

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, March 15, 2010

Time: 7:00 PM

- 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** by College of the Albemarle
- Item 4 **Action:** PB 87-56 Monterey Shores, PUD: Request for an amended special use permit to designate an additional 1.10 acres of commercial zoning within the Planned Unit Development (PUD). The property is located in Monterey Shores, PUD, Tax Map 116, Parcels 3W and 10, Poplar Branch Township.
- Item 5 **Public Hearing and Action:** PB 09-38 Corolla Fun Park: Request for a special use permit to establish a 36-hole miniature golf course; go-kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD, Tax Map 116, Parcels 3W and 10 and Tax map 116D, Parcel 3D, Poplar Branch Township.
- Item 6 **Public Hearing and Action:** PB 10-02 Beach Jeeps of Corolla: Request for a special use permit for an outdoor tour operator. The property is located at 103A Austin Street, Tax Map 115B, Parcel 2P2B, Poplar Branch Township.
- Item 7 **Consideration and Action:** PB 08-42 Blackwater Training Center: Renewal of Special Use Permit for a Security Training Operations and Services Facility on property located at the South end of Puddin Ridge Road, adjacent to the Camden County border, Tax Map 12, Parcel 1, and Tax Map 17, Parcel 1A, Moyock Township.

- Item 8 **Consideration of Ordinance** prohibiting sand bags and beach push on Currituck Outer Banks
- Item 9 **Appointment** to Library Board
- Item 10 **Appointment** Whalehead Board of Trustees
- Item 11 **Consent Agenda:**
 - 1. Sagar Family Residence waive fees for landfill
 - 2. Job Description for Marketing Program Manager
 - 3. Budget Amendments
 - 4. Maple Commerce Park Project Ordinance
 - 5. Approval of March 1, 2010 Minutes
- Item 12 Commissioner's Report
- Item 13 County Manager's Report
- Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS**

DATE: March 15, 2010

PB 87-56 Monterey Shores, Planned Unit Development

ITEM: PB 87-56 Monterey Shores, Planned Unit Development, Amended Special Use Permit, to designate an additional 1.10 acres of commercial zoning within the PUD.

LOCATION: Corolla, Monterey Shores, PUD, Poplar Branch Township.

TAX ID: 0116-000-003W-0000 0116-000-0010-0000

ZONING

DISTRICT: Outer Banks Standard Residential (R01) with PUD overlay.
PUD Overlay (RO1): 320.04 acres
PUD Overlay (GB): 34.46 acres
PUD Overlay (GB): 1.10 acres proposed

PRESENT USE: Planned Unit Development, church site and undeveloped lands

OWNER: Monterey Shores, Inc.
5299 Pennock Point Road
Jupiter, FL

Corolla Worship Center
PO Box 668
Nags Head, NC 27959

DEVELOPER: IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

ENGINEER: Coastal Engineering & Surveying
934 W. Kitty Hawk Road
PO Box 1129
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Open Space/Commercial/Apartments	PUD-RO1/GB
SOUTH	Open Space/Undeveloped Commercial	PUD-RO1/GB
EAST:	Commercial	PUD-RO1/GB
WEST:	Open Space	PUD-RO1

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service and Conservation** within the **Corolla** subarea.

OPEN SPACE: The required open space for Monterey Shores is 35% (124.46 acres). According to the proposed development plan Monterey Shores provides 37.1% (131.94 acres) of open space.

I. NARRATIVE OF REQUEST:

- The developer is seeking to amend the special use permit to allocate an additional 1.10 acres of commercial designation within the Monterey Shores PUD.
- The developer is also seeking a PUD variance that would allow the General Business (GB) zoning designation within the PUD. The UDO currently requires that commercial properties be designated as Limited Business-Hotel (LBH) designation. The request is to provide zoning consistency within the PUD.

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

A. There is a discrepancy between the dedicated green area and the NC DENR wastewater permit allocations of green area. (*Staff commentary: Green area is land that is set aside for future wastewater needs*). In 2007, the original developer of Monterey Shores, PUD, dedicated easements and recorded green area maps within the PUD. Approximately two months later, Carolina Water submitted a request to NC DENR to expand the wastewater treatment facility. The request included a revised map that dedicated additional green area on property owned by Monterey Shores, Inc. (the original developer). According to Bob Degabrielle, Monterey Shores, Inc., did not provide easements or dedication for the additional green area. It is the opinion of the county attorney and Mr. Degabrielle that this additional allocation is not legally permitted since Monterey Shores, Inc. did not authorize or make available the additional land for wastewater green area. In addition, Carolina Water, permit holder, must modify the green area and legally acquire additional lands suitable for wastewater disposal. Outside of all concerns outlined, it remains uncertain whether Carolina Water has legal authority to locate green area within the utility easement identified on the recorded easement plat (plat cabinet K, slide 49).

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 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 provided assurances for wastewater disposal are submitted from NC DENR and Carolina Water.
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 development and conditions should have little to no negative 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 RO1 base zoning district and PUD overlay with a special use permit.
 - b. The requested zoning designation meets the UDO maximum commercial designation for a PUD.
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 and Conservation (.178 acre) within the Corolla subarea. The Full Service classification supports the density and commercial allocations of a planned unit development provided design criteria is established to ensure commercial development protects and preserves the existing community. The Conservation classification provides for long-term management and protection of significant, limited, or irreplaceable

natural resources. The classification is typically applied to areas that should not be developed (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Based on the proposed reduction in commercial designation within the Conservation classification, the proposal and conditions, are in keeping with the LUP Policy statements and the Corolla subarea policy emphasis, 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:

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

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 SUP, and **staff recommends conditional approval** of the SUP and the PUD waiver to allow the GB zoning designation within the PUD subject to the findings of fact and the following conditions:

1. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided in environmentally sensitive areas or lands designated Conservation by the 2006 Land Use Plan. Cisterns should not discharge stormwater as sheet flow or concentrated flow across the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
2. *All inland, non-tidal and coastal wetlands should remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust, or turned over to the homeowner's association (LUP Policy ES2, ES3).*
3. Any modification to green area must be approved by Currituck County and NC DWQ prior to implementation. Green area shall be identified by an easement, illustrated on a map, and recorded in the Currituck County Register of Deeds.
4. All projects, residential and non-residential, shall meet the minimum zoning requirements in effect at the time of construction.

The applicant does not agree with the recommended staff condition identified in italics (staff recommendation 2..).

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** for an amended special use permit with the staff recommendations and omitting #1.

- ~~1. The commercial designation shall be located within the Full Service classification area and shall not include the .178 acre proposed in Conservation classification area as identified by the 2006 Land Use Plan. This condition excludes the existing 1.03 acre allocation of General Business (GB) approved by the Board of Commissioners May 21, 2001 (See approved Amended Sketch Plan dated May 21, 2001 for specific location).~~

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Delucia stated the plan already has stormwater approval from the Division of Natural Resources and it has already gone through its first technical review with the site plan. Mr. Delucia stated his client wants to build a family resort. Mr. Delucia provided an overview of what has been done.

- The special use permit has been submitted and gotten comments from the Technical Review Committee.
- The area where the low impact development track is located is already approved for general business. They felt this location would be good to minimize noise and also minimize spectators. Mr. Delucia talked about the stormwater situation and it has been taken care of.
- No wetlands are on the property which will be developed.
- Currently the open space is part of the Monterey Shores PUD and if his client purchases it the open space will be maintained the same way it is now.
- On the site plan they show a 10 foot wide path and a 20 foot easement along the highway and they have also offered to extend the path further to the Buck Island entrance.
- Mr. Delucia talked about the recommended hours of operations 9:00 a.m. to 10:00 p.m. as being problematic for them.
- There is no significant vegetation in the area.
- They intend to include preservation along NC 12.
- The architectural style matches the Corolla area.
- Gas powered vs. electrically powered karts. Mr. Delucia stated his client wants to use gas powered karts but is willing to use 4 stroke engines which don't have the noise level that 2 stroke engines have.

