

CURRITUCK COUNTY  
NORTH CAROLINA  
October 5, 2009

The Board met at 6:00 p.m. to discuss legislation requested by homeowners to withdraw public dedication of roads in Ocean Hill, I.

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, Rorer, Nelms, Aydlett, Gregory, and Taylor.

### **Approval of Agenda**

Commissioner O'Neal moved to amend the agenda and add a closed session to discuss personnel and consult with attorney on a contract. Commissioner Taylor 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 by Currituck 4-H Clubs**    Requesting Designation of October 9 as Countywide Green Day in Honor of the 100th Birthday of 4-H
- Item 4            **North Carolina Department of Transportation:**    Comprehensive Transportation Plan for Currituck County
- Item 5            **Public Hearing & Action on PB 06-34 Brady Landing Airpark:**  
Preliminary Plat/SUP for 13 lots located adjacent to the Currituck County Airport, Tax Map 52, Parcel 3E, Crawford Township.
- Item 6            **Public Hearing and Action on PB 09-26 Karen Pierce:**    Request to rezone 116 acres from residential to agricultural, approximately 1/4 mile from the intersection of Waterlily Road & Piney Island Road, tax map 112/112A, Poplar Branch Township
- Item 7            **Appointment to Fire & EMS Board to replace Ronald Powell**
- Item 8            **Approval of Draft ED Board Vision & Policy Actions**
- Item 9            **Consent Agenda:**
  - 1. Budget Amendments
  - 2. Sheriff's Office Request to Raise Fingerprinting Fees
  - 3. Request to destroy records in Planning Department
  - 4. Request to purchase Fire Apparatus for Lower Currituck & Corolla Fire & Rescue
  - 5. Approval of September 21, 2009 Minutes
- Item 10           Commissioner's Report
- Item 11           County Manager's Report

**Closed Session according to GS 143-318.11 (3)(6) to discuss personnel and contracts.**

Adjourn

Public Comment

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

Chairman Etheridge moved to open the public comment period. There being no comments, he closed the public comment period.

**Currituck 4-H Clubs Requesting Designation of October 9 as Countywide Green Day in Honor of the 100th Birthday of 4-H**

Jamie Hauser, requested the Board to designate October 9 as countywide wear green day.

Katie Jernigan, Dalton House and other 4-H members also made this request.

Commissioner O'Neal moved to adopt a resolution. Commissioner Aydlett seconded the motion. Motion carried.

**Resolution  
100<sup>th</sup> Birthday of 4-H**

WHEREAS, 2009 is the 100<sup>th</sup> birthday of 4-H; and

WHEREAS, in celebration of this big event the Seeking Success 4-H Club of Currituck County would like to designate Friday, October 9, 2009 as County Wide wear Green Day.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners support the efforts of the Currituck County 4-H Clubs to designate Friday, October 9, 2009 as wear green day.

**North Carolina Department of Transportation: Comprehensive Transportation Plan for Currituck County**

Kerry Morrow, Transportation Engineer, reviewed the transportation planning process updating the Comprehensive Transportation Plan.

Commissioner Gregory questioned if she could assist with getting the grass mowed on the roadways.

Gretchen Byrum, District Engineer, stated that the state budget has been cut for this contract.

Commissioner O'Neal requested her assistance with cleaning the ditch in Moyock in front of the Moyock Baptist Church. She stated to make that request to Jerry Jennings.

The Board thanked Ms. Morrow for her presentation.

**Public Hearing & Action on PB 06-34 Brady Landing Airpark: Preliminary Plat/SUP for 13 lots located adjacent to the Currituck County Airport, Tax Map 52, Parcel 3E, Crawford Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request. Sky Vista Road would be included in the road paving.

**ITEM:** PB 06-34 Brady Landing, Phase 2C, Preliminary Plat/Special Use Permit, for a 13 lot subdivision.

**LOCATION:** In Maple, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Crawford Township.

**TAX ID:** Tax Map 52, Parcel 3E

**ZONING DISTRICT:** Residential Airpark Development (RAD) Overlay

**PRESENT USE:** Vacant

**OWNERS:** Thomas W and Janet Brady  
Thomas S and Debra Brady  
261 Maple Road  
Maple NC 27956

**ENGINEER:** Hyman and Robey, PC  
PO Box 339  
Camden NC 27921

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Single Family Dwellings	A
<b>SOUTH:</b>	Airport	HM
<b>EAST:</b>	Single Family Dwellings	A/RAD
<b>WEST:</b>	Single Family Dwellings/ NCDOT Maint. Facility	A/RAD

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Full Service** within the **Barco-Coinjock-Airport** subarea.

