

# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, July 20, 2009**

**Time: 7:00 PM**

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## **Work Sessions**

6:00 p.m. Board of Equalization and Review

## **Regular Agenda**

- 7:00 p.m. Invocation  
Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3 **Presentation of Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers**
- Item 4 **Presentation on Interfaith Community Outreach (ICO) Inaugural Festival - Ginger Candelora**
- Item 5 **Presentation by Mitch Hall, Army Corps, on the "Currituck Sound Study"**
- Item 6 **Public Hearing and Action** Maple-Barco Small Area Plan: Consideration and discussion of the Maple-Barco Small Area Plan.
- Item 7 **Public Hearing and Action** PB 09-21 Currituck County: Request to amend the Unified Development Ordinance, Chapter 1: General Provisions, to incorporate the Maple-Barco Small Area Plan by reference.
- Item 8 **Public Hearing and Action** PB 09-17 Lannie Belangia: Request to amend the Unified Development Ordinance, Chapters 2, 3, and 10, to separate boat storage for commercial fisherman from that of privately owned recreation facilities.

- Item 9      **Public Hearing and Action** PB 87-56 Monterey Shores, Section III, PUD (Corolla Shores): Request for an extension of a special use permit for a proposed grocery store located on the west side of NC 12, west of the Whalehead Subdivision, and south of the Corolla Light PUD, Tax Map 115, Parcel 3S, Poplar Branch Township.
  
- Item 10     **Public Hearing and Action on Proposed Rural Operating Assistance Program (ROAP) Application**
  
- Item 11     **Discussion and Consideration** Ordinance providing for licensing of Solid Waste Collectors
  
- Item 12     **Discussion and Consideration of Expansion of Fire and EMS Advisory Board**
  
- Item 13     **Designation of Voting Delegate to NCACC Annual Conference**
  
- Item 14     **Appointment to Board of Directors of Greater Albemarle Area Chapter-American Red Cross**
  
- Item 15     **Appointment to Northeastern Workforce Development Board**
  
- Item 16     **Appointment to Senior Citizen Advisory Board**
  
- Item 17     **Appointment to Library Board of Trustees**
  
- Item 18     **Consent Agenda:**
  - 1. Budget Amenments
  - 2. Ratification of License Agreement for Currituck Utilities to install temporary wastewater service on Whalehead Club property
  - 3. Resolution to Declare County Property as Surplus and Authorize Sale by Upset Bid Process
  - 4. Moyock Library, CO-004, McKenzie Construction Corporation
  - 5. Approval of July 6, 2009, Minutes
  - 6. Petition to NCDOT for Addition to State System of New Colony Drive
  
- Item 19     Commissioner's Report
  
- Item 20     County Manager's Report
  
- Item 21     **Closed Session:**
  - 1. According to GS 143-318.11.(6) to discuss personnel
  
- Adjourn





Board of Directors

Executive Committee  
Members:

William Pitt

Jack Mann

Beverly Brooks

Frank Draper

Lettie Baxter

Board Members:

Kevin Brunk

Jay Burrus

Marilyn Canning

Courtney Gallop

James Jackson

Willo Kelly

Gary Kimmel

Gerald Lesko

Robert Palombo

Mary Reisert

Kathy Romm

Anne Thomas

John Waldman

Margaret Wells

Albaine Yarbrough

Anne York

Chris Payne  
Past Chairperson

Executive Director  
Virginia Candelora

On behalf of the Interfaith Community Outreach (ICO) Board of Directors please consider the following request.

Dear Potential Supporter/Contributor

On September 12th Currituck and Dare volunteers with the Interfaith Community Outreach will celebrate our Inaugural Festival and we invite you to be a partner in this exciting event.

Our plans include entertainment, food, games, yard sale, raffles everything that brings a smile on the faces of those who attend. Why do we need your partnership? To make certain that the ICO will be able to continue to provide the necessary emergency gap services to those in our midst who are facing crisis situations.

Please consider helping us in any way that you can and know that your contribution is tax deductible as we are a 501c3 nonprofit organization. Our EIN number is 22-3902355.

For further information please refer to our website at: [www.interfaithoutreach.com](http://www.interfaithoutreach.com)

Thank you for your time and consideration of this request.

Sincerely

ICO Volunteer

PO Box 838, Kitty Hawk NC 27949  
#2 Juniper Trail, Southern Shores NC 27949  
Info@interfaithoutreach.com  
(252) 480-0070, Fax (252) 261-6342, Cell (252) 202-0842



**Board of Directors**

**Executive Board Members:**

William Pitt

Jack Mann

Lettie Baxter

Beverly Brooks

Frank Draper

**Board Members:**

Kevin Brunk

Jay Burrus

Gary Kimmel

James Jackson

Robert Palombo

Mary Reisert

Kathy Romm

Anne Thomas

Claiborne Yarbrough

Anne York

**Alternate Members:**

Marilyn Canning

Courtney Gallop

Willo Kelly

Gerald Lesko

John Waldmann

Margaret Wells

Chris Payne,  
Past Chairperson

Executive Director  
Virginia Candelora

John McColley,  
Volunteer  
Coordinator

Mr. J. Owen Etheridge, Chairman  
Currituck County Board of Commissioners

Dear Mr. Etheridge,

On behalf of the Board of Directors of the Interfaith Community Outreach we would like to thank you for your consideration in supporting ICO's Currituck-Dare Family Fun Festival.

Unfortunately, the number of those in need has grown tremendously especially in the past two years. With the support of 44 faith communities along with civic clubs, local businesses, grants and individual donations we address these needs on a daily basis in Currituck and Dare. In 2008 ICO helped over 700 families by preventing evictions, utility cutoffs, foreclosures, medical appointments, etc. 1600 individual lives were touched by this caring community.

Last Friday for instance between the two ICO offices, 15 families requested assistance. One was an elderly couple who needed help with money for lodging in order to stay close to the cancer treatment center in Nags Head – the multiple trips during the upcoming month was more than they were physically able to make. The other a young family of four – the dad working a full time job at one of the food stores and a part time job at night in a restaurant only had \$400.00 of their \$900.00 rent – eviction proceedings had already started. These are just examples of what we see everyday – people, good people, the working poor needing help.

But there is great hope because as our volunteers were listening and helping those who came in on Friday so did a greeting card from three families from PA with a note that said use this gift to take care of Gods children. She went on to say that they felt so blessed to have spent such a beautiful week on the OBX and while they were here, the families decided to forfeit an evening out and instead give it to someone in need in our community. They sent a lovely picture of a very large group and a check for \$1,000.00

Thank God, for those visitors and also for our generous and compassionate community. It is our hope that we will be working together on this event.

Sincerely

Ginger Candelora

PO Box 838, Kitty Hawk NC 27949  
#2 Juniper Trail, Southern Shores NC 27949  
Info@interfaithoutreach.com  
(252) 480-0070, Fax (252) 261-6342, Cell (252) 202-0842



**DONATION RECEIPT**

**INTERFAITH COMMUNITY OUTREACH**

*Bridging the Gap*

DATE: JULY 1, 2009

PO Box 838, Kitty Hawk, NC 27949  
 Phone 252.480.0070 Fax 252.261.6342  
[info@interfaithoutreach.com](mailto:info@interfaithoutreach.com)  
 TAX EXEMPT ID 22-3902355

**DONATION FROM:** J. Owen Etheridge, Chairman  
 Currituck County Board of Commissioners

ITEM(S) DONATED	VALUE
It is our great hope that your support will include the following:	\$100,000,000.00
Please attend this event on September 12 <sup>th</sup> and while there perhaps you would consider being center of attention by occupying the seat in our dunking booth.	
This could prove to be lots of fun for your constituency as well as your opponents.	
As commissioner this is the perfect opportunity for you to converse with those in our community in a social climate.	

**THANK YOU FOR YOUR KINDESS AND GENEROSITY!**

## *A Message From our Chairperson*

*Welcome to our First Annual Currituck - Dare Fall Family Festival. Once again the beauty of Eastern Carolina shines through the hearts of those seeking to come together and celebrate community. We at Interfaith Community Outreach are pleased to present to our neighbors a day filled with fun, food, and enjoyment that will provide food, shelter, and transportation to those of us who from time to time find ourselves faced with difficult circumstances. It is from the hearts and hands of our churches, local businesses, and community civic groups as well as our Board of Directors and volunteers who come together to serve and to support one of the most spectacular places in our nation. Enjoy the day!*

*Teresa MacPherson*

INTERFAITH COMMUNITY OUTREACH  
CURRITUCK OFFICE  
HEBRON UMC BUILDING, JARVISBURG, NC

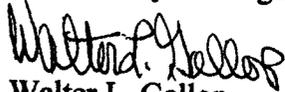
The Interfaith Community Outreach [ICO] is a 'Faith based service'. The ICO serves the families of Currituck-Dare counties. The ICO is an "Emergency Gap" service providing financial and charitable assistance when family and public help is not available in a crisis. The ICO is a private non-profit organization and governed by a board.

The ICO opened a Currituck office during November 2008. The office is located at the Hebron Methodist Church building, Jarvisburg, NC. We are open for services Wednesday and Friday from 10:00 – 2:00. The office is manned by volunteers from local churches. We are open to all residents of Currituck –Dare counties.

Since the ICO opened the Currituck Office, we are pleased that we have worked as partners with church organizations, Currituck Social Services, civic organizations and private donors. From January 1 thru May 31, 2009 the Currituck ICO office helped 278 Currituck families with emergency bills, food and other services. In partnership with Currituck Churches we paid over \$78,000.00 to assist with emergency needs.

The heart, soul and backbone of the ICO are the dedicated volunteers. Each volunteer is working to make our community a caring and family friendly place to live. They are going the extra mile now to plan and celebrate an ICO Currituck – Dare Family Fun Festival on September 12, 2009 [Saturday] at the Corinth Baptist Church, Jarvisburg, NC. This event is planned as a family fun day with games, food, entertainment and prizes. Any monies raised from sales or gifts will go to our ministry to assist our Currituck – Dare families in emergency need.

We encourage you to support our September 12<sup>th</sup> Family Fun Festival by spreading the word with your neighbor and come join with us in this celebration.



Walter L. Gallop  
Currituck ICO Volunteer

INTERFAITH COMMUNITY OUTREACH  
CURRITUCK OFFICE  
HEBRON UMC BUILDING, JARVISBURG, NC

Subject: Report of "Emergency Gap Services" to Currituck Residents

Data is taken from the Interfaith Community Outreach [ICO] data files.

- Currituck families served @ CURR/ICO = 278 [Jan. 1 – May 30, 2009]
- Currituck Faith Community contributions[\$\$] to ICO[Jan 1, 2009- June 12, 2009]  
\$2,504.45
- ICO \$\$ in services to Currituck families [Jan 1-Jun 12, 2009] \$105,925.24
- FOOD: Referral to Pilmoor UMC Food Bank and Dare Co. Food Bank [Jan. 1,  
2009- June 12, 2009] \$26,738.01.
- So the actual \$\$ providing services to Currituck families: \$78,187.24 [Jan 1 –  
June 12, 2009.
- Types of Services provided:
  - Electric Power bills
  - Rent/Mortgage support
  - Auto repairs
  - Fuel for auto/home heat
  - Food
  - Medical/Dental bills
  - Funeral expenses
  - Water
  - Home Rehab



# Maple – Barco Small Area Plan

Currituck County Planning Department

# Maple – Barco Small Area Plan

## Steering Committee

Krista Boughey  
*Tourism Advisory Board*

Kevin Burwell  
*Economic Advisory Board*

John Gross  
*Airport Advisory Board*

Ginger Morris  
*Citizen At Large*

Bren Robbins  
*Planning Board*

Jim Winebarger  
*Airport Advisory Board*

## County Staff

Ben Woody  
*Planning Director*

Holly White  
*Senior Planner*

Peter Bishop  
*Economic Development  
Director*

Wayne Leary  
*Airport Director*

Harry Lee  
*GIS Coordinator*

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# Introduction

Currituck has a long, rich history that is intimately tied to the fertile agricultural land and pristine waters. The study area, encompassing portions of Maple and Barco, is one of the primary centers in the County. Maple and Barco are centrally located in the mainland portion of the County at the intersection of Highways 158 and 168. In addition, Maple is unique because it is home to the Currituck County Airport and many other major community facilities. Due to this area's central geographic location, accessibility to main transportation corridors, and the presence of the airport, this area has the potential to emerge as a principle community center for the mainland. Considering these factors, the Board of Commissioners directed staff, in January 2008, to begin a planning process with the anticipation of future growth.

This Small Area Plan (SAP) is directly tied to the Land Use Plan and outlines actions needed to implement its' recommendations. This planning effort includes policies for public outreach, economic development, land use, transportation, environmental issues, community heritage, and sustainable development. The plan is based on community input, technical guidance from a citizen committee, and oversight from the Board of Commissioners. Once adopted, this planning document will be used by county staff, state agencies, appointed officials, and the elected body to promote orderly growth and make important land use decisions for the Maple-Barco area.

The purpose of the Maple – Barco Small Area Plan is to balance growth and economic expansion with the integrity and character of the existing community. This includes taking into account the growth of the airport facility, protecting county resources such as drinking water, preserving the agrarian heritage of the area, and maintaining a high quality of life for current and future residents.



Maple Wheat field across from the Maple Post Office



Maple-Barco Study Area

# Plan Development Process

## Steering Committee

The Maple – Barco Small Area Plan process was conducted over the course of approximately nine months. A steering committee was established in September 2008 to provide staff with relevant input and feedback that would represent the interests of the larger community and stakeholders. Committee members’ responsibilities included helping to engage the public, advising staff on the planning process, and providing honest input and feedback on plan content.

Steering committee members included:

- One planning board member
- One tourism advisory board member
- One economic advisory board member
- Two airport advisory board members
- One citizen at large member

During the nine month planning process, the steering committee met six times to provide input and assist in the planning process. Committee members were asked a series of key questions in an effort to gather information to be used in drafting policy statements for the plan. Listed below are the committees top responses to questions asked during the planning process:

What makes the Maple – Barco area unique?

1. Close proximity to tourist destination allowing service to Outer Banks
2. Opportunity to attract light industry to county
3. Access to major arterials

What are opportunities for positive growth in the Maple - Barco area?

1. Aviation related business and development
2. Become a valued part of the community
3. Provide improved access and services to Outer Banks
4. Commerce park

What obstacles might we encounter that could be a threat to the planning process and the positive development of the area?

1. Concerns of citizens: increased flyovers, lighting, change in flow of air traffic, degradation of community appearance
2. Unsupportive public (misinformed or uninformed public)
3. Poor planning resulting in haphazard development

How do you envision the Maple area in 10 years?

1. A self sustaining county asset that is used to attract business (tourism/manufacturing) that becomes a major contributor to the county tax base and employer pool
2. A community hub and an attractive well-planned center of the county
3. Buildings are similar as required by regulations which are very pleasing to look at; a park like setting with ponds, landscaping, and buildings that blend in and add to the overall appearance

# Public Outreach

On April 2, 2009, the Planning Department conducted a public outreach effort at the Currituck Cooperative Extension Center for the Small Area Planning effort. Approximately 75 people attended and participated in the meeting. The majority of people attending were residents and property owners from the Maple – Barco area. Attendees listened to a brief presentation by staff and then were able to view maps and draft policy statements. Feedback sheets were available allowing each participant to provide written feedback. More detailed information about the steering committee and public outreach efforts are located in the Appendices.



**Public Outreach** Over 75 people attended a public involvement opportunity on April 2, 2009.



# Vision

During the fall of 2008, SAP steering committee members discussed their concerns, hopes, and desires for the Maple – Barco communities. Committee members described the area as they envision it ten years from now. The vision statement below is a fusion of individual ideas.