Mr. Wright asked if a study was done that says the area has no significant vegetation.

Mr. Delucia stated they went out to the property and compared it with the definition of "significant vegetation".

Mr. Rary stated he represents the TimBuck II Property Association. Mr. Rary stated they already have these entertainment facilities in Corolla. It is their understanding there is an issue between Carolina Water and Bob DeGabrielle regarding the water line crossings which still remain on this property. Until it is settled then the property should not be rezoned. The stormwater drainage at Whalehead cannot handle additional water. Property values will go down while your insurance will increase. They are concerned with the increase in traffic and how it will affect their business. People come to Corolla for the family values and quaintness. Mr. Rary asks the board to deny the request.

Mr. Lynch stated he is representing Monterey Shores Homeowners Association. Mr. Lynch stated that they are concerned that the Corolla Fun Park will make property values go down, safety, noise, lighting, toxic waste removal and the RO water plant. Mr. Lynch is asking the board to deny this request.

Mr. Zabloudil lives in Monterey Shores and is a business owner in TimBuck II. He is concerned with stormwater, environment, noise, lighting, and traffic. For these reasons he is asking that the board deny the request.

Mr. Meredith stated he has a lease with TimBuck II for the miniature golf and in the lease it has a non-compete clause for another miniature golf in the area. Mr. Meredith is asking the board to deny the request.

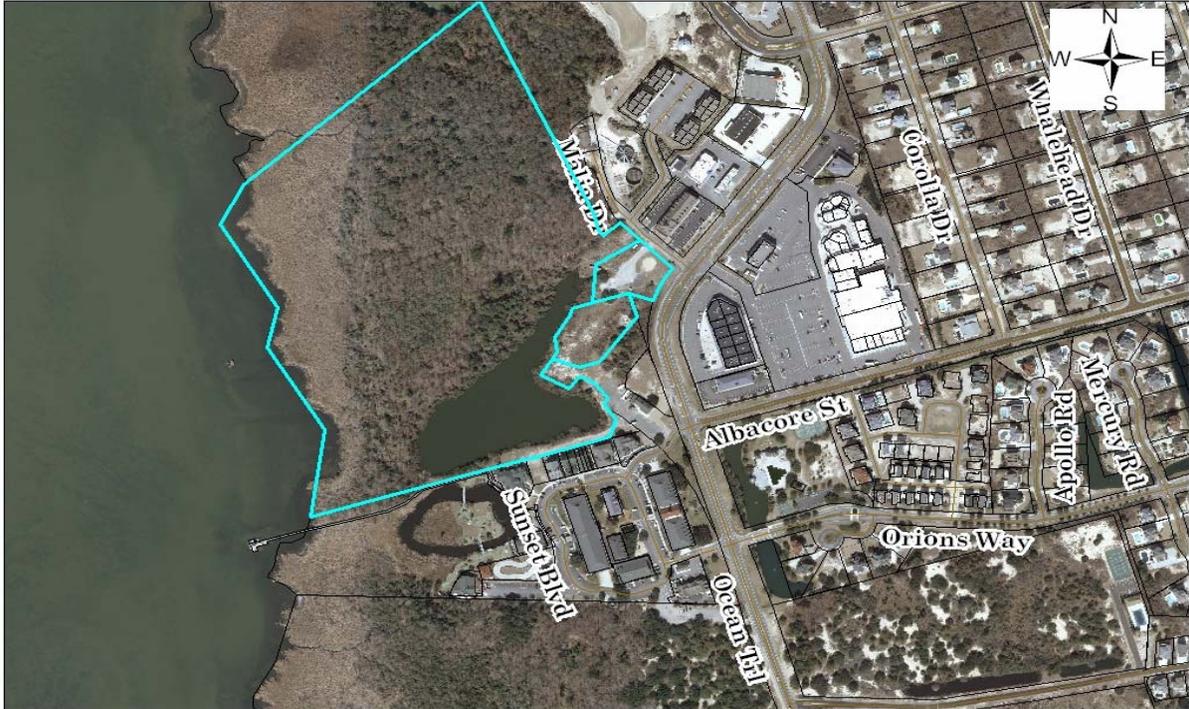
Mr. Wemer stated this is not compatible with Corolla. People come to Corolla for a different experience. Mr. Wemer asked what happens when these fun parks don't do well financially. What are they left with? Mr. Wemer is asking the board to deny the request.

Mr. Delucia stated the driveway connection which is off NC 12 on the site plan has been approved by Department of Transportation. The stormwater will be handled onsite and nothing will go offsite.

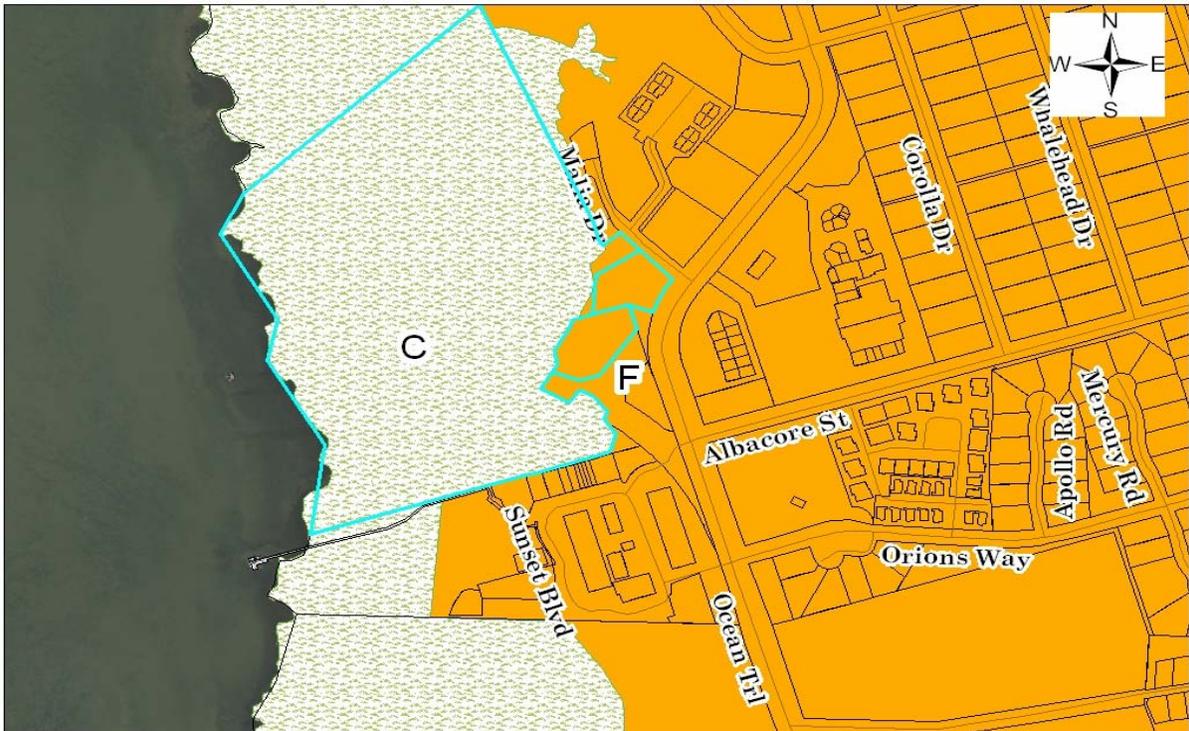
Mr. Gray stated the usages they want to put on this property are permissible usages. Many questions have been brought up which staff has brought to the attention of the developer and they have tried to respond back to staff. Mr. Gray stated Carolina Water showed some real estate on the property that they had no right to do so. Mr. DeGabrielle and Carolina Water have been in litigation and now have settled. Part of the settlement is Mr. DeGabrielle giving Carolina Water certain easement rights. As to the pond, the county is negotiation and going to put an easement and run water into that pond as well. The county has done an engineering study as to what type of capacity the pond is capable of handling. This will cause his client, if this project is approved, to have to raise his property up where the facilities are going to be so they don't have overflow to their property. As to the issue if they are subject to the homeowner's association, this is not before the board. This would be between his client and the homeowner's association if he buys the property. Mr. Gray stated they are not part of the lease agreement with TimBuck II. Mr. Gray stated you are hearing a lot that there are plenty of things to do up in Corolla. If his client thought this, would he be spending this kind of money? His client believes there is a need. Mr. Gray stated his client is putting in 4 stroke engines which are quieter and not 2 stroke engines. These engines are environmental friendly because you don't mix the oil and gas together and they have an automatic shut-off. Mr. Gray stated he can remember when Monterey Shores came to this county and at that point and time there was hardly anything there. The arguments were from the people who lived there were we don't think it is compatible with our community to have such a large subdivision. We are hearing the same argument now.