**SMALL AREA PLAN**

**CLASSIFICATION:** The 2009 Maple-Barco Small Area Plan classifies the site as **Transitional**.

**SIZE OF SITE:** Total Development: 15.90 acres

**NUMBER OF UNITS:** 13 total residential lots

**PROJECT DENSITY:** 1.22 units/ acre

**STREETS:** The streets will be built to NCDOT design and construction standards.

**UTILITIES:** The development will be served by county water. The proposed water usage is 4,680 gpd. The applicant is proposing on-site wastewater systems for each lot.

**OPEN SPACE:** The UDO does not require this subdivisions to dedicate open space. The proposed preliminary plat indicates 8,402 sf as open space.

**I. NARRATIVE OF REQUEST:**

- The applicant is seeking preliminary plat/SUP approval for 13 lots within a proposed residential airpark subdivision.
- The sketch plan/SUP for this phase was administratively approved on July 27, 2009.
- The prior phases of this development contain 22 residential lots. Since the property for this phase of development was acquired after the original subdivision approval, it is being treated separately in regards to open space calculations, etc.

**II. 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 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. Chapter 10 of the UDO allows a major subdivision 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 residential airpark development is allowed in the RAD overlay zoning district with a special use permit.
- b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

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 Full Service within the Barco-Coinjock, Airport subarea and the proposed use is in keeping with the policies of the plan, some of which are:

- i. This area has many of the ingredients in place to become a significant community center for the mainland over the next 10 to 15 years.
- ii. The policy emphasis of this plan is for this subarea to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.
- iii. Policy ES1: New development shall be permitted to locate only in areas with suitable soil and where adequate infrastructure is available.
- iv. Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
- v. Policy HN8: To protect the county's tax base and to ensure the long-term viability of the county's neighborhoods and housing stock, the county will continue to enforce appropriate construction and site development standards for residential developments.

- b. The 2009 Maple-Barco Small Area Plan classifies this site as Transitional and the proposed use is in keeping with the policies of the plan, including:

- i. 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.

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.

**III. STAFF RECOMMENDATION:**

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this plat/SUP subject to the following conditions:

1. The preliminary plat dated July 22, 2009 shall be approved subject to the following:
  - a. A 20' setback is required along all rights-of-way in this subdivision. It appears there may be an encroachment on the lot titled N/F Victor Balance property. The plat calls out that the buildings will be moved if within the setback and this will have to be done prior to final plat approval.
2. Tap fees shall be due prior to final plat approval for each lot.
3. There shall not be an additional gate or incursion of any kind through the fence adjoining the airport.
4. County engineer/Soil and Water must approve the building pad elevations called out on the re-submitted plans.
5. County engineer must approve the drainage plans and narrative as called out on the re-submitted plans.

**PLANNING BOARD DISCUSSION**

Mr. Kovacs stated he thought the setback issue in Phase I had been resolved during Phase I.

Ms. White stated that this is being worked out with the developer.

Mr. Hyman stated this property was not owned by Mr. Brady during Phase I. Since they have created a road, Mr. Brady and Mr. Ballance have an agreement that the building will be removed prior to final plat approval.

Mr. Midgette asked Mr. Hyman to address some of the drainage concerns.

Mr. Hyman stated the construction drawings show that the drainage issue will be fixed in Phase I.

Mr. Kovacs asked if they are proposing any access to the runway.

Mr. Hyman stated no.

Mr. Clark stated the county engineer stated to provide sufficient data to assure the downstream conditions are sufficient. Mr. Clark asked when the drainage pipes are installed, where the water runoff will go.

Mr. Hyman stated the post development discharge will not exceed, but will not be equal to the predevelopment discharge as farmland. The drainage issue has been addressed on sheet nine of the construction plans.

**ACTION**

Mr. Kovacs motioned to recommend approval with staff recommendations of the preliminary plat/special use permit for 13 lots. Ms. Newbern seconded the motion. Motion carried unanimously.

Chairman Etheridge opened the public hearing.

Eddie Hyman, Engineer, reviewed the project and addressed drainage issues.

Commissioner Gregory questioned the shed owned by Mr. Balance that would have to be moved for the road.

Tom Brady, stated that the road would be re-aligned to prevent the moving of Mr. Balance's shed.

Mark Chryss, discussed the FAA funding for thru-the-fence operations.

Dan Scanlon, County Manager, stated that the FAA and DOT have approved this subdivision.

Commissioner Rorer questioned the fee for use of the airport.

John Snowden, Maple, stated that the drainage issue he was concerned with has not been addressed. Staff will meet with Mr. Snowden to review drainage.

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

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

**Public Hearing and Action on PB 09-26 Karen Pierce: Request to rezone 116 acres from residential to agricultural, approximately 1/4 mile from the intersection of Waterlily Road & Piney Island Road, tax map 112/112A, Poplar Branch Township**

Ben Woody, Planning Director, reviewed the request.

