records
Tammy Glave, Planner
David Webb, Senior Planner
Holly White, Senior Planner
Ben Woody, Planning Director

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the individuals listed above, the Director of Planning, Senior Planner, Planner and the Currituck County Register of Deeds.

**CURRITUCK COUNTY
BOARD OF COMMISSIONERS
RESOLUTION OF
ACKNOWLEDGEMENT**

WHEREAS, the Currituck-Dare Community Foundation is an affiliate of the North Carolina Community Foundation; and

WHEREAS, the Currituck-Dare Community Foundation was established to serve the needs of local non-profit organizations, donors and charitable causes; and

WHEREAS, the Currituck-Dare Community Foundation is part of more than 650 community foundations that help transform our neighborhoods through the power of philanthropy; and

WHEREAS, the members of the Currituck-Dare Community Foundation are committed to supporting and respecting the uniqueness of each non-profit agency; and

WHEREAS, the Currituck-Dare Community Foundation is committed to increasing public awareness of the valuable and diverse services provided to the community.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY, declares the month of November 2008 as "NONPROFIT AWARENESS MONTH" and extends its sincere congratulations to the charitable nonprofits serving our community for their dedicated and unselfish service to the

community and sincere gratitude to the residents of Currituck County whose volunteer spirits and donations make these organizations strong.

Commissioner's Report

Commissioner Taylor reminded people to vote tomorrow.

Adjourn

There being no further business, the meeting adjourned.