ACTION

Mr. West motion to recommend approval with staff recommendations with admitting #1 of PB 87-56 Monterey Shores, PUD for an amended special use permit. Ms. Newbern seconded the motion. Motion carried unanimously.



PB 87-56 MONTERAY SHORES, PUD
Amended Special Use Permit



PB 87-56 MONTERAY SHORES, PUD
Land Use Classification Map



MEMORANDUM

To: Carlos Gomez, Coastal Engineering
John Delucia, Albemarle & Associates

From: Donna Voliva, Planner II

Date: September 10, 2009

Subject: Monterey Shores, PUD Amended Sketch Plan, Special Use Permit

The following comments were received for the September 16, 2009 TRC meeting. Additional comments may be received at the meeting, and comments are valid for six months from the TRC meeting date.

The necessary revisions listed below must be submitted to me by September 21, 2009 in order to remain on the October 13, 2009 Planning Board agenda.

Planning, Donna Voliva

Resubmit

Amended Sketch Plan/Special Use Permit

Required Plan Modifications

1. Based on the plans submitted, two PUD overlay variances are required:
 - a. To allow the zoning designation General Business (GB) on parcel 0116000003W0000 that would be consistent with the remaining business property in Monterey Shores, PUD (Section 4.3.2 C. & D.)
 - b. To allow .08 percent reduction in the minimum required open space of 35 percent (Section 10.4.2)
2. The submitted amended sketch plan provides a development summary for Monterey Shores but does not provide a development plan that illustrates the locations of all open space, green space, or business areas. There are several phases of Monterey Shores that are being developed by different applicants; formerly Monterey Shores, Phase 3. All phases of Monterey Shores are combined for open space, green space, and business designations. A clear, illustrated map must be provided that defines all required areas that are subject to the business designations, green space as well as open space. Prior piece-meal project modifications are resulting in non-compliance with the PUD overlay designation. The calculation summary appears inconsistent with the Monterey Shores, PUD amended sketch plan open space and business area calculations approved over the years but specifically 2006 for the tract formally identified as Phase 3. There are fluctuations in acreage and percentages. Please provide a map summary that is consistent with the table summary.
3. The Monterey Shores wastewater treatment plan green spaces maps for Corolla Water Service Inc, of NC (dated December 27, 2006) clearly show areas of the proposed development within existing available green space. Improvements such as a service drive, proposed stormwater pond, portions of the miniature golf, playground, walkway and paddle boat dock, parking and possibly the proposed building appear to be within

the designated green space areas. Please provide the revised plans that have been approved by the utility and the state that exclude the proposed development from green space.

4. Please provide information regarding proposed parcel 6. The submitted amended sketch plan indicates on entire parcel containing 37+ acres; however, the application for the special use permit indicates proposed parcel 6.
5. Please provide a copy of the approved wetland map dated 3-1-05. There appears to be inconsistencies with the map references and the submitted plans.
6. The plat prepared for Carolina Water Service recorded in plat cabinet K, slide 49 indicates the existence of a utility easement in the area of the stormwater pond, gravel service drive, portions of the miniature golf, cart maintenance building, and portions of the go-kart track. Please provide the legal documentation that supports the abandonment of the easement.
7. Please provide written acknowledgement from Carolina Water Service for water and wastewater commitment. A copy of the letter submitted to CWS by Albemarle and Associates was submitted; however, an allocation acknowledgement from CWS must be provided.
8. Stormwater ponds may not be located within 10 feet of any property line.
9. Please indicate the entire Monterey Shores PUD in the vicinity map that is at a scale of 1" = 2000' or larger on the amended sketch plan.
10. The amended sketch plan must be at a scale of 1" = 100' or larger.
11. The zoning classification of the development must be provided on the amended sketch plan.
12. All commercial activities must be located within the General Business zoning designation, including paddle boat dock.
13. Please provide details of the intended ownership of the open space.
14. Understanding the engineering costs for the site plan, the application is requesting the special use permit for the use only and a full site plan must be submitted to the technical review committee at a later date. Although, staff did not evaluate the site plan for full UDO compliance there are some items that do not appear to meet the minimum requirements and must be addressed:
 - a. The dumpster location does not provide for adequate access that will not interfere with proposed parking spaces.
 - b. Proposed parking must meet a 20' vehicular area setback from any street right-of-way (proposed or existing).
 - c. The proposed development will be subject to the Maritime Forest Guide.
 - d. The access for this development is proposed through a NCDOT controlled access right-of-way that has not been abandoned and a deeded parcel to NCDOT. Please provide verification that a full movement access is approved at this location (also see suggested plan modifications below). If this location is approved by NCDOT and the Board of Commissioners, an easement is required.

Suggested Plan Modifications

1. The proposed go-kart tract is located within the Conservation land use classification and is considered environmentally significant. Preservation of areas of significant existing vegetation shall be encouraged. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)

2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided. Such cisterns should not directly discharge stormwater to the ground but should be reused within the development. The use of rain gardens should also be considered throughout the project and within the miniature golf and parking areas. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
3. Staff recommends all inland, non-tidal and coastal wetlands to remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust or turned over the homeowner's association. (Conserve Environmentally Sensitive Areas Policies, Water Quality Policies)
4. The access to the proposed development is within the NCDOT controlled access right-of-way and close to a signalized intersection. Staff recommends accessing the proposed development from Malia Drive. Should NCDOT and the Board of Commissioners allow the NC 12 connection, the access should be restricted to right-in and right-out. (Transportation Policies)
5. The county has initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for future multi-use path. (Parks and Recreation Policies)
6. Based on the elevation information provided with the site plan there are several elevated portions on this property, preservation of the significant existing vegetation and topography is encouraged (i.e. Along NC 12 and interior of the site). Please preserve natural features of this property when developing the site. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
7. Staff recommends a reduction in parking spaces that would effectively reduce the amount of impervious material by providing bike racks to encourage alternate modes of transportation (Rate: 1 bike rack [each rack accommodating a minimum of 5 bicycles] for every 20 spaces – 1 to 1 reduction with a maximum of 3 parking space reduction). (Transportation Policies and Water Quality Policies)
8. This site is located at the gateway to Corolla. Should this site be selected for the Mid-County Bridge, it will be the first northbound site as you enter the Outer Banks. Extensive, native landscape improvements should be used on this site (Community Appearance Policies).
9. Staff encourages the integration of the area's architectural and cultural heritage when designing the buildings on this site. (Historic Preservation Policies)

County Engineer, Eric Weatherly

Approved with corrections

1. CWS provided me with a map indicating their green space and easements which I have forwarded to you. I do not agree that stormwater features and access roads should be allowed on green space.
2. Please indicate all utility and green space information from the information I provided on your site plans for clarity.
3. Provide easements for the existing groundwater discharge and 48 inch pipe.
4. It would appear the 48 inch pipe will be in the way of the future stormwater pond.
5. Provide the commitment letter from CWS.