<b>TYPE OF REQUEST:</b>	To rezone 116 acres from Residential (R) to Agricultural (A)
<b>LOCATION:</b>	Approximately ¼ mile from the intersection of Waterlily Road and Piney Island Road.
<b>TAX ID:</b>	Tax Map 80, Parcels 112/112A, Poplar Branch Township
<b>OWNER:</b>	Mildred T. Quidley 5067 Caratoke Hwy. Coinjock, NC 27923
<b>AGENT/APPLICANT:</b>	Karen Pierce 5067 Caratoke Hwy. Coinjock, NC 27923
<b>CURRENT ZONING:</b>	Residential (R)
<b>PROPOSED ZONING:</b>	Agricultural (A)
<b>ZONING HISTORY:</b>	The property was zoned Residential (R) on April 2, 1989.

**SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Undeveloped	Residential
<b>SOUTH:</b>	Undeveloped	Residential
<b>EAST:</b>	Undeveloped/Sparse Residential	Residential
<b>WEST:</b>	Undeveloped	Residential

**EXISTING LAND USE:** Undeveloped/Agricultural

**PROPOSED LAND USE:** 5 acres Radio Communication Tower / 111 acres agricultural

**LAND USE PLAN CLASSIFICATION:**

The 2006 Land Use Plan classifies this site as **Conservation** within the **Poplar Branch Township**.

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas. The Conservation class should be applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Infrastructure and services, public or private, should not be provided in these areas as a catalyst that could stimulate development

The policy emphasis of the 2006 Land Use Plan is for developable areas of Aydlett, Waterlily and Churches Island to remain as low-density residential areas at 1 unit per acre. While services that satisfy direct public health, safety and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, no commercial development should be permitted in these areas.

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

**POLICY ES1:** New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available. For existing development located on poor soils, and where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.

**POLICY AG2:** Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.

**PUBLIC SERVICES  
AND UTILITIES:**

The Waterlily Volunteer Fire Department provides fire protection for this area. Public water is available directly adjacent to this site on Piney Island Road.

**TRANSPORTATION:**

The site is accessible by vehicle on Piney Island Road.

**FLOOD ZONE:**

The entire site is located in Flood Zone AE (5).

**WETLANDS:**

Approximately 86 acres of wetlands are located on the site. The remaining 30 acres consists of uplands.

**SOILS:**

The Currituck County Soils map indicates the property contains primarily non-suitable soils and limited amounts of marginal soils.

**STAFF  
RECOMMENDATION:**

Staff recommends approval of the request to rezone 116 acres from Residential (R) to Agricultural (A) for the following reasons:

1. The applicant's request to "down zone" from R to A effectively reduces the possible intensity of uses and density for the property making it more compatible with the conservation land use designation.
2. The proposed request is in general compliance with the Poplar Branch Sub-Area Policy Emphasis.

**PLANNING BOARD DISCUSSION**

No discussion.

**ACTION**

Ms. Newbern motioned to recommend approval with staff recommendations to rezone 116 acres from Residential (R) to Agricultural (A) according to the 2006 Land Use Plan. Ms. Wilson seconded the motion. Motion carried unanimously.

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

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

**Appointment to Fire & EMS Board to replace Ronald Powell**

Tabled

**Approval of Draft ED Board Vision & Policy Actions**

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

Commissioner Rorer thanked the ED Board for their efforts and significant work on this policy.

**Consent Agenda:**

1. Budget Amendments
2. Sheriff's Office Request to Raise Fingerprinting Fees
3. Request to destroy records in Planning Department
4. Request to purchase Fire Apparatus for Lower Currituck & Corolla Fire & Rescue
5. Approval of September 21, 2009 Minutes

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
55818-593006	Distribution Sys - Tulls Creek Booster	\$ 1,505	
55818-588003	Contingency - Distribution System		\$ 1,505
		\$ 1,505	\$ 1,505

**Explanation:** *Mainland Water Construction (55818)* - To transfer funds for ELJ, Inc. change order #1 for additional radio and antenna on the Currituck Tank for repeater. Original radio path was not viable.

**Net Budget Effect:** Mainland Water Construction Fund (55) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-540000	Workers Compensation	\$ 19,708	



**County Manager's Report**

Dan Scanlon, County Manager, commented on the meeting with Dominion Power last week and the rate will come down as of January 2010. Chairman Etheridge and Mr. Scanlon also met with Congressman Jones on the OLF.

**Closed Session according to GS 143-318.11 (3)(6) to discuss personnel and contracts.**

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

**Adjourn**

After reconvening from closed session, no action was taken. There being no further business, the meeting adjourned.