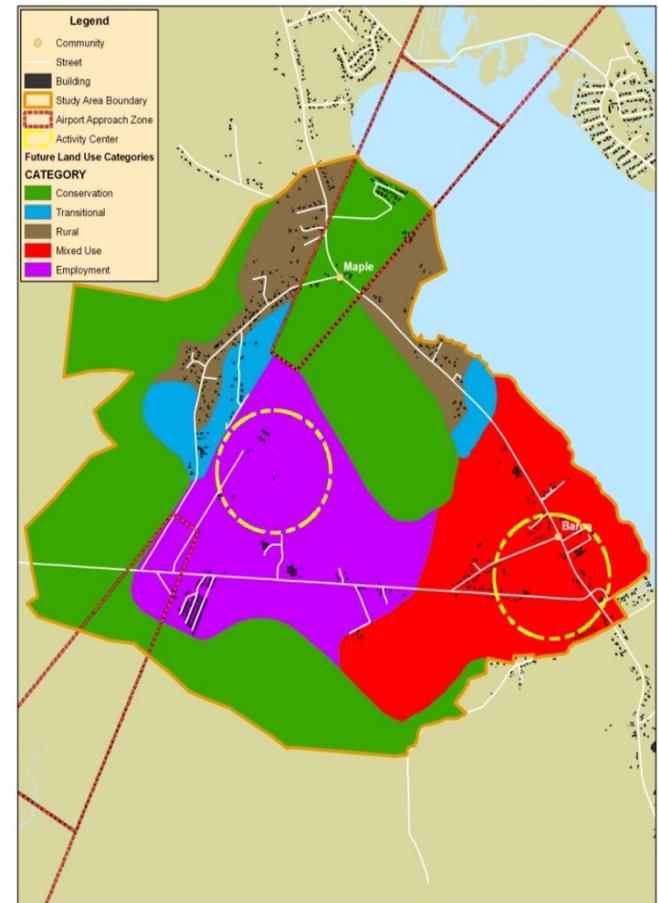
Currituck County is committed to preserving the integrity of the Maple-Barco communities by planning for and strategically balancing future development and economic growth. We will strive to maintain and enhance the quality of life by:

- Preserving the unique and infinite benefits of the County's natural systems and quality of life for future generations.
- Expanding public outreach and educational efforts for all County development.
- Promoting and encouraging aviation related industries to locate in Maple Commerce Park and properties adjacent to the airport.
- Promoting and supporting business and tourism travel.
- Encouraging appropriate mixes of residential and commercial densities in close proximity to the airport facility.
- Promoting interconnectivity among parcels that encourages the use of multimodal transportation.
- Preserving and encouraging the use of local architectural vernacular in a way that promotes harmony within the existing community and encourages compatible development.

We recognize that with careful planning, the Maple – Barco communities have the potential to become a centralized County hub for economic growth while at the same time preserving the rural community character.

However, we acknowledge that in order to secure this future we must work together, treating all with respect and fairness focusing on our common goals and remembering our past.

We desire to continually set and maintain high standards of excellence which exemplify dedication to our goals and to the fulfillment of this vision statement.



Future Land Use Map

# Existing Conditions & Analysis

## Land Use

The existing land use pattern within the Maple-Barco study area is comprised of agricultural uses, rural residential development patterns, and dispersed commercial properties located along NC 168. As shown on the Existing Land Use map, the study area totals 4,952 acres excluding rights-of-way, with 38 percent of that total currently designated as undeveloped. Agricultural activities are still prevalent totaling 37 percent of the study area. In what is unusual for most communities in Currituck County, industrial land uses make up the third most common land use category with 596 acres of area, or 12 percent of the total.

The study area also includes a significant institutional component due to its central geographic location and concentration of county facilities. In addition to the airport, the area includes governmental facilities such as Central Elementary School, the cooperative extension service, sheriff’s office and jail, fire/EMS station, regional park, water treatment plant, future commerce park, and a solid waste transfer station. The volume of existing and planned county services provided within the study area ensures it will continue to emerge as significant community center.

Most of the residences included within the study area are located along Maple Road or clustered near the intersection of US 158 and NC 168. Additionally, a number of small businesses and services are located along the major highways. The following table is based on data from the county’s Geographic Information System (GIS) and provides a distribution of the 818 building types visible within the study area.

Building Use	Number of Buildings	Percentage of Total
Residential	377	46%
Accessory	376	46%
Institutional/Office	21	2%
Industrial	16	2%
Commercial	15	2%
Agricultural	13	2%

Table 1 Building Types

The large percentage of undeveloped and agricultural acreage, existing mix of land uses, and impending growth pressures will prove challenging for this portion of the county. Balancing economic and nonresidential growth with residential development pressures may require the establishment of an overlay zone or similar land use policy that properly directs growth.

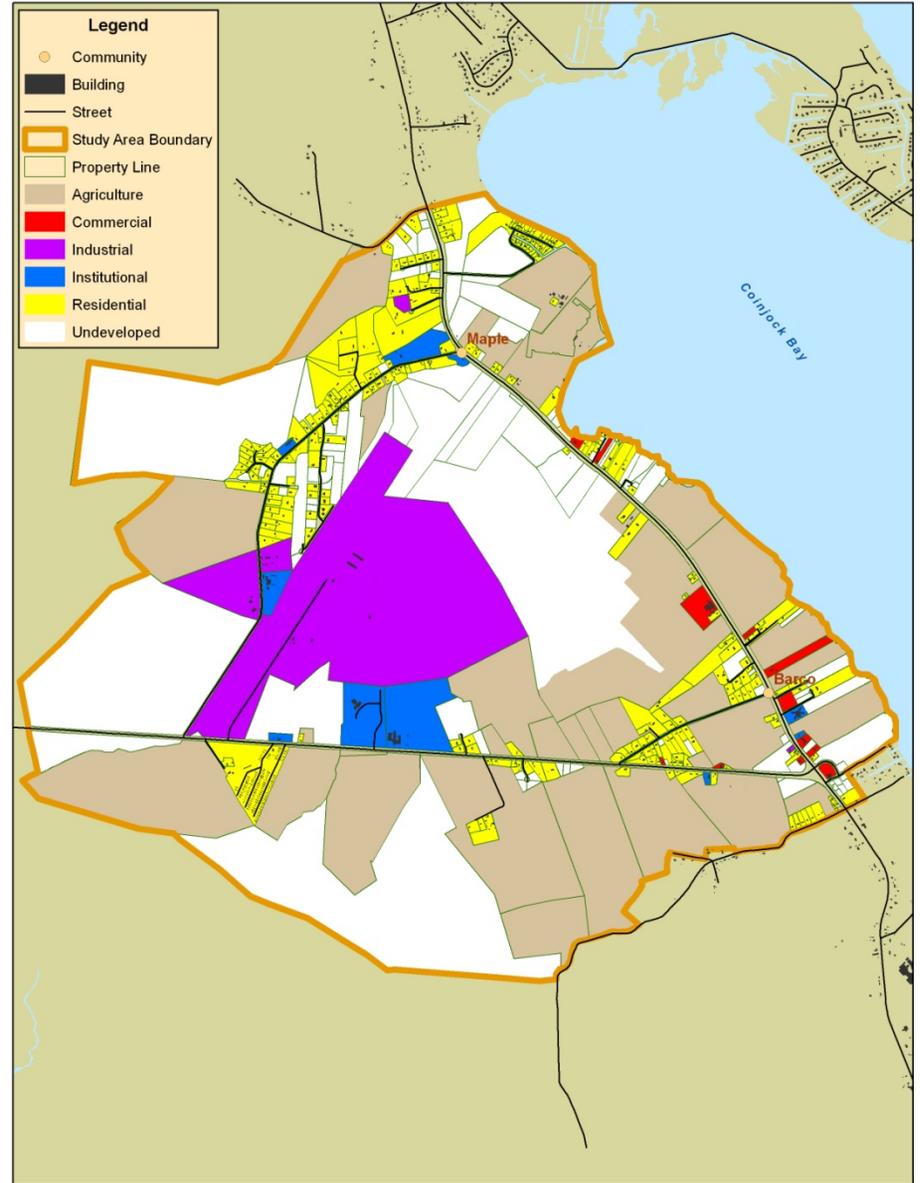
Allowing or exacerbating incompatible land uses such as residential dwellings within the airport flight path or adjacent to areas designated for industrial development should be avoided. Instead it may be more appropriate to promote a mix of residential and commercial uses near the intersection of US 158 and NC 168, while encouraging agricultural activities or industrial uses in and around the airport area and flight path.

Land Use	Total Acreage	Percentage
Agriculture	1845	37%
Commercial	32	1%
Industrial	596	12%
Institutional	121	3%
Residential	448	9%
Undeveloped	1910	38%
<b>Total</b>	<b>4952</b>	<b>100%</b>

Table 2 Existing Land Usage



Maple Typical home on Maple Road.



The Existing Land Use Map depicts the existing uses of properties in the Maple – Barco study area.

## Economic Development

Considering the central geographic location of the Maple-Barco study area and available public assets, the airport area is ripe for economic development related opportunities. In addition to the existing 5,550 linear foot runway and small terminal building, the county recently added 17,026 square feet of hanger space bringing the total to 40,596 square feet. There are also plans to create a site certified commerce park east of and adjacent to the airport facility. During the course of this small area planning process, the site planning for the proposed commerce park has continued to move forward. One important feature of the commerce park is that it be developed sustainably to create a “green” park.

There are also economic opportunities that exist along the US 158 and NC 168 highway corridors. Most of the small businesses that are present along these traffic corridors range from a farmers market to small restaurants, offices and other forms of service oriented establishments. In particular, the intersection of US 158 and NC 168 presents a unique opportunity to strategically recruit businesses that not only serve local residents and the summer tourist traffic, but also serve future employees associated with the expansion of the proposed Currituck County Commerce Park.

Another extenuating factor in the economic potential of the Maple-Barco study area is the progress of the Mid-County Bridge project. Once the proposed bridge is completed, it is likely this area of the county will become a major mainland service area for the Outer Banks. In addition to increased pressure for residential development, there will be a reciprocal need for business growth. It is likely the Currituck County Airport will evolve into the primary service airport for visitors to the Outer Banks, as well as providing service opportunities for tourism related small businesses.

A major challenge identified during the planning process is to balance growth pressures in a manner that attracts appropriate economic development opportunities while preserving the existing quality of life. This includes pursuing projects that realize the airport’s great potential. It also includes supporting and growing the existing small businesses that are so critical to the uniqueness of Currituck County.



Currituck County Airport The recently added hangers at Currituck Airport.

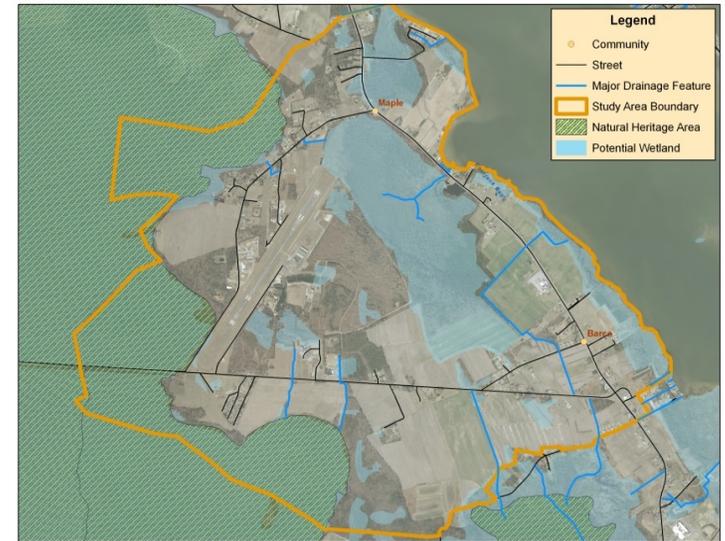


Barco Signage at the intersection of Highways 158 & 168 in Barco

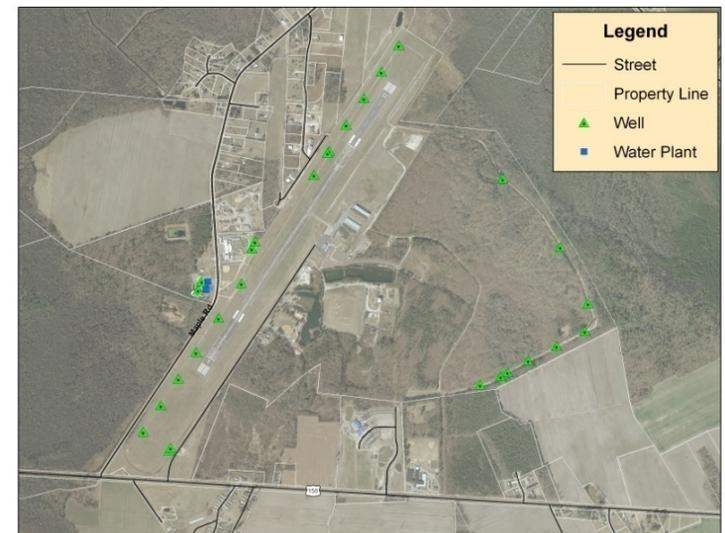
## Environmental

There is a diversity of natural resources and environmentally sensitive features located within and adjacent to the Maple-Barco study area. The boundary of the study area is surrounded by environmentally critical areas on three sides. The Currituck Sound is located along the eastern boundary while Significant Natural Heritage Areas comprise the southern and western boundaries. The Significant Natural Heritage Area designation is established by the North Carolina Department of Environment and Natural Resources (NCDENR) to recognize areas containing ecologically significant natural communities or rare species. There are also expanses of wetlands included within the study boundary that interact with the Sound and Natural Heritage Areas to create a dynamic system of ecological resources. Considering the diverse natural resources that exist in the study area, development proposals should be encouraged to preserve the natural features of a site while property treating stormwater prior to entering environmentally sensitive areas.

Additionally, the county supply of potable water is located within the study area, presenting a unique man-made environmental feature. The location of the Mainland water supply in the Maple community warrants special attention as a critical natural resource that must be protected. The county recently activated a reverse-osmosis water treatment plant to provide a cleaner and more reliable source of potable water from deep wells. There are also shallow wells scattered through-out the study area that remain as viable sources of water. Considering the importance of providing clean drinking water to the residents of Currituck County, development approvals must be carefully evaluated to ensure there is not a negative impact on water quality and ground water recharge.



The Environmental Features Map reflects wetlands, major drainage ditches, and Significant Natural Heritage areas within the study area.



The Well Points Map shows the approximate location of the shallow wells used by the County for potable water usage.

## Transportation

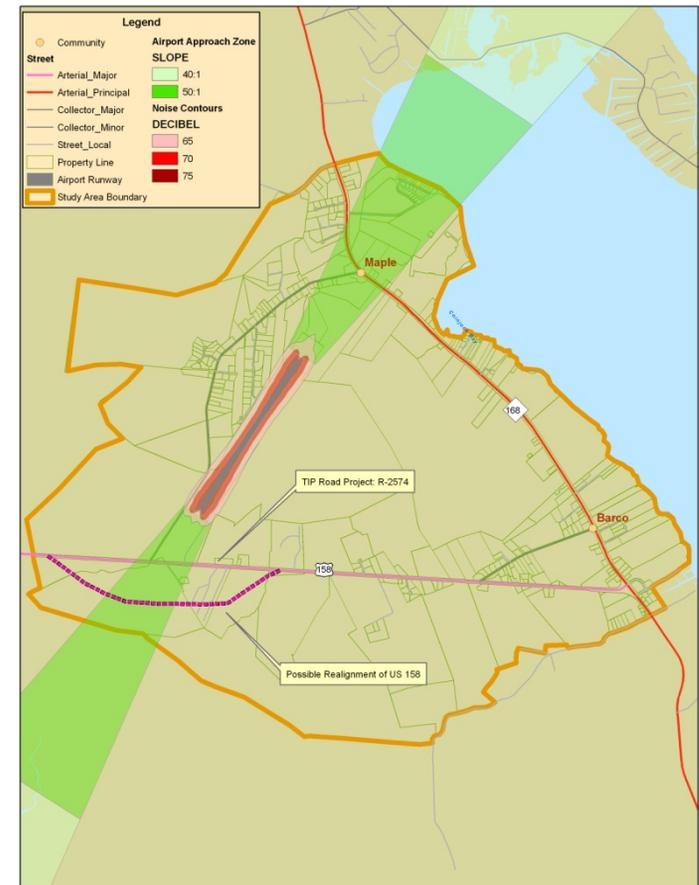
The Maple-Barco area includes the county's most comprehensive network of transportation assets. Two of the county's major highways, US 158 and NC 168, converge to create an intersection of regional scope. This node provides vehicular access to and from Elizabeth City, the Hampton Roads area and the Outer Banks. Highlighting the importance of this intersection, the North Carolina Department of Transportation has programmed a transportation improvement project (TIP R-2574) that proposes to widen US 158 to a four-lane facility. There are also several collector streets in the study area that primarily serve local traffic, most notably Maple Road which connects US 158 and NC 168 west of the airport property.