Utilities, Pat Irwin

Approved

GIS, Harry Lee

Approved

1. Addresses for arcade building and manager's residences will be assigned by GIS at the time of building permit application.

Fire Marshal, James Mims

Approved.

1. Site plan will require additional review.

Soil and Water, Mike Doxey

Approval with corrections

1. Need state erosion and sedimentation control permit and stormwater permit.

Currituck County Schools, Bruce McDonald

Approved

1. No comment.

Albemarle Regional Health Services, Joe Hobbs

Denied/Resubmit

1. Any wastewater approvals for these proposed developments will need to be approved by the NC Division of Water Quality (Washington, NC office 252-946-6481). Consult with Health Department concerning pool and restaurant approvals at 252-232-6603.

NCDOT, Roger Ward

Approval with corrections

1. Not sure if access is allowed across a controlled access right-of-way. May have to go before control of access committee in Raleigh.

US Army Corps of Engineers, Tom Steffens

Denied/Resubmit

1. "New Wetlands Line" noted near the WWTP requires documentation as to origin, verification by USACE with Action ID#, if different from wetland line verified 03/2005. Please submit to USACE before finalizing.

NC Division of Coastal Management, Charlan Owens

No comment

NC DENR, Land Quality, Pat McClain

Approval with corrections

1. An erosion and sedimentation control plan for this project must be approved prior to initiating any land disturbance associated with this project.

The following agencies did not provide a recommendation for this project:

Currituck County Emergency Management, MaryBeth News

Currituck County Sheriff Department, Susan Johnson

Currituck County Building Inspections, Spence Castello

Currituck County Parks and Recreation, Jason Weeks

Corolla Fire and Rescue, Richard Galganski

NC DENR Environmental Management, Roger Thorpe

NC DENR Public Water, Siraj Chohan

NC State Archaeology, Lawrence Abbot

Embarq, Hester Jones

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

Resubmittal Items:

- 3 - full size copies of all revised plans.
- 10 - 11"x17" copies of the amended sketch plan and special use permit plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS**

DATE: March 15, 2010

PB 09-38 Corolla Fun Park, Special Use Permit

ITEM: PB 09-38 Corolla Fun Park request for Special Use Permit to establish a 36-hole miniature golf course; go kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD.

LOCATION: Corolla, Ocean Trail (NC12) and Malia Drive, Poplar Branch Township.

TAX ID: 0116-000-003W-0000
0116-000-0010-0000
116D-000-003D-0000

ZONING DISTRICT: Outer Banks Standard Residential (RO1) District with PUD Overlay The PUD overlay contains General Business (GB) and Outer Banks Standard Residential (RO1) designations. A separate request is under review to designate areas of the proposed development as General Business (GB).

PRESENT USE: Undeveloped land (including a church site) and open space

OWNER: Monterey Shores, Inc.
5299 Pennock Point Road
Jupiter, FL

IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

Corolla Worship Center
PO Box 668
Nags Head, NC 27959

DEVELOPER: IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

ENGINEER: Albemarle & Associates
PO Box 3989
Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Open Space/Commercial/Apartments	PUD-RO1/GB
SOUTH:	Open Space/Commercial	PUD-RO1/GB
EAST:	Commercial	PUD-RO1/GB
WEST:	Open Space	PUD-RO1

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service and Conservation** within the **Corolla** subarea.

SIZE OF SITE: 38.253 acres

UTILITIES: The development will be served by a private water and wastewater treatment facility.

I. NARRATIVE OF REQUEST:

- The developer is seeking a special use permit to identify a commercial use within the Monterey Shores, PUD and Buck Island, PUD.
- The developer requests to construct a 36 hole miniature golf course; a go-kart track; spin zone; children's playground area; and arcade and limited retail, snack bar and office.
- In a separate request, the developer is seeking approval to designate portions of the property as General Business (GB).

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

A. There is a discrepancy between the dedicated green area and the NC DENR wastewater permit allocations of green area. . *(Staff commentary: Green area is land that is set aside for future wastewater needs)*. In 2007, the original developer of Monterey Shores, PUD, dedicated easements and recorded green area maps within the PUD. Approximately two months later, Carolina Water submitted a request to NC DENR to expand the wastewater treatment facility. The request included a revised map that dedicated additional green area on property owned by Monterey Shores, Inc. (the original developer). According to Bob Degabrielle, Monterey Shores, Inc., did not provide easements or dedication for the additional green area. It is the opinion of the county attorney and Mr. Degabrielle that this additional allocation is not legally permitted since Monterey

Shores, Inc. did not authorize or make available the additional land for wastewater green area. In addition, Carolina Water, permit holder, must modify the green area and legally acquire additional lands suitable for wastewater disposal. Outside of all concerns outlined, it remains uncertain whether Carolina Water has legal authority to locate green area within the utility easement identified on the recorded easement plat (plat cabinet K, slide 49).

NC DENR, DWQ

- A. Based on the Corolla Fun Park Site Plan map provided, part of the project does encroach on designated green space area for Monterey Shores' WWTP. (Please see the attached file for what we have on record as designated green space). The green space would have been approved based on information provided to the Division at the time. If there are plans to develop green space area, it will be necessary for new green space to be identified to replace any area that will be lost. Any new green space must be usable as a wastewater application area. Approval would need to be obtained from DWQ for relocation of any green space to ensure that DWQ concurs that the proposed area is suitable. DWQ would look to the permit holder, Carolina Water Services, to ensure that compliance is maintained with the Monterey Shores permit. If a relocation of green space is necessary, any request to approve a new area would need to come through and/or be coordinated with Carolina Water Services since they hold the wastewater permit.

County Engineer, Eric Weatherly

1. The 48 inch culvert shall be located within an easement and adequate cover shall be provided. This item will be addressed as part of the site plan review.

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 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 provided assurances for wastewater disposal (green area) are submitted from NC DENR and Carolina Water.
- b. The application is complete provided the General Business (GB) zoning designation is approved by the Board of Commissioners.

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 listed as a permissible use in the Table of Permissible Uses.
- b. Chapter 4 of the UDO requires a special use permit for specific uses located in commercial areas of a PUD.

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. Provided assurances for wastewater disposal (green area) are submitted from NC DENR and Carolina Water, the proposed commercial area should have little to no negative 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. Existing commercial uses are located within the vicinity of the proposed development.
- b. An existing miniature golf and go-kart facility is located within TimBuck II commercial area, immediately to the south.

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 and Conservation within the Corolla subarea. Generally, go-kart facilities would not be consistent with the Conservation land use classification. However, the proposed mitigation efforts may perhaps reduce the noise and environmental concerns of the facility and be in keeping with the Conservation land use classification. The remaining uses located in the Full Service area is in keeping with the policies of the plan, some of which are:

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 OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

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 development.

IV. STAFF RECOMMENDATION:

In an effort to reduce the conflict with the proposed use and the conservation land use classification, the developer and engineer have agreed to install vegetative bio-retention areas inside the go-kart track, use 4-stroke go-kart engines, use permeable concrete/eco-pavers in the pedestrian areas, reduce commercial area, and replant areas with native, salt tolerant vegetation. The mitigation efforts appear to lessen the environmental impacts of the proposed use and staff recommends **conditional approval** of the special use permit subject to the following conditions:

1. The issuance of the special use permit does not constitute site plan approval. The site plan, lighting plan, and landscape plan must be approved by the technical review committee.
2. The landscape plantings shall consist of native, salt tolerant vegetation.
3. Low Impact Development techniques such as cisterns that capture the rainwater from the roof, bio-retention areas/rain gardens, constructed wetlands, and use of porous pavement should be provided in environmentally sensitive areas or areas designated Conservation by the 2006 Land Use Plan. Cisterns should not discharge stormwater as sheet flow or concentrated flow across the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
4. *Staff recommends all inland, non-tidal and coastal wetlands remain undisturbed, excluding elevated walkways, and placed into a conservation easement, preservation trust, or turned over to the homeowner's association. (LUP Policy WQ5)*
5. The county initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for the future multi-use path. Should the developer install a portion of the path that is located along Ocean Trail, all state permits and encroachment agreements must be obtained prior to site plan approval.
6. *Hours of operation shall not exceed 9:00 a.m. until 10:00 p.m.*
7. The proposed go-kart track is located within the Conservation land use classification and the designation is applied to properties that are considered environmentally significant. In an effort to reduce the noxious impacts within this

sensitive area, the following shall apply to development within the Conservation land use classification:

- a. Preservation of existing, significant vegetation. (LUP Policy ES2, ES3, ES4, WQ5)
 - b. *All karts and cars shall be electrically powered to minimize noise and environmental impacts associated with gas powered engines.*
 - c. The use of vegetative buffers between limits of disturbance and wetland areas.
8. The development plans should include preservation of the existing features of the site including topography along NC 12 as well as and significant vegetation. (LUP Policy WQ5)
9. The architectural style and materials of all proposed buildings shall preserve the existing coastal community character of the Currituck Outer Banks. The proposed development shall be established to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, native, salt tolerant plants. (Full Service LUC)

The applicant does not agree with the recommended staff conditions identified in italics (staff recommendations 4., 6., and 7. b.).

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** for a special use permit with the staff recommendations.

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Delucia stated the plan already has stormwater approval from the Division of Natural Resources and it has already gone through its first technical review with the site plan. Mr. Delucia stated his client wants to build a family resort. Mr. Delucia provided an overview of what has been done.

- The special use permit has been submitted and gotten comments from the Technical Review Committee.
- The area where the low impact development track is located is already approved for general business. They felt this location would be good to minimize noise and also minimize spectators. Mr. Delucia talked about the stormwater situation and it has been taken care of.
- No wetlands are on the property which will be developed.
- Currently the open space is part of the Monterey Shores PUD and if his client purchases it the open space will be maintained the same way it is now.
- On the site plan they show a 10 foot wide path and a 20 foot easement along the highway and they have also offered to extend the path further to the Buck Island entrance.
- Mr. Delucia talked about the recommended hours of operations 9:00 a.m. to 10:00 p.m. as being problematic for them.
- There is no significant vegetation in the area.
- They intend to include preservation along NC 12.
- The architectural style matches the Corolla area.
- Gas powered vs. electrically powered karts. Mr. Delucia stated his client wants to use gas powered karts but is willing to use 4 stroke engines which don't have the noise level that 2 stroke engines have.

Mr. Wright asked if a study was done that says the area has no significant vegetation.

Mr. Delucia stated they went out to the property and compared it with the definition of "significant vegetation".

Mr. Rary stated he represents the TimBuck II Property Association. Mr. Rary stated they already have these entertainment facilities in Corolla. It is their understanding there is an issue between Carolina Water and Bob DeGabrielle regarding the water line crossings which still remain on this property. Until it is settled then the property should not be rezoned. The stormwater drainage at Whalehead cannot handle additional water. Property values will go down while your insurance will increase. They are concerned with the increase in traffic and how it will affect their business. People come to Corolla for the family values and quaintness. Mr. Rary asks the board to deny the request.

Mr. Lynch stated he is representing Monterey Shores Homeowners Association. Mr. Lynch stated that they are concerned that the Corolla Fun Park will make property values go down, safety, noise, lighting, toxic waste removal and the RO water plant. Mr. Lynch is asking the board to deny this request.

Mr. Zabloudil lives in Monterey Shores and is a business owner in TimBuck II. He is concerned with stormwater, environment, noise, lighting, and traffic. For these reasons he is asking that the board deny the request.

Mr. Meredith stated he has a lease with TimBuck II for the miniature golf and in the lease it has a non-compete clause for another miniature golf in the area. Mr. Meredith is asking the board to deny the request.

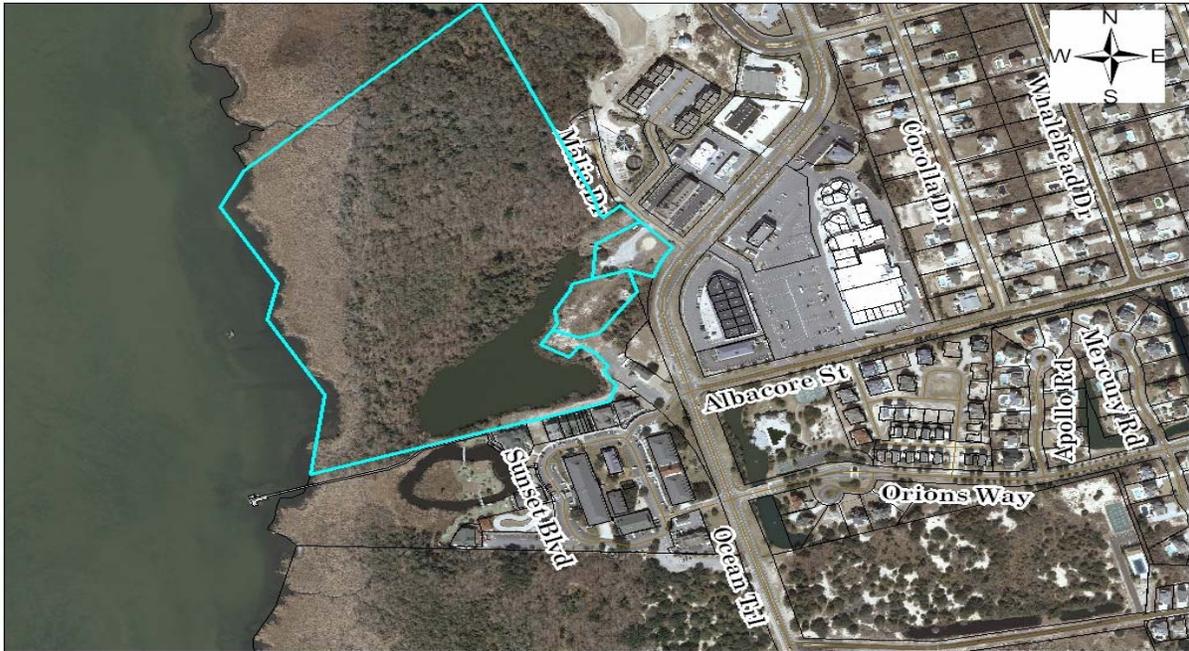
Mr. Wemer stated this is not compatible with Corolla. People come to Corolla for a different experience. Mr. Wemer asked what happens when these fun parks don't do well financially. What are they left with? Mr. Wemer is asking the board to deny the request.

Mr. Delucia stated the driveway connection which is off NC 12 on the site plan has been approved by Department of Transportation. The stormwater will be handled onsite and nothing will go offsite.