Another major transportation asset included within the study area is the Currituck County Regional Airport. The airport is generally oriented from the southwest to the northeast, with the flight zones extending southwestward over the headwaters of the North River and northeastward toward Bells Island. The facility includes a 5,500 linear feet runway, small terminal building, and corporate hanger space. The airport is classified by the North Carolina Division of Aviation as a category regional (blue) airport.

The most recent Airport Master Plan proposes a parallel taxi way, additional hanger space, improvements to the runway surface material, and an increase in the overall length of the runway. These types of improvements will allow the facility to become more economically viable as a regional airport, serving both the Mainland and Outer Banks. Taking into consideration the recent progress of the Mid-County Bridge project, the airport facility may soon be in a strategic position to provide transportation services directly to the Outer Banks.

While there are strong transportation assets in place, there is still a need for improvements to strengthen the long-term economic viability and quality of life for the central portion of the county. Establishing interconnectivity among existing

parcels to provide alternative access between roadways and destination points will help residents move more freely during the congested summer months. Limiting access points onto US 158 and NC 168 will ensure traffic safety remains a priority. As the Currituck County Commerce Park evolves as a job center, multimodal transportation options such as sidewalks will provide connectivity between employment centers, businesses, and residential areas.



The Transportation Map reflects the location of the airport approach zones (green), the noise cones (red), and future transportation projects.

## Community Heritage & Sustainability

The agrarian heritage and rural lifestyle of the Maple-Barco study area provides a tranquil setting for an area of the county that is emerging as a community center. Many of the homes that exist along NC 168 create a homestead style of development with panoramic views of the sound that are worth preserving. The residences along Maple Road along with the post office located at the intersection of NC 168 helps to provide a sense of community and establish a rural identity that merits careful consideration as surrounding areas continue to experience growth pressures.

In addition to preserving the rural identity of the Maple area, the integration of sustainable development techniques should be applied when approving new developments. Considering how important the natural features of the study area are in defining the sense of community, promoting “green” development principles is a reasonable means for ensuring compatibility between existing and new development.



**Snapshots of Currituck Heritage** Top left: Fresh crabs from the local seafood market in Barco, Top Right: Maple Post Office, Bottom Left: Typical “homestead” style farm house on Hwy. 168, Bottom Right: Plane at Currituck



**Coinjock Bay** View overlooking Coinjock Bay.

## Implementation

This plan will supplement the Land Use Plan to more specifically address the needs and issues of the study area over the next ten years. The policies and guidance given in this plan are consistent with the Land Use Plan and other County policies and documents. Once adopted, this plan will establish a new focus for growth and development.

The Small Area Plan will be used by the Board of Commissioners and staff to make recommendations about development proposals and other County land use policy decisions. This plan will be a vital tool for staff in day to day decision making and in assisting the public with development proposals. Each year, a working group should meet to assess the completion of actions listed in the action plan. The working group should be comprised of the responsible parties list in the action plan. After meeting with the working group, an annual report will be prepared by staff and presented to the Board of Commissioners outlining the status of the action plan. Additionally, the plan should be updated every three years or as needed.

The Small Area Plan will promote thoughtful, responsible growth. The success of this plan largely depends on the continued cooperation and coordination between County agencies and an engaged citizenry. A united partnership between the citizenry and the County will result in the realization of the policies and goals outlined in this plan.

# Policies

The policies outlined below and the Future Land Use Map combined with the 2006 Land Use Plan are the official policies for growth and development issues in the Maple – Barco planning area. These policies were identified and developed through involvement from the SAP steering committee, public input, County staff, and the Land Use Plan. The policies provide a foundation for future decisions regarding growth and development, capital improvements, provision of County services, environmental protection, intergovernmental planning and cooperation, economic development, transportation, community heritage, sustainability, and other related matters.

## Public Outreach

**PO1:** Expand public outreach and educational efforts to increase the community’s understanding of airport operations, its’ economic benefits, and noise concerns.

**PO2:** Expand public outreach of airport expansion plans.

**PO3:** Readily provide information to aviators regarding preferred airport operations.

**PO4:** Include the Airport Manager in review of proposed land development within the study area.

**PO5:** Include the North Carolina Department of Aviation in the review of subdivisions, commercial development, and all public projects.

**PO6:** Notify the Planning Board, Economic Development Advisory Board, and Airport Advisory Board Chairmen of all County projects within the study area.

**PO7:** Distribute electronic or hard copies of the plan to all stakeholders in the plan area.

**PO8:** Keep the public informed about continued development of Maple Commerce Park.

## Economic Development

**ED1:** Actively promote and establish aviation related businesses in the Maple Commerce Park and Currituck Airport.

**ED2:** Establish a sewer district and central wastewater treatment plant to serve the airport, Maple Commerce Park, adjacent industrial development, and other County Facilities.

**ED3:** Pursue foreign trade zone designation for the airport area to create economic diversity.

**ED4:** To encourage economic development and job creation, pursue expansion projects consistent with those outlined in the Airport Master Plan including: runway expansion, parallel taxiway, instrument approach, construction of new passenger terminal facility, and additional commercial hanger space.

## Land Use

**LU1:** Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

**LU2:** Discourage use of wind turbines in the height protection area and approach zones.

**LU3:** Encourage and allow neighborhood serving commercial in the 158/168 area

**LU4:** Encourage and allow small, locally owned businesses to locate in the area.

**LU5:** Preserve and promote agricultural related operations/businesses in the airport approach zones, along Maple Road, and 168.

**LU6:** Encourage buffers for uses that are developing adjacent to environmentally sensitive areas.

**LU7:** As land becomes available in the study area, explore assemblage and purchase opportunities to protect and enhance County resources.

**LU8:** Encourage and promote restaurants, professional, and personal services to locate near the intersection of Highways 158 and 168 in Barco to provide services in connection with the development of the future commerce park, county recreation center, and other county facilities.

**LU9:** Evaluate development proposals using the future land use map and policies for the Maple - Barco study area to determine the desired density, character of growth, and level of services appropriate for the study area.

## Transportation

**TR1:** Continue to work with North Carolina Department of Transportation to update the Comprehensive Transportation Plan (CTP).

**TR2:** Promote interconnectivity among parcels to provide direct access to nearby roadways.

**TR3:** Collaborate with NC DOT to identify and implement short term transportation access management priorities.

**TR4:** Integrate infrastructure into new developments that promote multimodal transportation interconnecting employment centers, businesses, and neighborhoods.

**TR5:** Promote Currituck Airport and associated services as a regional airport serving the mainland and Outer Banks.

**TR6:** Promote the appropriate expansion of the airport recognizing its economic impact on the county. This plan should be consistent with the airport master plan.

**TR7:** Encourage large vehicles making deliveries or going to the airport, Maple Commerce Park, and other County facilities to utilize Highway 158 and 168.

## Environmental

**EN1:** Encourage development that preserves the natural features of the site including existing topography, significant existing vegetation, and Significant Natural Heritage Areas.

**EN2:** Stormwater should be treated prior to entering environmentally sensitive areas including but not limited to wetlands, canals, creeks, swamps, and the Currituck Sound.

**EN3:** In approving development within the study area, water quality and ground water recharge should be of the utmost importance.

**EN4:** Encourage appropriate development on poorly drained soils.

**EN5:** Encourage selective tree harvesting in the Maple Commerce Park.

**EN6:** Encourage the use of "soft" stabilization methods when developing property adjacent to the shoreline. These methods include but are not limited to preservation of existing vegetation, creation of a natural, living shoreline, and establishment of vegetative buffers.

## Community Heritage

**CH1:** Encourage preservation of significant architectural, historic, and archaeological resources.

**CH2:** Preserve open space, agricultural lands, and waterfront view sheds within the study area.

**CH3:** Preserve “homestead” style development along Highway 168 which maintains views of the Currituck Sound and promotes the agricultural heritage of the area.

**CH4:** Preserve and encourage use of local architectural vernacular (homestead) that promotes and enhances compatible development.

**CH5:** Enhance entrance to the Airport and Commerce Park with native vegetation and architectural features.

### **Sustainable Development**

**SD1:** Explore ways to encourage and incentivize the use of sustainable development techniques in commercial/industrial developments.

**SD2:** Explore ways to incorporate sustainable development techniques into County facilities both retrofits and new construction.

**SD3:** Brand Maple Commerce Park as a “Green” commerce park to encourage clean businesses practices.

## Future Land Use

The future land use map is one of the most visible components of the SAP. The map provides a geographic framework for the policies in the plan. However, the map is no more important in guiding future growth than the plan's policies. The map should be used in conjunction with the policies and recommendations contained in the SAP.

The map is a guide for future decision making that outlines a desired general pattern of development and will ultimately reflect the community's vision. The boundaries of the different land uses as shown on the map are not definitive, parcel specific boundaries, but reflect a generalized transition from one land use to another. The future land use designations are defined as:

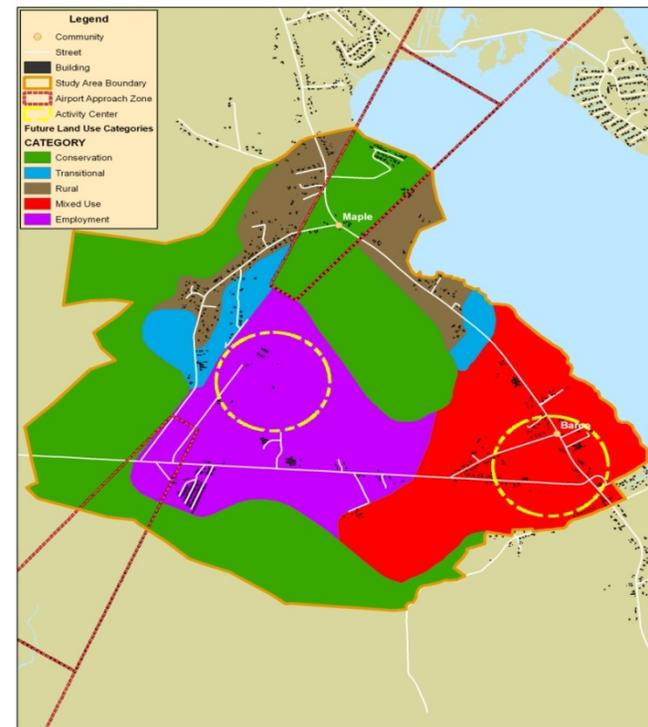
### Conservation

The conservation designation offers protection to significant, limited, or irreplaceable sensitive areas. The conservation designation should be applied to wetlands, estuarine and coastal shorelines, estuarine waters, public trust waters, Significant Natural Heritage Areas as designated by the State Natural Heritage Program, and other similar lands (environmentally significant because of their natural role in the integrity of the coastal region including but not limited to bottom land hardwoods, pocosins, and swamp forests containing significant productive, natural, scenic, cultural, or recreational resources). Conservation areas should be preserved and not developed. However, areas of upland may be appropriate for limited development provided that work is performed in a very controlled, low impact manner through careful planning and cautious attention to the preservation of environmental features and low impact development techniques. Appropriate limited development may include but is not limited to passive and active recreational facilities such as trails and park; eco-businesses dependent on water or other natural resource areas as a basis for operation; and governmental and community facilities. Infrastructure and services should not be provided in these areas due to a catalyst type effect that could result and stimulate development. Areas within the airport approach zone to the east, designated on the future land use map, are not appropriate for residential or assembly related development. Proper management of these

areas is needed to conserve the natural, cultural, recreational, scenic, or biologically productive values of these areas.

### Transitional

The transitional designation is appropriate for areas between land use classifications that may contain non-compatible uses. Transitionally designated areas should be allowed greater flexibility in the types of services and uses. These areas provide an opportunity to ensure future land use conflicts are minimized through careful attention to the existing context of immediate surroundings and thoughtful site design. This may include incorporation of increased buffers, low impact development techniques, architectural standards, and preservation of culturally or historically significant landmarks.



Future Land Use Map

## Rural

The rural designation provides for low density, scattered residential, neighborhood serving commercial, institutional uses, and other traditional rural uses such as small scale farming operations. As areas within the rural designation develop, preservation of view sheds and culturally or historically significant landmarks is encouraged. When rural designated areas are located adjacent to areas designated as conservation, increased buffers and the use of low impact development techniques should be required. Residential densities in the rural designation are very low at a minimum of 1 unit per 3 acres. Any development within the rural designation should be served by on-site septic.

## Mixed Use

Areas designated as mixed use are characterized by a diverse mix of land uses. Various commercial and service uses remain predominate, but residential, governmental, and other uses are complementary. For larger tracts of land, creatively master planned communities with residential and supporting retail and office uses may be appropriate. Mixed use areas encourage and emphasize pedestrian-oriented activity centers which may contain a mix of retail, office, multi-family residential, cultural, education, open space, and other public or private uses. Compatibility among the mix of uses and with the area's scenic characteristics should be maintained through compact development patterns that preserve open space and scenic view sheds. Greater flexibility should be given in this area to encourage innovative and creative design that results in high-quality development.

## Employment

Areas designated as employment are anticipated for land uses that will generate economic activity or job growth. This includes industrial uses such as offices, technology research and development, aviation related industries, and environmentally friendly manufacturing and industrial uses such as assembly, wholesaling, and distribution. Areas designated as employment should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential. Standards should be developed to ensure that development of these activities is compatible with the character of the surrounding area. As employment areas develop, careful attention should be given to ensure institutional and commercial uses do not adversely impact economic growth opportunities, but rather supplement and enhance

employment uses. Care should be taken to protect adjacent uses from adverse impacts potentially associated with these uses (truck traffic, outside storage, light pollution, noise, etc.), through the use of buffering, performance-based development standards, and avoidance of noxious uses. When uses in the employment designation develop that are located adjacent to areas designated as conservation, increased buffers and the use of low impact development techniques should be required. Residential development should be discouraged in areas for this land use category.

## Activity Center

Activity Centers are areas that are anticipated for future concentrations of uses that serve as destinations or hubs of activity for the surrounding area. These areas will provide services on a local and regional scale and are characterized by higher intensity uses, compact development patterns, walkability, and a higher standard of architectural and site design. Activity centers include a mix of retail, office and medical services; employment; and higher density residential uses. A variety of other neighborhood oriented uses are commonly found in activity centers including but not limited to schools, employment, day care, parks, civic facilities, beauty shops, drug stores, hardware stores, and restaurants. Areas designated as activity centers should be planned in a way to encourage pedestrian activity between the various land use designations (i.e.: employment, mixed use, rural, and transitional).