Mr. Gray stated the usages they want to put on this property are permissible usages. Many questions have been brought up which staff has brought to the attention of the developer and they have tried to respond back to staff. Mr. Gray stated Carolina Water showed some real estate on the property that they had no right to do so. Mr. DeGabrielle and Carolina Water have been in litigation and now have settled. Part of the settlement is Mr. DeGabrielle giving Carolina Water certain easement rights. As to the pond, the county is negotiation and going to put an easement and run water into that pond as well. The county has done an engineering study as to what type of capacity the pond is capable of handling. This will cause his client, if this project is approved, to have to raise his property up where the facilities are going to be so they don't have overflow to their property. As to the issue if they are subject to the homeowner's association, this is not before the board. This would be between his client and the homeowner's association if he buys the property. Mr. Gray stated they are not part of the lease agreement with TimBuck II. Mr. Gray stated you are hearing a lot that there are plenty of things to do up in Corolla. If his client thought this, would he be spending this kind of money? His client believes there is a need. Mr. Gray stated his client is putting in 4 stroke engines which are quieter and not 2 stroke engines. These engines are environmental friendly because you don't mix the oil and gas together and they have an automatic shut-off. Mr. Gray stated he can remember when Monterey Shores came to this county and at that point and time there was hardly anything there. The arguments were from the people who lived there were we don't think it is compatible with our community to have such a large subdivision. We are hearing the same argument now.

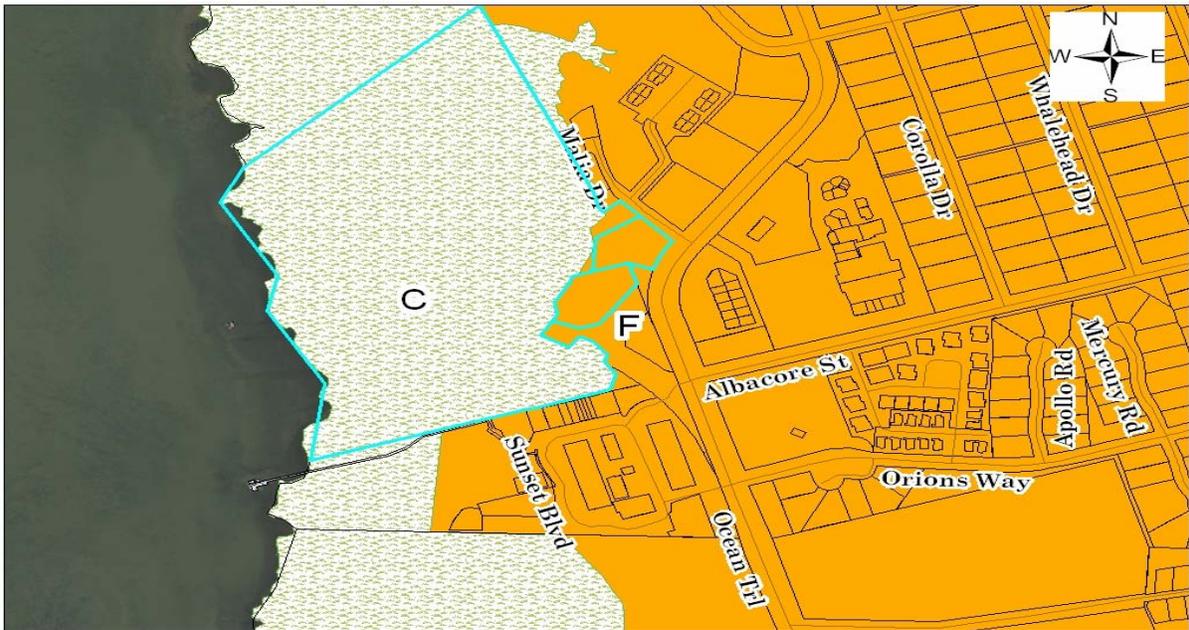
ACTION

Mr. Clark motion to recommend denial with staff recommendations for PB 09-38 Corolla Fun Park for a special use permit. Ms. Taylor seconded the motion. Motion carried unanimously.



**PB 09-38 COROLLA FUN PARK
Special Use Permit**

0 175 350 700 1,050 Feet
Currituck County Planning Department



**PB 09-38 COROLLA FUN PARK
Land Use Classification Map**

0 175 350 700 1,050 Feet
Currituck County Planning Department



MEMORANDUM

To: John Delucia, Albemarle & Associates
From: Donna Voliva, Planner II
Date: October 14, 2009
Subject: Corolla Fun Park Site Plan

The following comments were received for the October 21, 2009 TRC meeting. Additional comments may be received at the meeting, and comments are valid for six months from the TRC meeting date.

Planning, Donna Voliva

Resubmit

1. Prior to approval of the site plan the following must be issued or approved:
 - a. PUD overlay variances:
 1. To allow the zoning designation General Business (GB) on parcel 0116000003W0000 that would be consistent with the remaining business property in Monterey Shores, PUD (Section 4.3.2 C. & D.)
 2. To allow .08 percent reduction in the minimum required open space of 35 percent (Section 10.4.2)
 - b. Amended Special Use Permit
 - c. Amended Sketch Plan
2. The plat prepared for Carolina Water Service recorded in plat cabinet K, slide 49 indicates the existence of a utility easement in the area of the parking lot and portions of the go-kart track. Please provide the legal documentation that supports the abandonment of the easement.
3. All commercial activities must be located within the General Business zoning designation.
4. Please provide details of the intended ownership of the open space.
5. The ownership verification sheet (page 3 of application) for G. A. Thornton must be notarized.

Required Plan Corrections

1. The trash collection shall be designed for front loading trucks. The county has not received information that would support an alternate collection method. In addition, the dumpster must be screened.
2. Please show open space and green area on site plan once finalized.
3. The proposed parking layout provides additional parking spaces. Please clarify if the excess spaces will be allocated for an off-site use.
4. Handicap parking spaces shall be indicated on the site plan.
5. Wheel stops should be installed along parking spaces 1-11.
6. Please indicate a loading/unloading space(s) that is sufficient size to accommodate the types of vehicles that will service the uses.

7. Please demonstrate the function of the access connection on Ocean Trail and whether this is in compliance with NCDOT design standards.
8. Please provide 10' x 35' site triangle along Ocean Trail and the 10' x 70' site triangle for Malia Drive that affects this property.
9. The landscape plan indicates five proposed Bradford Pear trees and one Weeping Willow within the parking lot. The trees are not considered salt tolerant (NCSU) and different plant types should be selected.
10. A type C bufferyard shall be installed along all existing and proposed street rights-of-way.
11. The site shall be developed in conformance with the maritime forest guide (Section 4.7.7.). Please provide information regarding the existence of maritime forest or shrubs within the development area.
12. The parking calculations indicated on sheet 1, Site Plan, Note 14 is not the same calculation indicated on the Landscape Plan. Please clarify the calculations.
13. One Weeping Willow tree appears to be indicated in the pond. Please clarify if this is correct.
14. The proposed miniature golf and pedestrian area of the go kart track are close to the existing pond. Please provide safety measures that will be installed to prevent accidental contact with the pond.
15. The site lighting shall meet the requirements of the UDO. Please provide information regarding reduction of site lighting after operating hours. Light levels shall not exceed 1.5 foot-candles measured at ground level at property lines. The lighting plan shall be drawn at a scale of 1"=50' and shall include data (location and foot-candle) for building lighting, site lighting, sign lighting, and hours of operation.