# Action Plan

Public Outreach	Related Policy	Responsible Party
Organize and hold a Community Awareness Day for the Currituck Airport.	PO1	Airport Advisory Board, Airport Manager
Develop informational flyers for the public on airport operations, flight paths, and future expansions.	PO1	Airport Manager
Develop informational flyers for the public describing and visual reflecting the types of planes that can land at the airport currently and the types of plans that could land if future airport expansions were completed	PO1	Airport Manager
Undertake a visioning process that involves the community with the goal of developing a clear direction for future development and operation of the airport.	PO1	Airport Advisory Board, Airport Manager
Update and expand the website to include airport identifier information, handling capacities, map of the area, layout of the airport, and pictures.	PO1	Airport Manager, Information Technology
Develop and run information about the airport on the public access channel.	PO1	Airport Manager, Information Technology
Hold public outreach opportunity to inform citizens in the area about future improvements to the airport.	PO2	Airport Advisory Board, Airport Manager
Develop an informational mailer to be sent to all property owners within the study area explaining future improvements at the airport.	PO2	Airport Manager
Hold public outreach opportunities during the revision of the Airport Master Plan.	PO2	Airport Advisory Board, Airport Manager
Develop informational handouts for pilots concerning flight patterns and approaches.	PO3	Airport Manager
Add Airport Manager to the Technical Review Committee.	PO4	Planning Department
Add North Carolina Department of Aviation to the Technical Review Committee.	PO5	Planning Department
Economic Development	Related Policy	Responsible Party
Inform and educate the Board of Commissioners on the economic impact of the airport and Commerce Park.	ED1	Economic Development, Airport Manager
Provide Annual Report to Board of Commissioners concerning yearly accomplishments and status of improvements at the airport and Maple Commerce Park.	ED1	Economic Development, Airport Manager
Identify grant opportunities for development of sewer infrastructure at the Maple Commerce Park.	ED2	Economic Development
Complete feasibility study and application process through Foreign Trade Zone Board.	ED3	Economic Development, Economic Development Advisory Board
Land Use	Related Policy	Responsible Party
Establish an Overlay zone to protect private property rights, the integrity of the community, natural resources and county assets.	LU1	Planning Department, Planning Board
Require aviation easements be recorded for newly created subdivisions of land within or adjacent to airport approach zones.	LU1	Planning Department, Planning Board
When developing an overlay zone or considering a rezoning/use permit application, require the integration of LID techniques or similar measures to promote water quality.	LU6	Planning Department

<b>Transportation</b>	<b>Related Policy</b>	<b>Responsible Party</b>
Request NCDOT appoint a local steering committee to ensure local transportation interest are fully accounted for during the CTP process.	TR1	Planning Department, Board of Commissioners
Work with NC DOT to limit the number of driveway cuts onto Highway 158 and 168.	TR3	Planning Department, County Engineer
Explore and include a possible reroute of Highway 158, and associated utilities, to allow for a southern runway expansion in CTP process.	TR3	Planning Department, Airport Manager, County Engineer
Investigate a way to incorporate language into the UDO that allows and encourages installation of multimodal infrastructure between land use classifications.	TR4	Planning Department
Expand existing rental car service at the airport to allow for easy travel access to the mainland and Outer Banks.	TR5	Airport Manager, Tourism Department
Collaborate with tourism department to promote airport and services to Outer Banks.	TR5	Airport Manager, Airport Advisory Board, Tourism Department, Tourism Advisory Board
Petition North Carolina Department of Transportation to explore the possibility of designating Maple Road a “No Thru Zone”.	TR7	Economic Development, Planning Department
<b>Environmental</b>	<b>Related Policy</b>	<b>Responsible Party</b>
Investigate and implement methods of limiting disturbance and development in Significant Natural Heritage Areas or delineated wetlands.	EN1	Planning Department
Develop a working list and public informational flyer listing suggested native plants appropriate for the area.	EN1	Planning Department
Encourage buffers near environmentally sensitive areas.	EN2	Planning Department, Soil and Water Conservation
Require use permits for all development that may adversely impact water quality.	EN3	Planning Department
Collaborate with the Mainland Water Department to create a Well Head Protection Plan for the Maple Well Fields.	EN3	Planning Department, Water Department
Develop a Vegetation Guidance Manual for the Maple Commerce Park.	EN5	Planning Department
Explore techniques for “soft” shore stabilization and incorporate incentives into the UDO rewrite.	EN6	Planning Department
<b>Community Heritage</b>	<b>Related Policy</b>	<b>Responsible Party</b>
Identify, designate, and preserve sites, buildings, and districts or particular historic significance.	CH1	Cooperative Extension, Planning Department
Investigate and implement ways to encourage the preservation and restoration of culturally and historically significant sites, buildings, and districts.	CH1	Cooperative Extension, Planning Department
Develop residential and commercial architectural standards to be included within an overlay zone.	CH4	Planning Department
<b>Sustainable Development</b>	<b>Related Policy</b>	<b>Responsible Party</b>
Investigate and implement methods and incentives for the use of low impact development techniques for commercial and industrial developments in the study area including but not limited to: bio-retention areas, cisterns, swales, pervious paving materials, limiting	SD1	Planning Department, Cooperative Extension, Soil and Water Conservation, County Engineer

curb and gutter infrastructure, and well thought out site planning (placement of building, retention and placement of native vegetation).		
Investigate performance based standards and incentives that would require commercial and industrial development to be designed in a way to reduce energy consumption including but not limited to solar panels, insulation, site design, and building design.	SD1	Planning Department, Cooperative Extension, County Engineer, Public Works
Reuse the wastewater treatment plant's effluent for irrigation or other appropriate uses in the Maple-Barco area.	SD1	County Water Department
Continue to participate in the Currituck Goes Green Environmental Initiative effort.	SD2	Planning Department, Cooperative Extension, Soil and Water Conservation, County Engineer, Public Works,
Explore the feasibility of meeting the International Organization for Standardization (ISO) 14,001 requirements for Environmental Management Systems Certification.	SD3	Economic Development, Economic Development Advisory Board



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-3055  
FAX 252-232-3026

### MEMORANDUM

**To:** Board of Commissioners  
**From:** Planning Staff  
**Date:** July 10, 2009  
**Re:** PB 09-21 Maple-Barco Small Area Plan

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The Maple – Barco Small Area Plan process started in the fall 2008. A steering committee was established in September to provide staff with relevant input and feedback that would represent the interests of the larger community and stakeholders.

The purpose of the Maple – Barco Small Area Plan is to balance growth and economic expansion with the integrity and character of the existing community. This includes taking into account the growth of the airport facility, protecting county resources such as drinking water, preserving the agrarian heritage of the area, and maintaining a high quality of life for current and future residents. Through careful planning, the Maple – Barco communities have the potential to become a centralized County hub for economic growth. The Small Area Plan will promote thoughtful, responsible growth.

Enclosed please find a draft text amendment, minutes from the June 9 Planning Board meeting, a resolution of adoption, and a draft of the Maple-Barco Small Area Plan. The Planning Board recommended unanimous approval of this request.

Should you have any questions, do not hesitate to contact Holly White at 232-6028.

## **PLANNING BOARD DISCUSSION- June 9, 2009**

Ms. White stated staff will bring the Maple-Barco Small Area Plan along with a text amendment so it can be incorporated into the Unified Development Ordinance to the Board of Commissioners.

Mr. Woody stated the map shows how the area can grow, but keep in mind that the policies will help staff make recommendations, and the Planning Board and Board of Commissioners will base their decision making process on the Plan. The idea is to balance growth around the airport area.

Mr. West stated that you have to plan so you know what direction to go in, but you need to be careful. Where the extension building is located there is a lot of potential growth, if the YMCA is in that area then that is where people have a tendency to build around and yet we are building around the airport. He does not want it to become a Virginia Beach, Oceana scenario where people don't want to be near the airport. You need to be careful where the citizens' oriented services will be going.

Mr. Woody stated you need to be careful where you mix institutional uses with industrial uses. They are already identifying alternative access points to the industrial park to avoid mixing traffic.

Ms. White stated she is presently working with the Department of Aviation and will incorporate into the plan an outline showing what type of planes will be able to land at the airport under the existing conditions now and what will be possible under future expansion.

The board discussed increased traffic and local residents being able to get to these facilities.

Mr. Deaton stated the real issue is what your vision for this area is and what does the general public want. Mr. Deaton referred to Hilton Head, South Carolina as a good example of a well planned development. Mr. Deaton stated if you grow keep multi-paths available. When planning this plan take into consideration what it will look like twenty years down the road.

Mr. Kovacs stated that Nicholson's Point is a PUD that has been very well planned and will be outstanding once it has been developed. This standard should be followed throughout the area.

Mr. Woody stated the county is scheduled to receive a revised Comprehensive Transportation Plan.

## **ACTION**

Mr. West motioned to recommend approval of the "Draft" Maple-Barco Small Area Plan as presented. Ms. Robbins seconded the motion. Motion carried unanimously.

**Currituck County  
PB 09-21  
UDO AMENDMENT REQUEST**

An amendment to Chapter 1: General Provisions, Section 1.15 Incorporation of Planning Documents, to incorporate the Maple-Barco Small Area Plan into the Unified Development Ordinance by reference.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Section 1.15 is amended to add the following underlined language:

**1.15 Incorporation of Planning Documents**

The following manuals or plans have been adopted by resolution of the Board of Commissioners and are incorporated herein by reference. While the Board of Commissioners affirms its commitment that this ordinance be in conformity with any adopted manual or plan, the board hereby expresses its intent that neither this ordinance nor any amendment to it, or any future action taken by the board, may be challenged on the basis of any alleged nonconformity or inconsistency with any planning document referenced in this section

A. Development Review Process Manual

B. Maple-Barco Small Area Plan

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violate the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 3:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_

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PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
ADOPTION OF THE MAPLE-BARCO SMALL AREA PLAN**

**WHEREAS**, Currituck County is committed to pro-active planning efforts within the Maple-Barco Communities; and

**WHEREAS** Staff has worked with a steering committee and the public to develop a plan that will preserve the integrity of the Maple-Barco communities by planning and strategically balancing future development and economic growth; and

**WHEREAS**, the County will strive to maintain and enhance the quality of life by preserving the unique and infinite benefits of the County's natural systems through the goals, policies, and actions outlined in the plan and vision; and

**WHEREAS**, the Plan was recommend for approval by the Currituck County Planning Board on June 9, 2009;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Currituck County, North Carolina, hereby adopts the Maple-Barco Small Area Plan as an official policy document.

Adopted this 20 day of July 2009.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-3055  
FAX 252-232-3026

### MEMORANDUM

**To:** Board of Commissioners  
**From:** Planning Staff  
**Date:** July 13, 2009  
**Re:** PB 09-17 Lannie Belangia – Boat Storage Amendment

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The enclosed text amendment submitted by Mr. Lannie Belangia is intended to address wet boat storage. Currently the Currituck County Unified Development Ordinance (UDO) defines that, “Marinas for ten boats or less shall be classified as privately owned outdoor recreation facilities” requiring a Special Use Permit in all zoning districts. In other words, the docking or wet storage of ten or less boats requires approval from the Board of Commissioners. Staff would interpret this current provision to not include the docking of boats belonging to any persons that reside on the property.

Mr. Belangia’s request specifies that wet boat storage for commercial fishermen be treated differently than that of a recreation facility as outlined above. The request proposes to allow the mooring of ten or less commercial fishing boats in all zoning districts with an administrative approval (again, this regulation refers only to boats not belonging to any persons residing on the property). The amendment also includes special requirements for residential zoning districts that prohibit the use of the property for equipment and bait storage, fueling, and repair. Additional screening is required if a vehicle parking area is adjacent to an existing single family dwelling.

Also, according to Frank Jennings, CAMA District Manager, a CAMA permit is not required for the mooring of commercial fishing vessels along existing docks or piers. Vessels may tie off at existing docks or piers without a CAMA permit if no new development is involved.

Staff feels this request highlights the very real challenge of balancing compatibility between residential properties and commercial fishing activities. Currituck County is in the precarious position of experiencing rapid residential growth rates while maintaining its cultural identity. As part of researching this text amendment request, staff also contacted surrounding governmental jurisdictions to determine how they regulated the mooring of commercial fishing boats in residential areas (enclosed). The answers

varied from no regulation at all, to not allowing commercial fishing boats to dock in residential areas.

Throughout the county there are existing piers used to dock commercial fishing boats. Despite the fact many of the piers have historically docked boats not belonging to the property owner, this request highlights that none of these properties have been granted a special use permit as required by ordinance. This means any property docking commercial fishing boats not belonging to a person residing at the property should apply for and receive a special use permit. The request submitted by Mr. Belangia attempts to clarify this ordinance provision by allowing any property to dock up to ten commercial fishing boats with an administrative approval (again, this refers to boats not owned by a resident of the property).

While allowing the docking of ten commercial fishing boats with an administrative approval clarifies the current ordinance, it warrants a cautious approach when viewed county wide. There are circumstances when the secondary impacts associated with the docking of ten commercial fishing boats would create compatibility issues with adjacent properties and have a negative impact on a surrounding residential neighborhood. This includes increased traffic levels through residential streets, which often results in the degradation of road conditions, and may even increase long-term maintenance costs for people residing on private streets.

As an alternative, the Board may want to consider requiring a Special Use Permit (SUP) for the docking of commercial fishing boats not belonging to the owner of a residentially zoned property. A more balanced ordinance could allow the docking of two or three commercial fishing boats with an administrative approval, while requiring an SUP for additional boats. The special use permit process allows the Board to approve a use taking into consideration the unique features of an individual situation. This means the docking of commercial fishing boats not belonging to the owner of a property could be handled on a case by case basis.

The Planning Board considered Mr. Belangia's request at their June 9 meeting and unanimously recommended approval. Attached please find the Planning Board meeting minutes, a spreadsheet of questionnaire responses from surrounding jurisdictions, and the text amendment request submitted by Mr. Belangia.

Should you have any questions, do not hesitate to contact Ben Woody at 232-6029

## PLANNING BOARD DISCUSSION (June 9, 2009)

Mr. Belangia stated that there are 242 commercially registered boats in Currituck County. Mr. Belangia would like to see in a residential area that they are allowed to dock. With this text amendment they are asking for a facility to put their boat overnight.

Mr. West asked how many boats you would anticipate being docked at any one given time.

Mr. Belangia stated 10 or less at any given time.

Mr. Tranquillo stated he has been a commercial fisherman since 1973 in the county. A lot of fishermen can be arrested because they are illegally docking so they are having to use more fuel to find a place to dock. Mr. Tranquillo is in favor of the text amendment.

## ACTION

Mr. Clark motioned to recommend approval of PB 09-17 Lannie Belangia Boat Storage text amendment as presented. Ms. Robbins seconded the motion. Motion carried unanimously.

## SURVEY RESPONSES

Jurisdiction	Is docking of commercial fishing boats regulated in a residential area?	Comments/Interpretation
Dare County	No	Docking would be permitted; however, commercial activity must occur elsewhere (i.e., unloading or selling)
Kitty Hawk	Yes	Only property owners are allowed to conduct commercial fishing activities. Seafood shall not be sold, processed, or distributed from the premises. No more than 4 people shall be involved in the operation on the property at any one time.
Kill Devil Hills	No	Does not regulate the docking of boats
Nags Head	Yes	Considered an accessory use if the occupant of the principle residence is docking boats. Considered an unpermitted commercial use if docking of boats occurs by anyone not living at the residence.
Pasquotank County	No	No regulations in place. Issue would not be docking of boats, but rather associated vehicular traffic, noise, storage, etc.
Perquimans County	No	Ordinance does not address the situation.

**Lannie Belangia**  
**PB 09-17**  
**UDO AMENDMENT REQUEST**

An amendment to Chapter 17: Definitions, Chapter 3: Special Requirements and Section 2.5 Permitted Uses Table to separate boat storage for commercial fisherman from that of privately owned recreation facilities.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Section 17.2 is amended by adding the following underlined language:

**Marinas**

Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Marinas for ten recreational boats or less shall be classified as privately owned outdoor recreation facilities.

**Boat Storage, Wet**

Any public or privately owned facility for the docking of ten or less unoccupied commercial fishing vessels in the water. This shall not include marinas, boat ramp facilities allowing access only, or the accessory docking of personal boats of the property owner. However, the total number of boats maintained in wet storage shall not exceed ten.

**Item 2:** That Section 3.5 is amended by adding the following underlined language and renumbering that section numerically:

**3.5.5 Boat Storage, Wet.**

- A. The facility shall not contain the following uses when located in a residential zoning district as defined by Chapter 2 of this ordinance: fueling facilities, dry storage, repair services, equipment storage, bait storage, or on-site sales.
  
- B. Parking of vehicles shall not occur within any public or private right-of-way and shall be screened from any existing single family dwelling located within 100 feet of the proposed parking area. The screening shall at minimum meet the requirements of a Type C bufferyard.

C. The total number of boats allowed for this use shall not exceed ten.

**Item 3:** That Section 2.5 is amended by adding the following underlined language and renumbering the Special Requirements column numerically:

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
<i>Office &amp; Service</i>														
<i>Boat Storage, Wet</i>	<u>III</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>3.5.5</u>

**Item 4:** The provisions of this ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS\_\_\_\_\_

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PLANNING BOARD DATE: June 9, 2009  
PLANNING BOARD RECOMMENDATION: Approval  
VOTE: \_\_\_\_AYES 0NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

AMENDMENT NUMBER: \_\_\_\_\_



## Currituck County

Department of Planning  
Post Office Box 70  
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### MEMORANDUM

**To:** Board of Commissioners

**From:** Planning Staff

**Date:** July 10, 2009

**Re:** PB 87-56 Monteray Shores, Section III – Special Use Permit Extension

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On December 3, 2007, the Board of Commissioners voted to approve an amended sketch plan/special use permit for the development of a grocery store on Parcel V of Corolla Shores. The special use permit is due to expire on December 3, 2009. Quible and Associates, on behalf of Food Lion, LLC has submitted the attached letter (Attachment 1) requesting a one year extension of the approved special use permit.

According to Section 11.10.2 of the UDO:

#### 11.10.2 Special Use and Conditional Use Permits

- B. The permit issuing authority may extend one time for a period up to two years the date when a permit would otherwise expire, if it concludes that:
1. The permit has not yet expired, *(Applicant submitted extension request prior to SUP expiration.)*
  2. The permit recipient has proceeded with due diligence and in good faith; and, *(Applicant states in letter dated June 12, 2009 that clearing and filling activities have occurred. The letter also references economic conditions and delays in wastewater permitting.)*
  3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit. *(There have been no substantial changes in the application.)*

Attached please find the minutes (attachment 2) from the December 3, 2007 Board of Commissioners meeting approving the original special use permit and a site plan (attachment 3).

**Attachment 1**



Quible & Associates, P.C.  
ARCHITECTING • ENVIRONMENTAL SCIENCE • PLANNING • DESIGN  
SERVICES



P.O. Box 4073  
Wilmington, NC 28402  
Phone: 336-821-3300  
Fax: 336-821-1200  
**MEMBERS**  
Brent D. Quible, AIA  
Joseph J. Tinsley, C.E.P.  
Eduardo J. Wicks, PE  
**ASSOCIATES**  
Joseph J. Arnold, PE  
Katherine C. Marchese, PLS

June 12, 2009

Currituck County Board of Commissioners  
c/o Bon Woody, AICP, Director  
Department of Planning  
County of Currituck  
P.O. Box 70  
Currituck, North Carolina 27929

Re: Request for One Year Special Use Permit Extension  
PB 87-56 Monterey Shores Section III, PUD  
Parcel V - Corolla Shores  
Parcel no. 0115000003S0000  
Corolla Shores Food Lion

Dear Mr. Woody,

On December 3, 2007 the Currituck County Board of Commissioners granted an Amended Sketch Plan/Special Use Permit (SUP) to Food Lion, LLC for development of a food store on the above referenced Parcel V - Corolla Shores. (See Exhibit A).

Food Lion, LLC is the owner of the subject development property. (See Exhibit B).

A reduced scale copy of the sketch plan is attached as Exhibit C.

The permit is set to expire on December 3, 2009.

The purpose of this correspondence is to formally request on behalf of Food Lion, LLC that the Board of Commissioners consider granting a one year extension to the SUP.

The extension request is due primarily to current economic conditions and to the fact that timely permitting for wastewater service to the project was hindered by a state mandated moratorium on new service connections to the Monterey Shores Sewer System.

Some site work, consisting of clearing and fill activities, did occur.

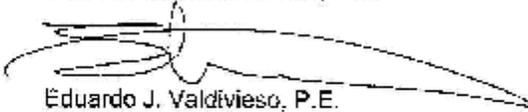
It is also our opinion that permitting conditions have not changed substantially as to warrant a new application.

*Mr. Bob Moody, AICP  
June 17, 2009  
Page 2 of 2*

Thank you for considering this request. Please contact with any questions or requests for additional information. Otherwise we look forward to placement on the next available Board of Commissioners meeting agenda.

Sincerely,

QUIBLE & ASSOCIATES, P.C.



Eduardo J. Valdivieso, P.E.  
Vice President

*cc: Dornesah McClendon Williams  
Real Estate Portfolio Manager  
Food Lion, Inc  
P.O. Box 1336  
Salisbury, NC 28145*

**Attachment 2**

**BOARD OF COMMISSIONERS DISCUSSION – December 3, 2007**

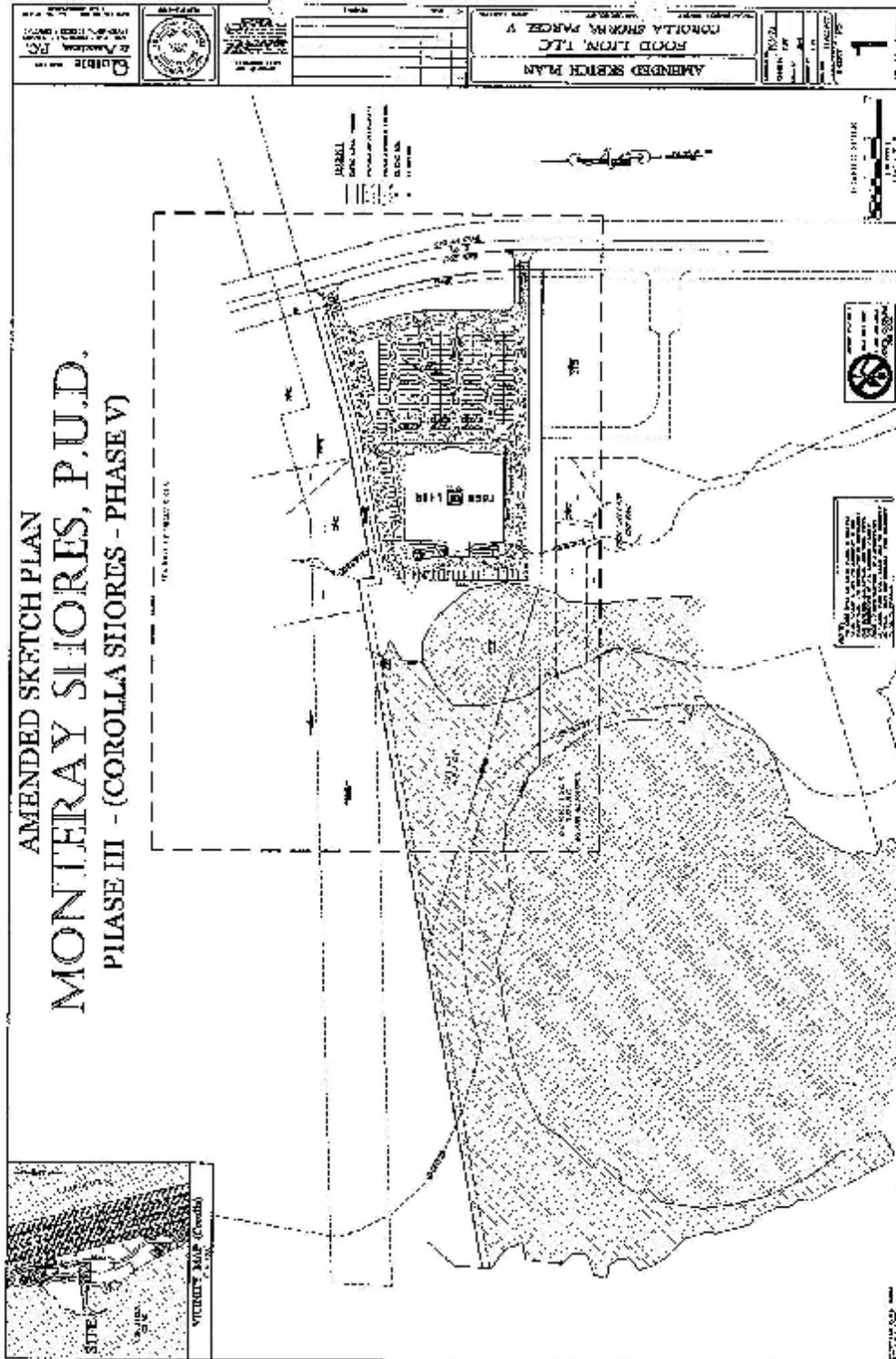
Chairman Nelms opened the public hearing.

Mr. Valdivieso, Engineer, was present to represent the owner, Food Lion.

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

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

**Attachment 3**





## PUBLIC HEARING NOTICE

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than August 7, 2009 by the county of Currituck. The public hearing will be held on July 20, 2009 (date) at 7:00 p.m. (time) at the Currituck County Commissioners meeting in the Board of Commissioners Room (Historic Courthouse) located at 153 Courthouse Rd. Currituck, NC 27929. Currituck County will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact Herb Mullen, Director of Transportation, at 338-4480 as soon as possible so that arrangements can be made.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens. This transportation assistance allows for the individual to reside for longer periods in their homes, thereby enhancing their quality of life. For the purpose of EDTAP, an elderly person is defined as one who reaches the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, an individual who has a record of such impairment, or an individual who is regarded as having such impairment.
2. Employment Transportation Assistance Program is intended to provide operating assistance for transitional Work First, Workforce Development Programs and general public employment transportation needs.
3. Rural General Public (RGP) Program funds are intended to provide transportation service to individuals who are not human service agency clients and live in non-urbanized areas.

The period of performance for Rural Operating Assistance Program funds is July 1, 2009 through June 30, 2010. The FY2010 ROAP individual program totals are:

PROGRAM	TOTAL
EDTAP	\$41,739
EMPL	\$3,453
RGP	\$36,220
Supplemental EDTAP	\$23,893
Supplemental EMPL	\$4,284
Supplemental RGP	\$31,853
<b>TOTAL</b>	<b>\$141,442</b>

This application may be inspected at the Inter-County Public Transportation Authority office located at 110 Kitty Hawk Lane Elizabeth City, NC 27909 from 9:00 AM to 4:00 PM Monday through Friday. Written comments should be directed to Herb Mullen, Director of Transportation, PO Box 189, Elizabeth City,

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AMENDING CHAPTER 11 OF THE CURRITUCK COUNTY CODE OF ORDINANCES  
TO PROVIDE FOR THE LICENSING OF SOLID WASTE COLLECTORS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-136 a county may by ordinance regulate the storage, collection, transportation, use, disposal and other disposition of solid wastes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding new Article to Chapter 11 to read as follows:

**ARTICLE VII. LICENSING OF SOLID WASTE COLLECTORS**

**Sec. 11-104. Definitions.**

The following words, terms and phrases, shall have the meanings ascribed to them in this section, in the interpretation and enforcement of this article:

*Board* means the Currituck County Board of Commissioners.

*Collection* means the act of removing solid waste to the Transfer Stations or the Facility.

*Facility* means the East Carolina Environmental Landfill in Bertie County, North Carolina.

*Person* means any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

*Solid waste* means any solid wastes that may be disposed of in sanitary landfills, including, without limitation, garbage, refuse, trash and other discarded material, whether from residential, commercial, industrial or institutional sources, which wastes are typically found in household, commercial or municipal refuse.

*Solid waste collector* means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises.

Solid waste license or license means a license for the collection, transportation and disposal of solid waste pursuant to Section 2 of this article.

Transfer Stations means the following three transfer stations: Chowan/Gates/Perquimans Counties Transfer Station, Currituck County Transfer Station and Dare County Transfer Station.

**Sec. 11-105. Solid waste license required.**

It shall be unlawful for any person to engage in business as a solid waste collector within any area of the county, without first having procured a solid waste license from the Board. All solid waste collectors within the county shall dispose of all solid waste generated within any area of the county at the Facility or the Transfer Stations.

**Sec. 11-106. Application, issuance, revocation of license.**

(a) Application. All applicants for solid waste licenses shall file a written application with the Board's authorized representative and shall furnish the following information:

1. The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, partnership or other entity;
2. A list of the collection vehicles the applicant plans to use in the county; and
3. Any other information the Board's authorized representative may reasonably request.

(b) Five-year license. Solid waste licenses shall be issued for five-year periods. Licenses may be renewed with the information designated in subsection (a) of this section being presented to the Board's authorized representative at least thirty (30) days prior to the expiration of the existing and valid license.

(c) Selection of applicants; granting of licenses. The Board's authorized representative shall review applications for solid waste licenses and license renewals, and shall issue licenses and renewals to applicants meeting the requirements of this article.

(d) Investigation of solid waste collectors prior to license issuance. Before issuing a license pursuant to this article, the Board's authorized representative may inspect the facilities, equipment and solid waste collection vehicles the applicant plans to use in the solid waste collection business.

1. The Board's authorized representative shall issue the applicant a license when the Board's authorized representative determines that the application is complete and the applicant is in compliance with this article.
2. When a license is issued to a solid waste collector, the solid waste collector shall affix a sticker indicating that the solid waste collector has a valid license to all of its solid waste collection vehicles that are to be operated in the county. The Board's authorized

representative shall issue stickers to the solid waste collector at the time the license is issued. Licensees may obtain additional stickers from the Board's authorized representative.

3. If the Board's authorized representative denies an applicant a license, the applicant may request a hearing before the Board by giving written notice of appeal to the county manager within (5) five working days of receipt of the Board's authorized representative's decision denying the license. After a hearing on the appeal, the Board shall either affirm the denial or direct the Board's authorized representative to issue the license.

(e) Revocation. When the Board's authorized representative finds that a licensee has violated this article or the conditions of the license, the licensee shall receive written notice of the violation and be informed that if another violation occurs within (30) thirty-working days, or in the case of continuing violation if it is not corrected within (10) ten-working days, the license will be revoked. If another violation occurs within the (30) thirty-working day period, or if the continuing violation is not corrected within (10) ten-working days, the Board's authorized representative shall give the licensee written notice that the license is revoked. Upon receipt of the revocation, the licensee shall cease collecting, transporting or disposing of solid wastes in any area of the county immediately. The Board's authorized representative may reinstate a revoked license after the revocation has been in effect for (30) thirty working days if the Board's authorized representative finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board by giving written notice of the appeal to the Board's authorized representative within (5) five working days of receiving notice of revocation from the Board's authorized representative. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Board's authorized representative to reinstate the license.

### **Sec. 11-107. License fee.**

The licensee shall pay to the county or its authorized representative, the sum set by the designated representative, not to exceed fifty dollars (\$50.00), for the issuance of the license, and the sum of one dollar (\$1.00) for each sticker to be affixed to each solid waste collection vehicle.

### **Sec. 11-108. Non-transferability of licenses.**

Solid waste licenses are non-transferable and non-assignable.

### **Sec. 11-109. Responsibilities of licensee.**

(a) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article.

(b) The licensee shall dispose of all solid waste generated within any area of the county at the Facility or the Transfer Stations.

(c) A licensee shall submit an annual report to the Board's authorized representative containing the following information:

1. A list of the collection vehicles the licensee used in the county during the reporting year;
2. The total amount of solid waste collected in the county and the locations where the solid waste was disposed of during the reporting year;
3. A certification that all solid waste the license collected in the county was disposed of at the Facility or the Transfer Stations; and
4. Any other information the Board's authorized representative may reasonably request.