Suggested Plan Modifications as part of Special Use Permit submittal

1. The proposed go-kart tract is located within the Conservation land use classification and is considered environmentally significant. Preservation of areas of significant existing vegetation shall be encouraged. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided. Such cisterns should not directly discharge stormwater to the ground but should be reused within the development. Rain gardens should be considered throughout the project and within the miniature golf and parking areas. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
3. Staff recommends all inland, non-tidal and coastal wetlands to remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust or turned over the homeowner's association. (Conserve Environmentally Sensitive Areas Policies, Water Quality Policies)
4. The access to the proposed development is within the NCDOT controlled access right-of-way and close to a signalized intersection. Staff recommends accessing the proposed development from Malia Drive. Should NCDOT and the Board of Commissioners allow the NC 12 connection, the access should be restricted to right-in and right-out. (Transportation Policies)
5. The county has initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for future multi-use path. Should the owner install the multi-use path as part of the development of

the property it should be sized consistently with the county planned multi-use path which is designed at ten feet in width. All street plantings should be located between sidewalk and the public street. (Parks and Recreation Policies)

6. Based on the elevation information provided with the site plan there are several elevated portions on this property, preservation of the significant existing vegetation and topography is encouraged (i.e. Along NC 12 and interior of the site). Please preserve natural features of this property when developing the site. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
7. Staff recommends a reduction in parking spaces that would effectively reduce the amount of impervious material by providing bike racks to encourage alternate modes of transportation (Rate: 1 bike rack [each rack accommodating a minimum of 5 bicycles] for every 20 spaces – 1 to 1 reduction with a maximum of 3 parking space reduction). (Transportation Policies and Water Quality Policies)
8. This site is located at the gateway to Corolla. Should this site be selected for the Mid-County Bridge, it will be one of the first sites as you enter the Outer Banks. Extensive, native landscape improvements should be used on this site (Community Appearance Policies).
9. Staff encourages the integration of the area's architectural and cultural heritage when designing the buildings on this site. (Historic Preservation Policies)

County Engineer, Eric Weatherly

Denied/Resubmit

1. I am recommending denial until the sewer green area designations on the parcel are properly located and approval for any new locations are provided by DWQ and CWS.
2. Provide stormwater narrative and calculations for pre-post runoff based on a 10-year, 24 hour storm event.
3. Provide stormwater pond details.
4. Provide stormwater, erosion control and DOT permits.
5. Provide verification of state permitting requirements referred to in the DWQ flow commitment letter.
6. What is the purpose of the existing utility easement shown on the plans and how will the new development affect the easement.
7. Easements should be provided for the existing 48 inch culvert and the sewer plan dewatering pipe line.
8. Sheet C301 indicates removal of existing debris and sand stockpile that is not on the project property.
9. Stormwater ponds are not to be located closer than 10 feet from a property line.
10. No fill within 10 feet of a property line.

Utilities, Pat Irwin

Approved

1. Recommend tapping into 8 inch line on Ocean Trail to avoid running 1 inch service line under the asphalt driveway.

GIS, Harry Lee

Approved

1. Proposed building address 810 Ocean Trail.

Fire Marshal, James Mims

Approved with corrections

1. Fire hydrant should be moved closer to the main structure while still within 400 feet of the track structure. By NC General Statutes one cannot park within 15 feet of a fire hydrant.

Soil and Water, Mike Doxey

Approved

NCDOT, Roger Ward

Approved

1. Driveway permit and encroachment agreement required.

NC Division of Coastal Management, Charlan Owens

1. Sheet C201 indicates that there are 8.073 acres of CAMA wetlands. Clarify that no CAMA wetlands will be disturbed as part of this project. Please contact Ron Renaldi, DCM Field Representative, at 252-264-3901.

Currituck County Economic Development, Peter Bishop

Approved

Currituck County Parks and Recreation, Jason Weeks

Approved

US Army Corps of Engineers, Tom Steffens

Denied/Resubmit

1. Proposed go cart track will require USACE 404 wetland fill permit as designed. Valid USACE jurisdictional plat signed 3/1/2005 for Monterey Shores PUD WWTP indicates wetlands within cart track envelope.

Currituck County Building Inspections, Spence Castello

Approved

1. Four accessible spaces are required and one to be van accessible. All buildings and activities must be accessible.

The following agencies did not provide a recommendation for this project:

Albemarle Regional Health Services, Joe Hobbs

Currituck County Emergency Management, MaryBeth News

Currituck County Sheriff Department, Susan Johnson

Currituck County Schools, Bruce McDonald

Volunteer Fire Department

NC State Archaeology, Lawrence Abbot

NC DENR, Land Quality, Pat McClain

NC DENR Environmental Management, Roger Thorpe

NC DENR Public Water, Siraj Chohan

Embarq, Hester Jones

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

Resubmittal Items:

- 3 - full size copies of plans.
- 1- PDF digital copy of all revised documents.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: March 15, 2010
Special Use Permit
PB 10-02 Beach Jeeps of Corolla**

ITEM: SPECIAL USE PERMIT - OUTDOOR TOUR OPERATOR

LOCATION: 103B Austin Street

ZONING DISTRICT: General Business (GB) – PUD Overlay District

TAX ID: 115B0002P2B0000

OWNER: Corolla Light Town Center, LLC
PO Box 1237
Nags Head, NC 27959-1237

APPLICANT: Bob White
Beach Jeeps of Corolla
1159H Austin Street
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Commercial	Zoned GB
SOUTH:	Residential	Zoned RO1
EAST:	Residential	Zoned RO1
WEST:	Residential	Zoned RO1

LAND USE PLAN

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

NARRATIVE:

1. The applicant is requesting a Special Use permit for conducting unguided horse tour rentals in the off-road areas of Corolla.
2. The Board of Commissioners adopted an ordinance on September 21, 2009 that established outdoor tour operators as a specific land use. Subsequently, any business operating as a vehicular tour operator with a base operation within the jurisdiction of Currituck County is required to apply for a new special use permit.
3. The Special Use Permit application pertains to the property located at 103B Austin Street. Associated activities that may occur off-site are subject to the conditions included in the approved Permit.

4. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

It appears this request is consistent with the policies and objectives of the Land Use Plan provided care is taken to ensure the outdoor tours are conducted in an environmentally sustainable manner. The Planning Department is particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public to the natural resources of Currituck County.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

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

2. **COMPLIANCE WITH ORDINANCE REQUIREMENTS**
Suggested Findings:
 - a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.
 - i. The proposed use **will not** materially endanger the public health or safety for the following reasons:
Suggested Findings:
 - The parcel has adequate on-site parking and is located in a well established commercial area.

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

Suggested Findings:

- The Unified Development Ordinance indicates that outdoor tour operators are a permitted land use with a Special Use Permit in a General Business (GB) zoning district.

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

Suggested Findings:

- The parcel is located in Corolla Light Town Center which is a well established commercial area and is therefore in keeping with the character of the surrounding area.

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

Suggested Findings:

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

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

Suggested Findings:

- Approval of this request should have no impact on public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 103B Austin Street and staff recommends **APPROVAL** with the following conditions:

1. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
2. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.

4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate parking available at the proposed location.

Use	Parking Requirement	Quantity	Parking Total
Horse Tour Rentals	Tour vehicle seating 1-5 persons = 1 space per vehicle	10 Jeeps	10
Employees (largest shift)	1 space/2 employees	4 employees	2
Total Required:			12

5. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
6. This special use permit shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code Enforcement Officer or Board of Commissioners, the special use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.
7. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.

PLANNING BOARD RECOMMENDATION

The Planning Board **recommended approval** of the special use permit with staff recommendations.

PLANNING BOARD DISCUSSION (February 9, 2010)

Mr. White stated he has been conducting unguided horse tour rentals in the off-road areas of Corolla for four years. They have a route marked out for them to go too and they are on their own for approximately 2.5 hours.