**Sec. 11-110. Enforcement.**

(a) *Penalty.* Any person who is found in violation of this article shall be subject to a civil penalty of not to exceed \$500.00 as provided in N.C.G.S. § 153-123. Each day's violation shall be treated as a separate offense.

(b) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with N.C.G.S. § 153A-123.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III. This ordinance is effective upon its adoption.

ADOPTED this 20<sup>th</sup> day of July, 2009.

---

J. Owen Etheridge, Chairman

ATTEST:

---

Gwen H. Keene  
Clerk to the Board

APPROVED AS TO FORM:

---

Donald I. McRee, Jr.  
County Attorney

Date adopted: \_\_\_\_\_

Motion to adopt by Commissioner \_\_\_\_\_

Second by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

**Designation of Voting Delegate  
to NCACC Annual Conference**

I, \_\_\_\_\_, hereby certify that I am the duly designated voting delegate for \_\_\_\_\_ County at the 102nd Annual Conference of the North Carolina Association of County Commissioners to be held in Catawba County, N.C., on August 27-30, 2009.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

**Article VI, Section 2 of our Constitution provides:**

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year’s dues.”

Please return this form by: **Friday, August 7, 2009:**

**NCACC  
215 N. Dawson St.  
Raleigh, NC 27603  
Fax: 919-733-1065**



**Greater Albemarle Area Chapter**

copy: BOC  
Gwen -  
PLEASE  
PLACE ON  
BOC AGENDA

905 Halstead Blvd., Unit 3  
Elizabeth City, North Carolina 27909-6815  
Tel: (252) 335-2185  
Fax: (252) 335-4232  
Toll Free: (800) 737-9603  
E-mail: gaacarc@embarqmail.com  
www.gaacarc.org

March 10, 2009

Daniel F. Scanlon, II  
Currituck County Manager  
P.O. Box 39  
Currituck, NC 27929

Dear Mr. Scanlon:

The Greater Albemarle Area Chapter of the American Red Cross provides essential services to eight counties in northeastern North Carolina, including your own.

To ensure that our chapter continues to provide the services needed by our constituents, we wish to be sure that our Board of Directors fully and continually represents all of the counties in our service area. Accordingly, I am asking you to communicate this request to your Board of Commissioners and have them appoint a representative from your county for active membership on our Board.

In addition to providing input from your county, the appointee should be able and willing to fully participate as a member of the Board of Directors. This would include regular attendance at monthly meetings, participation in Board Committees, normal Board oversight of Chapter operations, and assisting in fundraising for the Chapter. Our Directors normally serve a three to six year term. Since we are asking each county to appoint a member at this time, we will stagger term lengths to provide future continuity of Board membership.

On behalf of the Greater Albemarle Area Red Cross Chapter, I thank you and your Board of Commissioners for consideration of this request. Please e-mail your appointee contact information to [brad.furr@albemarle.ncemcs.com](mailto:brad.furr@albemarle.ncemcs.com). If possible, we would like your appointee to plan to attend the April 20<sup>th</sup> meeting. The meetings are typically held in Elizabeth City. We will provide more details as the meeting date approaches.

If you have any questions, please call me at 252-426- 5735.

Sincerely,

Bradley V. Furr  
Board of Directors Governance Committee Chair



A United Way  
Participating Agency

Serving:  
Camden, Chowan, Currituck, Dare, Gates  
Hertford, Pasquotank, and Perquimans Counties



**NORTHEASTERN WORKFORCE DEVELOPMENT BOARD**  
*Sound Workforce Solutions*

COPY: BOC  
OWEN -  
PLEASE  
PLACE ON  
BOC AGENDA

Serving Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington Counties

WENDY JEWETT, DIRECTOR  
wjewett@albemarlecommission.org

June 29, 2009

Mr. Daniel F. Scanlon II  
Currituck County Manager  
Post Office Box 39  
Currituck, NC 27929-0039

Dear Mr. Scanlon:

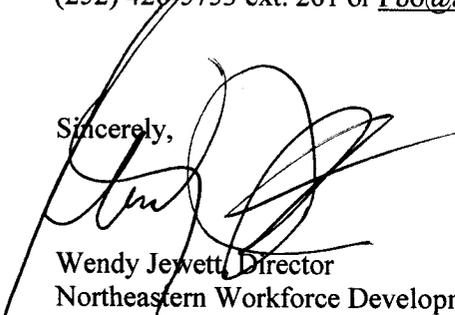
The purpose of this correspondence is to inform you that Currituck County has one appointment to the Northeastern Workforce Development Board due to the resignation of Mr. William Midgett in May of 2009.

It is my understanding that Ms. Wanda Beasley of BJ's Carolina Café, would like to be appointed to serve on the Northeastern Workforce Development Board. Therefore, The Membership Committee respectfully requests the Currituck County Commissioners appoint Ms. Beasley to serve on the Board as a private sector representative for the remainder of Mr. Midgett's term ending 6/30/10. Please send the letter of appointment to:

Patricia Bo, Administrative Assistant  
Albemarle Commission  
P.O. Box 646  
Hertford, NC 27944

Thank you for your time and consideration. Should you have any questions, please call Patricia Bo at (252) 426-5753 ext. 261 or [Pbo@albemarlecommission.org](mailto:Pbo@albemarlecommission.org).

Sincerely,

  
Wendy Jewett, Director  
Northeastern Workforce Development Board

Cc: Keith Renner

512 SOUTH CHURCH STREET  
POST OFFICE BOX 646  
HERTFORD, NC 27944



PHONE 252.426.5753  
FAX 252.426.8482  
WEBSITE: [www.nwdb.org](http://www.nwdb.org)

RELAY NUMBERS FOR THE HEARING IMPAIRED: DIAL 711 OR 1-800-735-8262 (VOICE)  
AN EQUAL OPPORTUNITY EMPLOYER / PROGRAM

SENIOR CITIZEN ADVISORY BOARD  
3 Year Terms

<b>Incumbent</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
Shirley Falls	District 1				2nd 1/11/2012
Jo Stepp	District 2				1st 7/12/2009
William Freethy	District 3				2nd 1/14/2010
<b>Audrey Simmons*</b>	District 4				2nd 4/12/2009
Rosalie Rose	District 5				1st 1/1/2011
Martha Burns	At-Large			6/15/2009	1st 1/19/2011
Gerri Andrews	At-Large			6/15/2009	1st 4/15/2011
Peggy Stewart					Unexpired Term 10/11/2009
Grace Yingling					1st 7/12/2009

**\* COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT**



**APPLICATION FOR ADVISORY BOARDS & COMMITTEES**

Date: 7-9-09

Name: Joanne M. DiBello

Address: 124 Sound Shore Drive  
Currituck NC 27929

Phone: 232-2550

Board(s) or Committee(s) on which you would like to serve:

Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board

- Library Board
- Nursing Home Advisory Committee
- Planning Board
- Senior Citizens Advisory Board
- Social Services Board
- Recreation Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

I volunteer as a nurse at the Senior Center on Thursdays.  
As a senior in this community I am very  
interested in services and opportunities available -  
be it social, medical, transportation needs to name

Please return to: County Manager's Office  
P.O. Box 39  
Currituck, NC 27929

a few. More importantly,  
I would like to be able to  
give back to the community that  
I live in. Thank You for this  
opportunity.

LIBRARY BOARD OF TRUSTEES  
4 Year Terms

<b>Incumbent</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
Stephanie Miller	District 1			5/18/2009 (2 Yr)	2nd 6/30/2011
Dr. Norman Dahm	District 2			5/18/2009 (2 Yr)	2nd 6/30/2011
<b>Ramona Humphries **</b>	<b>District 3</b>			<b>(3 Yr)</b>	<b>2nd 6/30/2009</b>
<b>Marita Powell*</b>	<b>District 4</b>			<b>(3 Yr)</b>	<b>1st 6/30/2009</b>
Lisa Rose	<b>District 5</b>			6/15/2009 (1 Yr)	1st 6/30/2010
George Gregory	At-Large			5/18/2009 (1 Yr)	1st 6/30/2010
Rhonda Cheek	At-Large				2nd 6/30/2010
Marion Thorn					2nd 6/30/2012
Dr. Alison Boone-Heyder					1st 6/30/2012

\* COMPLETING FIRST TERM - ELIGIBLE FOR REAPPOINTMENT

\*\* COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT

**NORTH CAROLINA  
CURRITUCK COUNTY**

**LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT**, to be effective as of the <sup>13<sup>TH</sup></sup> day of July, 2009, by and between **COUNTY OF CURRITUCK, NORTH CAROLINA**, a body corporate and politic existing pursuant to the laws of the State of North Carolina hereinafter "Licensor", and **CURRITUCK UTILITIES, LLC**, a limited liability corporation existing pursuant to the laws of the Commonwealth of Virginia, hereinafter "Licensee";

**WITNESSETH:**

WHEREAS, Licensor is the owner of a certain tract of land located in Poplar Branch Township, Currituck County, North Carolina, the same being the land conveyed to Licensor by deed recorded in Book 309, Page 184 and Book 351, Page 529 of the Currituck County Registry; and

WHEREAS, Licensee desires permission to use a certain tract of land from Licensee for the construction and location of a temporary wastewater collection pipe across Licensor's property.

NOW, THEREFORE, the parties do mutually undertake, promise and agree as follows:

**ARTICLE I**

**PREMISES, PRIVILEGES, USES, RIGHTS, ACTIVITIES, EXCLUSIONS,  
AND CONDITIONS OF LICENSE**

For and in consideration of the terms, conditions and covenants of this License to be performed by Licensee, all of which Licensee accepts, Licensor hereby grants to Licensee the right to use the premises hereinafter set out and assumes the responsibilities herein described for the construction, installation, operation and maintenance of a 2 inch PVC SCH-40 Pressure Line Sewer Lateral.

- A. **DESCRIPTION OF PREMISES.** The premises ("Premises") subject to this License Agreement are described as follows:

Being a portion of that certain lot or parcel of land situated in Poplar Branch Township, Currituck County, North Carolina described in that deed recorded in Book 309, Page 184 of the Public Registry of Currituck County and more particularly described as "Proposed 1,122 L.F. 2" PVC SCH-40 Pressure Line Sewer Lateral Buried 30 Inches (Typ)" located from the southwest intersection of Corolla Village Road (60' ROW) with Licensor's property line and extending to "Existing Septic Tank" as shown on that plan entitled in part "Utility Plan, Twiddy Family Partnership, LLC, Pressure Line Sewer Lateral" prepared by Coastal Engineering & Surveying, Inc., dated June 18, 2009 incorporated herein by reference.

- B. **CONDITION OF GRANTING LICENSE.** The granting of this License, its acceptance by Licensee, the obligations of the Licensor hereunder and the rights of Licensee are conditioned upon the following:

- (1) Use of the Premises by Licensee, its agents, employees, contractors or assigns, shall be limited to the construction, installation, operation and maintenance of a 2 inch PVC SCH-40 Pressure Line Sewer Lateral. It is understood between Licensor and Licensee that Licensee, its agents,

*Rh*

employees, contractors or assigns shall to the extent as is reasonably possible return the Premises to its grade and condition prior to Licensee's use of the Premises.

- (2) Licensee shall require in any contract awarded for construction and installation of the PVC SCH-40 Pressure Line Sewer Lateral that the contractor include Licensor as an additional named insured on any insurance policies required of the contractor by Licensee.

## ARTICLE II

### OBLIGATIONS OF LICENSOR

- A. **AUTHORITY TO LICENSE.** Licensor covenants that at the time of granting and delivery of this License, the Licensor has full right and authority to license the use of the Premises in accordance herewith.

Licensor warrants to Licensee peaceful possession and quiet enjoyment of the Premises during the term hereof, upon Licensee's performance of its covenants herein.

- B. **CONDITION OF PREMISES.** Licensor provides the Premises, and the same are accepted by Licensee in its "as is" condition. Licensor warrants that Licensor, nor, to the best knowledge of the Licensor any other person or entity, has not placed on or under the Premises any waste constituents deemed hazardous waste under federal or state law or has received any notice of the happening of any event involving the misuse, spill, discharge or cleanup of any waste constituents on the Premises deemed hazardous waste under federal or state law.

## ARTICLE III

### OBLIGATIONS OF LICENSEE

- A. **MAINTENANCE.** Licensee accepts the Premises in their existing ("as is") condition.
- B. **AUTHORITY TO LICENSE PREMISES.** Licensee covenants that it has authority to enter into this agreement and to fulfill the terms and conditions contained in this agreement.
- C. **PERMITS.** Licensee covenants that it shall have received all regulatory permits required for use of the Premises for the construction, installation, operation and maintenance of a 2 inch PVC SCH-40 Pressure Line Sewer Lateral and disposal of wastewater into the "Existing Septic Tank" to which the 2 inch PVC SCH-40 Pressure Line Sewer Lateral will be connected on the Premises.

## ARTICLE IV

### TERM OF LICENSE

The term of this License shall be from the date first above written to and including December 31, 2009. Upon expiration of this License the Licensee shall disconnect or cause to be disconnected the 2 inch PVC SCH-40 Pressure Line Sewer Lateral constructed by Licensee under the terms of this License.

## ARTICLE V

### INDEMNIFICATION

Licensee shall, in the exercise or enjoyment of the privileges herein granted, indemnify and save harmless the Licensor from any and all losses that may proximately result to the Licensor because of any negligence on the part of the Licensee, and shall indemnify Licensor, its officers, directors and agents against any and all mechanic's and materialmen's liens or any other types of liens sought to be imposed

upon the Premises. Licensee has no right or authority to do anything on the Premises which could result in a lien being filed.

ARTICLE VI

TERMINATION, CANCELLATION, AND ASSIGNMENT

- A. **TERMINATION.** This License shall expire at the end of the full term hereof, and Licensee shall have no further right or interest in any of the Premises subsequent thereto.
- B. **CANCELLATION BY LICENSEE.** This License shall be subject to cancellation by Licensee upon the occurrence of one or more of the following events:
1. The lawful assumption by the United States Government, or any authorized agency thereof, of the Premises or any substantial part or parts thereof, in such a manner as substantially to restrict Licensee for a period of at least ninety (90) days from operating thereon.
  2. Issuance by any court of competent jurisdiction of any injunction in any way preventing or restraining the use of the Premises, and the remaining in force of such injunction for a period of at least ninety (90) days.
  3. The default by Licensor in the performance of any covenant or agreement herein required to be performed by Licensor and the failure of Licensor to remedy such default for a period of sixty (60) days after receipt from Licensee of written notice by registered mail to remedy the same, unless such remedy requires in excess of said period to complete, in which event, the remedy must commence within sixty days and must reasonably continue thereafter.

Licensee may exercise such right of termination by written notice delivered by registered mail to Licensor at any time after the lapse of the applicable periods of time, and this lease shall terminate as of that date.

- C. **CANCELLATION BY LICENSOR.** This License shall be subject to cancellation by Licensor in the event that Licensee shall:
1. File a voluntary petition in bankruptcy; or
  2. Make a general assignment for the benefit of creditors; or
  3. Have a Receiver appointed for it by a court of competent jurisdiction; or
  4. Abandon or vacate the Premises; or
  5. Fail to perform any of the other covenants and/or conditions required herein to be kept and performed by Licensee and the lack of cure thereof for a period of thirty (30) days after receipt of written notice from Licensor of said failure.

In any of aforesaid events, Licensor may take immediate possession of the Premises and remove Licensee's effects, or the effects of Licensee's agents, employees, contractors or assigns without being deemed guilty of trespass. Upon written notice of termination provided by Licensor in accordance herewith or upon vacation by Licensee and re-entry by Licensor, this License shall terminate. Any fees due Licensor hereunder shall be payable to said date of termination or to said date of vacation of the Premises and re-entry by Licensor, whichever event occurs later in time.

Failure of Licensor to declare this License terminated upon the breach by Licensee for any of the reasons set out shall not operate as a waiver of Licensor's right to declare this License terminated by reason of such breach or any subsequent violation of the terms of this License.

- D. ASSIGNMENT AND TRANSFER. Licensee shall not at any time during the term of this License, directly or indirectly, assign, hypothecate or transfer its interest in this agreement or any interest therein, nor shall Licensee sublease all or any part of the Premises without the consent of the Licensor.

ARTICLE VII

GENERAL PROVISIONS

- A. ATTORNEY'S FEES. In any action brought by either party hereto for the enforcement of the obligation(s) of the other, the nonprevailing party shall bear the cost of its attorney's fees for itself and the prevailing party.
- B. BINDING EFFECT AND COMPLETE TERMS. The terms, covenants, conditions and agreements herein contained shall be binding upon and enure to the benefit of and shall be enforceable by Licensor and Licensee and by their respective successors and assigns. All negotiations and agreements of Licensor and Licensee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Licensor and Licensee.
- C. CONSTRUCTION OF LICENSE. This License shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.
- D. EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY. The Premises are licensed subject to all easements, restrictions and rights of way legally affecting the Premises.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date first above written.

COUNTY OF CURRITUCK:

ATTEST:

Clerk to the Board of Commissioners

\_\_\_\_\_(SEAL)  
Daniel F. Scanlon, II  
County Manager

(COUNTY SEAL)

CURRITUCK UTILITIES, LLC:

By: Richard C. Linn

Its: Managing Partner

**RESOLUTION DECLARING CERTAIN REAL PROPERTY SURPLUS AND  
AUTHORIZING SALE BY UPSET BID PURSUANT TO N.C. GEN. STAT.  
SECTION 160A-269**

WHEREAS, the County of Currituck owns certain property located at 112 Milburn Sawyer Road and 323 N. Spot Road, Powells Point, N.C., with a residential structure located on each parcel; and

WHEREAS, North Carolina General Statute 160A-269 permits a county to solicit an offer to purchase property and advertise it for upset bids; and

WHEREAS, the Property is not used by the County and is deemed surplus; and

WHEREAS, the Board of Commissioners for Currituck County has determined that as surplus property, the Property should be sold through an upset bid process and that the County should solicit an offer to purchase the Property in an amount not less than \$69,090.00 for the residential structure located at 112 Milburn Sawyer Road and \$87,992.00 for the residential structure located at 323 N. Spot Road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that:

1. The Property is declared surplus and the County of Currituck shall solicit an offer to purchase the residential structure at 112 Milburn Sawyer Road in an amount not less than \$69,090.00 and the residential structure at 323 N. Spot Road in an amount not less than \$87,992.00, which offers shall be subject to the upset bid procedure set forth in N.C. Gen. Stat. Section 160A-269.
2. The Clerk to the Board of Commissioners shall cause publication of a notice of the solicitation of an offer to purchase each residential structure, subject to the upset bid procedure. The notice shall describe each residential structure and the amount of the offer solicited, and shall state the terms under which the offer may be upset.
3. Persons wishing to submit an offer to purchase the residential structures shall submit an offer in an amount not less than \$69,090.00 for the structure located at 112 Milburn Sawyer Road and \$87,992.00 for the structure located at 323 N. Spot Road with each offer accompanied by a deposit made in cash, cashier's check or certified check in the amount of five percent (5%) of the offer to purchase.
4. Upon receipt of an offer to purchase one of the residential structures and deposit, the Clerk to the Board of Commissioners shall cause publication of a notice of the offer to purchase. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids, if any, and the highest such bid will

become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

5. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.

6. A qualifying higher bid is one that raises the existing offer by not less than 10 percent (10%) of the first \$1,000 of that offer and 5 percent (5%) of the remainder of that offer.

7. A qualifying higher bid must also be accompanied by a deposit in the amount of 5 percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return without interest the deposit on any bid not accepted, and will return without interest the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder without interest at closing

8. The terms of the final sale are that the buyer must pay for purchase the residential structure with cash, cashier's check or certified check at the time of closing and that each residential structure is sold AS IS and must be removed from the sites by the final high bidder.

9. The County reserves the right to withdraw one or both residential structures from sale at any time and the right to reject any and all offers at any time.

10. This resolution is effective upon its adoption.

ADOPTED the 20<sup>th</sup> day of July, 2009.

---

J. Owen Etheridge, Chairman  
Currituck County Board of Commissioners

ATTEST:

---

Clerk to the Board of Commissioners

# Change Order

The Design Collaborative, Architects

## Moyock Public Library

Campus Drive  
Moyock, North Carolina

**07-005**

Construction

Contract For  
Contract Date

Notice to Proceed Date

September 2, 2008

Date **July 11, 2009**

# CHANGE ORDER

**CO-004**

Item 1

To **McKenzie Construction Corporation**

400 S. Road Street, Suite B-1  
Elizabeth City, NC 27909

The Contract is changed as follows:

<u>Item 1</u>	COP#15 – June 9, 2009 – Add Sump Pump Control Panel Circuits	\$2,627.00	0 days
<u>Item 2</u>	COP#16 – June 23, 2009 – Heritage Room Flooring, Wood Base, Faucet and Cabinet Changes	\$5,956.00	0 days
<u>Item 3</u>	COP#17—July 8, 2009 – Provide Temporary Generator	\$9,208.00	0 days

TOTAL THIS CHANGE ORDER..... **\$17,791.00** 0 days

**Not valid until signed by the Owner, Architect and Contractor**

Original Contract Sum.....	\$1,588,509.00
Net change by previously authorized Change Orders.....	\$98,934.00
Contract Sum prior to this Change Order.....	\$1,687,443.00
Contract Sum will be increased by this Change Order by.....	\$17,791.00
The new Contract Sum including this Change Order will be.....	\$1,705,234.00

The date of Substantial Completion prior to this Change Order.....  
 The Contract Time will be unchanged by this Change Order by.....  
 The new date of Substantial Completion including this Change Order will be..... **Zero (0) days**  
**September 2, 2009**

NOTE: This summary does not reflect changes in the Contract Sum or Contract Time that have been authorized by Construction Change Directive.

### The Design Collaborative

230 North Lynnhaven Road  
Virginia Beach VA 23452-0917

### McKenzie Construction Corporation

400 S. Road Street, Suite B-1  
Elizabeth City, NC 27909

### Currituck County

P O Box 39  
Currituck, NC 27929

ARCHITECT

Signature

Edward G. Lazarou, AIA

Printed Name

Architect

Title

July 10, 2009

Date

CONTRACTOR

Signature

Printed Name

Title

Date

OWNER

Signature

Printed Name

Title

Date

CURRITUCK COUNTY  
NORTH CAROLINA  
July 6, 2009

The Board of Commissioners met at 6:00 p.m. to review the Mainland Water System Growth Plan.

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 Etheridge, Commissioners O'Neal, Aydlett, Rorer, Nelms, and Gregory.

### **Invocation and Pledge of Allegiance**

The Reverend Tom Oliver, Poplar Branch Baptist Church, was present to give the invocation.

### **Approval of Agenda**

Chairman Etheridge moved to amend the agenda by deleting Item 8; add 12a, appointment to Economic Development Board; add to consent agenda budget amendment and job descriptions for 4-H Cultural Center. Commissioner O'Neal 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            **Presentation on the 2010 Census**

Item 4            **Public Hearing and Action** PB 87-56 Monterey Shores, Commercial Parcel 6: Preliminary Plat/Special Use Permit for a one lot commercial subdivision within an existing Planned Unit Development located at the intersection of Malia Drive and Caroline Court, Tax Map 116, Parcel 10 (Open Space), Poplar Branch Township.

Item 5            **Public Hearing and Action** PB 09-20 South Ridge Variance: Variance request from Currituck County Unified Development Ordinance section, Chapter 8, Parking and Driveways, to allow on street parking. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Item 6            **Public Hearing and Action** PB 07-10 South Ridge: Preliminary Plat/Special Use Permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated site located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Item 7            **Discussion of Ordinance** amending the Wild Horse Ordinance to prohibit coming within 50 feet of a Wild Horse

- Item 8            **Consideration and approval** Towing Ordinance
- Item 9            **Appointment to Airport Advisory Board**
- Item 10          **Appointment to Library Board of Trustees**
- Item 11          **Appointment to Senior Citizen Advisory Board**
- Item 12          **Appointments to Game Commission**
- Item 13          **Consent Agenda:**
  - 1. Resolution Surplus Property
  - 2. Moyock Welcome Center - Change Order #1 - RPC Contracting, Inc.
  - 3. Mainland Water System - Change Order #1 - 12" Water Line Improvements - Sanford Contractors, Inc.
  - 4. Approval of June 15, 2009, Minutes
- Item 14          Commissioner's Report
- Item 15          County Manager's Report
- Item 16          **Closed Session:**
  - 1. According to 143-318.11(5) to discuss acquisition of real property, Waterside Villages

Adjourn

**Public Comment**

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

Chairman Etheridge opened the public comment period.

Terry King, Knotts Island, commented on the Volunteer Fire Department contracts and that Fire Departments are independent state incorporated businesses that contract with the county.

Maureen O'Shea, President of LCVFD, reviewed what ISO rating was and that her department will meet on July 16 to vote on signing the fire contract.

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

**Presentation on the 2010 Census**

Akilah Ensley, reviewed the importance of Census data. The US Constitution requires a national census once every 10 years.

The Board thanked Ms. Ensley for her presentation.

**Public Hearing and Action PB 87-56 Monterey Shores, Commercial Parcel 6: Preliminary Plat/Special Use Permit**

for a one lot commercial subdivision within an existing Planned Unit Development located at the intersection of Malia Drive and Caroline Court, Tax Map 116, Parcel 10 (Open Space), Poplar Branch Township.

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB 87-56 Monterey Shores, Preliminary Plat/Special Use Permit, for a 1 lot commercial subdivision within an existing Planned Unit Development.

**LOCATION:** At the intersection of Malia Dr. and Caroline Ct.

**TAX ID:** Tax Map 116, Parcel 10 (Open Space)

**ZONING** PUD Overlay - General Business

**PRESENT USE:** Vacant

**OWNERS:** Robert R. Degabrielle  
6400 SW Gator Trl.  
Palm City, FL 34990

**ENGINEER:** Coastal Engineering and Surveying Inc.  
P.O. Box 1129  
W. Kitty Hawk Rd.  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Open Space	RO1
<b>SOUTH</b>	Open Space	RO1
<b>EAST:</b>	Future Corolla Worship Center Site - Tim Buck II	RO1 / GB
<b>WEST:</b>	Open Space	RO1

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as a **Conservation Area** within the **Corolla** subarea.

**SIZE OF SITE:** Proposed Parcel 6 - 1.030 acres plus .1 acres for an access road.

**NUMBER OF UNITS:** N/A

**PROJECT DENSITY:** N/A (no proposed development at this time), An additional SUP will be required for any future development and this SUP is for the subdivision only.

**STREETS:** There are no streets proposed. Access road construction details will be required at the time of development.

**UTILITIES:** Carolina Water Service, Inc. will accommodate the water and sanitary sewer needs of the proposed parcel

**OPEN SPACE:** Residual Open Space for Monterey Shores PUD  
131.502 acres or 36.98%

**I. NARRATIVE OF REQUEST:**

- The applicant is seeking preliminary plat/SUP approval for a single lot commercial subdivision within Monterey Shores planned unit development. This subdivision will require the construction of a new access road at the time of development. The property is located west of the Corolla Worship Center Site and the access road will begin at the intersection of Malia Dr. and Caroline Ct.
- In September of 2008 the TRC reviewed the preliminary plat and recommended approval. The application could not move forward at that time due to failure to obtain wastewater authorization from Carolina Water Service. Wastewater authorization has since been received and the developer wishes to proceed.
- The Army Corp of Engineers has indicated the site is free of any 404 wetlands.
- The Division of Water Quality has approved a reduction in the available green area for the PUD and the reconfiguration is shown on the Waste Water Treatment Plant Green Space Map GS-1 prepared by Robert G. Burgin, Jr., Inc.

**II. UNRESOLVED TRC COMMENTS:**

- Since the project was previously approved by the TRC, the new application has been reviewed by the core review team (CRT), and all have recommended approval for the subdivision only. Subsequent review will be required at the time of development in association with a new special use permit.

**III. QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP 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 the SUP, 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. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S"

**Suggested Findings:**

- a. The proposed use is permissible with a Special Use Permit

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

**Suggested Findings:**

- a. The conditions proposed meet the minimum requirements of this ordinance.

4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:

**Suggested Findings:**

- a. The proposed subdivision should have little to no impact on public health or safety. Adequate water and sewer infrastructure has been proposed.

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

**Suggested Findings:**

- a. The subdivision is proposed within a General Business area of an existing PUD and is allowed by the UDO with a special use permit.  
b. The parcel is currently within an existing Planned Unit Development with and should be in harmony with the surrounding area.

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

**Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Conservation area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:  
i. Policy ES2 states "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 groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina. The proposed subdivision does not contain any wetlands.  
ii. Policy OB1 states "Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks" The proposed subdivision has been designed with adequate water and sewer extensions.

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).

**Suggested Findings:**

- a. The county should have adequate public facilities to service this subdivision.

**IV. STAFF RECOMMENDATION**

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this plat/SUP with the following suggestions.

- Given that the property is located in a conservation area, staff recommends implementation of low impact development (LID) techniques for any development on the lot.

**V. PLANNING BOARD RECOMMENDATION**

Ms. Robbins motioned to **recommend approval** with staff recommendations and the following condition:

- An inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development.

Ms. Wilson seconded the motion. Motion carried unanimously.

**PLANNING BOARD DISCUSSION (June 9, 2009)**

Mr. Kovacs asked if the land is vegetative.

Mr. Gomez stated it has trees, but mostly overgrown.

Mr. Kovacs asked if there are any wetlands on the property.

Mr. Gomez stated no.

Mr. Kovacs stated he would like to see as many trees preserved as possible.

Mr. Woody stated an inventory of the trees could be done before the site is cleared.

**ACTION**

Ms. Robbins motioned to recommend approval with staff recommendations and a inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development. Ms. Wilson seconded the motion. Motion carried unanimously.

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

Commissioner Aydlett moved to approve with findings of fact, staff and Planning Board recommendations. Commissioner O'Neal seconded the motion. Motion carried.

**Public Hearing and Action PB 09-20 South Ridge Variance: Variance request from Currituck County Unified Development Ordinance section, Chapter 8, Parking and Driveways, to allow on street parking. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.**

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB 09-20 South Ridge, Planned Unit Development, variance request to allow on-street, parallel parking.

**LOCATION:** 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

**TAX ID:** 0015-000-0083-0000

**ZONING**

**DISTRICT:** Residential (R) with Planned Unit Development Overlay.  
Residential (PUD Overlay): 68.67 acres  
LBH (PUD Overlay): 5.67 acres\*  
\*Rezoning/Sketch Plan approved December 3, 2007

**PRESENT USE:** Farmland

**OWNERS:** William B. Plitt and Linda P. Yendall  
5621 North 9<sup>th</sup> Road  
Arlington, VA 22205

**APPLICANT:** Chip Friedman  
3500 Virginia Beach Boulevard, Suite 528  
Virginia Beach, VA 23452

**ENGINEER:** Bissell Professional Group  
3512 North Croatan Highway  
PO Box 1068  
Kitty Hawk, NC 27949

**NARRATIVE:**

Chip Friedman has requested a variance from the Unified Development Ordinance (UDO) to allow on-street parking within a planned unit development. The proposed on-street parking spaces are provided around the pocket park located in the rear of the development. Providing on-street parking instead of a parking lot would increase green space and reduce impervious areas.

**QUESTION(S) BEFORE THE BOARD:**

**Variance Criteria and Staff Findings:**

Section 4.3.6 of the UDO indicates a variance from the PUD overlay requirements may be granted by the Board of Commissioners if it finds the proposed change:

1. *Will not endanger the public health or safety;*

**Suggested Findings:**

- a. Public health and safety issues including stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this request.
- b. The on-street parking spaces will not restrict the vehicular movement of any street.

*2. Will not injure the value of adjoining or abutting property;*

**Suggested Finding:**

- a. The Unified Development Ordinance indicates that a planned unit development is allowed in the R base zoning district and PUD overlay with a special use permit.

*3. Will be in harmony with the area in which it is located;*

**Suggested Finding:**

- a. The proposed project is in keeping with the character of the surrounding area.

*4. Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board; and,*

**Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. The proposed use is in keeping with the policies of the plan, some of which are:

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

- a. 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 Services areas identified on the Future Land Use Map.
- b. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

*5. 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 2 years after the initial approval of the sketch plan.*

**Suggested Finding:**

- a. The county has adequate public facilities to service this subdivision.

In granting variance the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements so varied or modified.

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

Commissioner Taylor moved to grant the variance with findings of fact. Commissioner Nelms seconded the motion. Motion carried.

**Public Hearing and Action PB 07-10 South Ridge:  
Preliminary Plat/Special Use Permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated site located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

**ITEM:** PB 07-10 South Ridge, Planned Unit Development, Preliminary Plat/Special Use Permit, for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site.

**LOCATION:** 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

**TAX ID:** 0015-000-0083-0000

**ZONING**

**DISTRICT:** Residential (R) with Planned Unit Development Overlay.

Residential (PUD Overlay): 68.67 acres

LBH (PUD Overlay): 5.67 acres\*

\*Rezoning/Sketch Plan approved December 3, 2007

**PRESENT USE:** Farmland

**OWNERS:** William B. Plitt and Linda P. Yendall  
5621 North 9<sup>th</sup> Road  
Arlington, VA 22205

**APPLICANT:** Chip Friedman  
3500 Virginia Beach Boulevard, Suite 528  
Virginia Beach, VA 23452

**ENGINEER:** Bissell Professional Group  
3512 North Croatan Highway  
PO Box 1068

Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Farmland	A
<b>SOUTH:</b>	Farmland/Eagle Creek Subdivision	A
<b>EAST:</b>	Single Family Dwellings	A
<b>WEST:</b>	Farmland	A

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** subarea.

**SIZE OF SITE:** 74.23 acres

**NUMBER OF UNITS:** 120 single family dwelling lots and 26 patio home lots

**PROJECT DENSITY:** 1.967 units/ acre

**STREETS:** The curb and gutter street design will be built to NCDOT design and construction standards. The developer intends to offer the streets for public dedication.

**UTILITIES:** The development will be served by county water with an anticipated use of 52,560 gallons per day. The applicant is proposing a 60,000 gallon per day advanced treatment wastewater system utilizing the integrated fixed film activation sludge (IFAS) treatment process. The treated effluent will be pumped to an infiltration pond.

**OPEN SPACE:** The required open space for South Ridge is 35% (1,131,708 SF or 25.98 acres). The proposed development plan provides 23.72 acres of open space. In addition, the developer is requesting the surplus county dedication property to be incorporated into the required open space to meet the minimum open space dedication.

25.98 acres	Required Open Space (74.23 x 35%)
<u>23.72 acres</u>	Open Space Provided and Identified.
2.26 acres	Additional Open Space Required from County Dedication (Community Facilities) Reserve Balance.

**COMMUNITY**

**FACILITIES:** The required community facilities dedication for 146 lots in South Ridge is 1 acre/100 lots in excess of required open space. The developer is proposing 4.01 acres of community facilities dedication. Of the 4.01 acres, 2.26 acres is requested to be used as open space for the development. If accepted by the county, the 4.01 acre tract will be encumbered with open space restrictions on 2.26 acres as well as a 50 foot utility and access easement (approximately .28 acre).

4.01	acres	County Dedication
1.00	acre	Required Dedication for Community Facilities
<u>.28</u>	acre	Approximate area of easement
2.73	acres	County Dedication Reserve Balance

**III. NARRATIVE OF REQUEST:**

- The property was rezoned from Agricultural to Residential on December 4, 2006. The PUD overlay and sketch plan was approved by the Board of Commissioners on December 3, 2007.
- The developer, Chip Friedman, is seeking approval of South Ridge, PUD, preliminary plat. The proposed development will contain 120 single family lots, 26 patio home sites, a neighborhood commercial center, and 4.01 acre county dedication site (2.26 acres encumbered by open space restrictions and easement).
- The proposed development will be constructed in four phases:

Phase	Total Lots	Amenities
1A	35	Lake with loop trail, playground
1B	28	Walking trail
2	57	Playground, walking trail
3	26	Playground, walking trail, pond
4		Commercial area

**IV. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:**

**Planning**

- A. Please remove the note "Not a Part" from preliminary plat sheet 2, Neighborhood Commercial (5.56 Acre).
- B. Please remove the RV parking lot from the construction phasing plan noted on preliminary plat sheet 2.

**NCDOT**

- A. Approved with comments (see recommendation section).

**IV. QUESTION(S) BEFORE THE BOARD:**

**Special Use Permit Criteria and Staff Findings:**

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP 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 an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.
 

**Suggested Findings:**

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

**Suggested Findings:**

  - a. Chapters 3 and 10 of the UDO allow a planned unit development as a permissible use with a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

**Suggested Findings:**

a. The conditions proposed meet the minimum requirements of this ordinance.

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

**Suggested Findings:**

a. The proposed subdivision should have little to no impact on public health or safety.

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

**Suggested Findings:**

a. The Unified Development Ordinance indicates that a planned unit development is allowed in the R base zoning district and PUD overlay with a special use permit.

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

**Suggested Findings:**

a. The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. The proposed use is in keeping with the policies of the plan, some of which are:

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

a. 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 Services areas identified on the Future Land Use Map.

b. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

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).

**Suggested Findings:**

a. The county has adequate public facilities to service this subdivision.

**IV. STAFF RECOMMENDATION:**

The submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends conditional approval** of this plat/SUP subject to the findings of fact and the following conditions:

1. The plan shall meet and address all NCDOT traffic engineer comments and recommended changes.
2. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
3. The UDO does not address on-street parking and a PUD variance will be necessary for this improvement, or the segmented parking areas located around the pocket park may not back directly into the public street right-of-way.
4. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
5. General Note 13 indicates "variable width drainage easement reserved along all primary conveyance swales." Please clarify on the plan the actual width and location of the easement with the submittal of pre-construction plans and final plat. (Development Review Manual)
6. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
7. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
8. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
9. Provide phasing plan for commercial development. The commercial development is planned to be the last phase of development.
10. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
11. The applicant shall provide the following information regarding the waste water treatment system at pre-construction submission:
  - a. A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
  - b. State approval of the proposed system; and,
  - c. The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
12. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.

13. In accordance with the UDO, the applicant shall create a sewer district for the proposed development prior to final plat submission.
14. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
  - 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;
  - d. Inclusion of front porches, projecting bays, vestibules; and,
  - e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features with in the vernacular of the area.
15. In keeping with Policy WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
16. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
17. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
18. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
19. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
20. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
21. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
22. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
23. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
24. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).

**V. NCDOT TRAFFIC IMPACT ANALYSIS (TIA) REVIEW COMMENTS AND RECOMMENDATION (Received 6/8/2009):**

1. At the proposed residential entrance to the development, Gerald Boulevard lines up with the old alignment of Survey Road. Survey Road was realigned several years ago. This intersection is now a T-intersection. Gerald Boulevard must be designed to line up with the current configuration of Survey Road, not the old. Another alternative for this intersection would be a roundabout. The roundabout must be designed to accommodate school busses and any service type trucks for the school and residential uses. The roundabout design, if considered, must be submitted to the

- District and forwarded to the Division Traffic Engineer for further review. Design questions for the roundabout should be coordinated through Chad Edge.
2. The proposed right in right out configuration for Commercial Access Drive #2 is acceptable as well as the proposed median island on Survey Road to physically prohibit left turns. If a roundabout design is proposed as mentioned earlier, this median island should be an extension of the splitter island on this approach.
  3. At the proposed Commercial Drive #1, the right turn land proposed is acceptable as having 100 feet of full storage PLUS the appropriate deceleration and taper lengths as outlined in the NCDOT Driveway Manual. In addition, a left turn lane for northbound traffic should be constructed on Survey Road with a minimum of 75 feet of full storage PLUS the appropriate deceleration and taper lengths.
  4. At the signalized intersection of NC 168 and Survey Road, the proposed addition of a right turn lane with 100 feet of full storage is acceptable. The appropriate deceleration and taper length will need to be included as well. The addition of this lane may require the addition of guardrail on the southeast quadrant for the traffic signal pole. In addition, for NC168 southbound the right turn lane shall be lengthen to obtain 250 feet of full storage PLUS the appropriate deceleration and taper length.
  5. With regard to the internal streets, it is encouraged that interconnection between adjacent parcels and to the commercial areas be designed to minimize trips on NC 168 and Survey Road as well as provide alternative access points.
  6. Design details for the above improvements must be reviewed and approved. A signing and pavement marking plan will also be required to be submitted for review and approval.

**VI. PLANNING BOARD RECOMMENDATION:**

Ms. Newbern motioned to **recommend approval** of the preliminary plat/special use permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site with staff recommendations and the following conditions added by Mr. Kovacs:

1. consider putting in the maximum amount of aeration devices for the ponds;
2. 2 vehicle deep parking for the driveways;
3. consideration of the slope of ponds; and,
4. cluster mailboxes.

Mr. Clark seconded the motion. Ayes: Ms. Newbern, Mr. Bell, Mr. Clark, Ms. Robbins, Ms. Wilson, Mr. Kovacs, Mr. Midgette. Nays: Mr. West.

Chairman Etheridge opened the public hearing.

Mark Bissell, Engineer, was present to answer questions.

Woody Gere, expressed concerns with drainage and traffic.

Doris Flora, questioned the road right of way.

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

Commissioner Taylor moved to approve with findings of fact, NCDOT, Planning Board and staff recommendations and dedication to county of 1.75 acres of open space.

**Discussion of Ordinance amending the Wild Horse Ordinance to prohibit coming within 50 feet of a Wild Horse**

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner O'Neal moved to approve. Commissioner Aydlett seconded the motion. Motion carried.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO MAKE UNLAWFUL THE ACT OF INTENTIONALLY COMING WITHIN 50 FEET OF A WILD HORSE**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the possession or harboring of animals which are dangerous to person or property.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 3-31 of the Code of Ordinances to read as follows:

Sec. 3-31. Luring, enticing, seizing.

It shall be unlawful for any person to lure or entice a wild horse out of a wild horse sanctuary, or to seize and remove a wild horse from a wild horse sanctuary, except for the purpose of treatment under the care and supervision of a licensed veterinarian or to remove a shunned colt from a wild horse sanctuary when the shunned colt is certified by the animal control officer to be a nuisance or dangerous to persons or property. It shall further be unlawful for any person to lure, attract or entice a wild horse to come within 50 feet of any person or for any person, other than an animal control officer, law enforcement officer, wild horse sanctuary officer or veterinarian rendering treatment

to a wild horse, to intentionally come within 50 feet of a wild horse.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Consideration and approval Towing Ordinance**

deleted

**Appointment to Airport Advisory Board**

Commissioner Nelms moved to appoint Jerry Malesky.  
Commissioner Aydlett seconded the motion. Motion carried.

**Appointment to Library Board of Trustees**

tabled

**Appointment to Senior Citizen Advisory Board**

tabled

**Appointments to Game Commission**

Commissioner Gregory moved to reappoint Paul Bradley, Charles Eley and appoint Clay Cartwright and James Markert.  
Commissioner Taylor seconded the motion. Motion carried.

**Appointment to Economic Development Board**

Commissioner O'Neal moved to appoint Ken Edgar.  
Commissioner Aydlett seconded the motion. Motion carried.

**Consent Agenda:**

1. Resolution Surplus Property
2. Moyock Welcome Center - Change Order #1 - RPC Contracting, Inc.
3. Mainland Water System - Change Order #1 - 12" Water Line Improvements - Sanford Contractors, Inc.
4. Approval of June 15, 2009, Minutes
5. Budget Amendment and Job Descriptions for 4-H Cultural Center

Commissioner O'Neal moved to approve. Commissioner Taylor seconded the motion. Motion carried.

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held

on July 6, 2009, authorized the following, pursuant to GS 160A and 270(b), that the identified property described below, be disposed of at a public auction:

**Asset # 2553, 1992 Ford E350 Van, VIN: 1FBJS31H8NHA49092**

**WHEREAS, the aforesaid property is to be donated to the not-for-profit organization Animal Lovers Assistance League to for the sole purpose of facilitating the transportation of euthanized animals to the disposal location.**

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Commissioners of the County of Currituck, hereby agree to donate said vehicle to the Animal Lovers Assistance League in lieu of said vehicle going to public auction.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-502000	Salaries - Regular	\$ 64,225	
10796-503000	Salaries - Part time	\$ 22,606	
10796-505000	FICA	\$ 6,643	
10796-506000	Health Insurance	\$ 11,808	
10796-507000	Retirement	\$ 6,339	
10796-511000	Telephone & Postage	\$ 2,920	
10796-513000	Utilities	\$ 7,200	
10796-514000	Travel	\$ 2,000	
10796-516000	Repairs & Maintenance	\$ 6,500	
10796-531000	Fuel	\$ 4,800	
10796-532000	Supplies	\$ 7,766	
10796-590000	Capital Outlay	\$ 56,309	
10796-545000	Contract Services		\$ 199,116
		\$ 199,116	\$ 199,116

**Explanation:** 4H Cultural Life Center (10796) - To transfer funds for operations of the 4H Cultural Life Center and to approve one 4-H Cultural Life Center Director/4-H Program Assistant; one 4-H Cultural Life Center Manager and two part-time 4-H Cultural Life Center Park Attendants. The capital outlay is as follows:

Rodeo Booth	21,851
Announcers Booth	2,712
Timer & scoreboard	1,350
Dragmaster	8,000
Message Board	1,100
Schooling Ring	5,000
Stall fronts	8,796
Gator	7,500

\$	56,309
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**Net Budget Effect:** Operating Fund (10) - No change.

**Commissioner's Report**

Commissioner Gregory warned citizens of the dangers of rabies in county.

Commissioner Aydlett stated that paving of NC 615 is complete; skateboard park is open.

Commissioner Taylor requested staff to notify the railroad on server crossings that need repair.

Commissioner Nelms commended the Sheriff's Department on responding to a traffic accident.

Commissioner Rorer commended staff and volunteers for the July 4<sup>th</sup> celebration.

**County Manager's Report**

Dan Scanlon, County Manager, gave an update on the Mainland Water System.

**Closed Session:**

1. According to 143-318.11(5) to discuss acquisition of real property, Waterside Villages (3) to preserve the attorney-client privilege.

Commissioner Aydlett moved to go into closed session as stated above. Commissioner Rorer seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

**North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition**

**ROADWAY INFORMATION:** (Please Print/Type)

County: Currituck Road Name: New Colony Drive  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: New Colony Landing Length (miles): 0.3

Number of occupied homes having street frontage: 5 Located (miles): 0.8

miles N  S  E  W  of the intersection of Route 1222 and Route 1232.  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of New Colony Landing in Currituck County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: William Spruill Phone Number: 252-435-2122

Street Address: \_\_\_\_\_

Mailing Address: PO Box 146, Moyock, NC 27958

**PROPERTY OWNERS**

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
John W. Sarver	112 New Colony Drive	252-232-5153
Jason L. Clipston	104 New Colony Drive	252-435-6636
John A. Wall	105 New Colony Drive	252-435-6938
Raymond M. Dibiaso	109 New Colony Drive	252-435-6694
Gary D. McMahan	113 New Colony Drive	unlisted