Ms. Taylor asked if there is a minimum age limit to drive the vehicle.

Mr. White stated they have to be 25 years of age or older and have full insurance coverage.

Mr. Clark asked if they have ever had any problems with the law regarding his rentals.

Mr. White stated they have had people call and say a vehicle is doing something wrong. This year it makes it easy because they had decals or paint markings that clearly display the company's name. Mr. White stated they donate to the Wild Horse Fund. Mr. White stated it is hard to find responsible people to do guided tours. There are companies in Dare County who do not have any stipulations. One option is to have a caravan tour where you have 4 to 5 jeeps in one tour.

Mr. West stated he liked the fact that you have to be 25 years or older to drive but one thing in the past is that they need to be guided tours.

Mr. Woody stated that the special use permit will be for one year and then it will come back to the BOC for renewal.

Mr. Wright asked if the Wild Horse has a position on guided vs. unguided.

Mr. Woody stated the Wild Horse Tours are guided at the applicant request.

Mr. Midgette asked Mr. White if he was okay with staff recommendations.

Mr. White stated yes.

Ms. Wilson stated living in the Corolla area the tours are under the microscope and having an unguided tour may be self-destructive.

Mr. White stated he has a lot of money tied up in his business and he keeps the money in the community. If the tours were guided he may see a 5% reduction but maintenance cost of vehicles would go down. The public really enjoys the unguided tours.

Mr. Lanucci stated he is concerned about unguided tours and is in favor of guided tours.

Mr. Rothrock stated he would like to see a number on the jeeps along with the company name so when you call the sheriff department you can give them a number along with the company name. Control the number of permits which in turn will control the number of vehicles up in the off road area. Mr. Rothrock asked who is spending more money, the person who rents the jeep for 2.5 hours or rents a home for a week.

Mr. Lampe stated he likes a one year permits and he is in favor of guided tours.

ACTION

Mr. West motion to recommend approval with staff recommendations and that the tours be guided during the months of Memorial Day through Labor Day for a special use permit for an outdoor tour operator. Ms. Taylor seconded the motion. Motion carried unanimously.

MEMORANDUM

To: Bob White, Beach Jeeps of Corolla

From: Planning Staff

Date: January 20, 2010

Re: PB 10-02 Special Use Permit – Outdoor Tour Operator

The following comments have been received for the December 16, 2009 TRC meeting.

Planning, Jennie Newbern

Approved

1. Tour/Rental vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
2. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances.
3. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Currently there is adequate parking available at the proposed location.

Use	Parking Requirement	Quantity	Parking Total
Horse Tour Rentals	Tour vehicle seating 1-5 persons = 1 space per vehicle	10 Jeeps	10
Employees (largest shift)	1 space/2 employees	4 employees	2
Total Required:			12

4. This special use permit is valid for one year from the date of approval and shall remain valid so long as the conditions under which it is granted are met.
5. The Board of Commissioners may establish a maximum number of vehicles as part of the special use permit approval process.

Currituck Soil and Water, Mike Doxey

Approved – No Comments

Currituck County Engineer, Eric Weatherly

Approved – As long as no new construction is involved.

Currituck County Utilities, Pat Irwin

Approved – No Comments

Currituck County Schools, Bruce MacDonald

Approved – No Comments

Currituck County GIS, Harry Lee

Approved – No Comments

Currituck County Building Inspections, Spence Castello

Approved – No Comments

Currituck County Parks and Recreation, Jason Weeks

Approved –No Comments

NCDOT, Roger Ward

Approved – No Comments

NC Division of Coastal Management, Charlan Owens

Approved – No Comments

NCDENR, Land Quality, Pat McClain

Approved –No erosion and sedimentation control plan approval is required.

Albemarle Regional Health Services, Joe Hobbs

Consult with NCDWQ for wastewater treatment and disposal approval (252.946.6481)

Currituck County Emergency Management, James Mims

Approved- As long as there is adequate parking.

Office of State Archaeology, Lawrence Abbott

Approved-No comments

Please note that comments were not received from the following:

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

US Army Corps of Engineers, Tom Steffens

Embarq, Hester Jones

NCDENR, Environmental Management, Roger Thorpe

NCDENR, Public Water, Siraj Chohan

Currituck County Economic Development, Peter Bishop

Currituck County Sheriff, Susan Johnson

Currituck County Local Volunteer Fire Department



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-6029
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: February 24, 2010

Re: PB 08-42 Blackwater Training Center – Renewal of Special Use Permit

Blackwater Training Center was granted a one year special use permit in March 2009 for the operation of a Security Training Operations and Services Facility. This special use permit is set to expire on March 2, 2009 and the applicant is requesting a renewal. The term of the original permit was for a one year period. The applicant is requesting that the renewal period be extended for a period greater than one year.

Conditions previously included on the permit are as follows:

1. The revised plan dated 1-21-2009 shall be the approved site plan for this permit.
2. All required county, state, or federal permits shall be secured before the use resumes and be kept in good standing for the duration of the use.
3. The storage of munitions or explosives shall be prohibited in Currituck County.
4. Each firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.
5. A copy of the Military Handbook (ML-HDBK-1027/3B) shall be available at each firing range.
6. Noise violations or activities conducted past 10:00 p.m. will result in revocation of the permit.
7. Operations shall be prohibited on Sunday.

Should you have any questions, do not hesitate to contact me at 232-6029.



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS
S. Paul O'Neal, Chairman
O. Vance Aydlett, Jr., Vice-Chairman
J. Owen Etheridge
Gene A. Gregory
Barry C. Nelms
John D. Rorer
Janet L. Tavior

153 Courthouse Road / Post Office Box 39
Telephone (252) 232-0300 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA
County Manager
DONALD I. MCREE, JR.
County Attorney
GWEN H. KEENE, CMC
Clerk to the Board

MEMORANDUM

TO: Board of Commissioners
Dan Scanlon, County Manager

FROM: Ike McRee, County Attorney

DATE: January 13, 2010

RE: Ordinance Restricting Use of Sandbags and Beach Pushes on the Currituck Ocean Beaches

Due to erosion along certain areas of the Currituck ocean beaches, at least two houses are located in the public trust area of the county's beach north of Corolla. As a consequence, there have been occasions at high tide that the houses have blocked the free movement of motor vehicle traffic along the beach. Staff is informed that at least on one occasion an ambulance with a patient was unable to move around the houses requiring the transfer of the patient to another ambulance located on the south side of the houses.

Recently, an owner of one of the houses sought CAMA permits to place sandbags around the house. The placement of sandbags in the public trust area on the beach would have further obstructed the free movement of motor vehicles along the beach. In response, a letter was forwarded to the Division of Coastal Management interpreting the county's existing Code of Ordinances as prohibiting the placement of sandbags on the beach to the extent they might obstruct or prevent the movement of motor vehicles on the beach. A copy of that letter is attached.

To strengthen the county's Code of Ordinances and to ensure that sandbags or other modifications to the beach do not impact free travel along the beach, the attached ordinance is proposed for the board's consideration.

Prior to the 2009 session of the North Carolina General Assembly the county received a citizen request for adoption of an ordinance to allow use of golf carts on public streets and roads within the county. In response, the Board of Commissioners included in its Legislative Agenda a local act authorizing the county to enact an ordinance to allow such use of golf carts. Because of the number of local governments requesting similar authority, the General Assembly amended the General Statutes of North Carolina by adding G.S. 153A-245 to authorize counties to permit and regulate the use of golf carts on public streets and roads within a county. A copy of G.S. 153A-245 is attached for your information.

Also attached for consideration by the Board of Commissioners is a proposed ordinance that will permit, with conditions, the use of golf carts on certain public streets, roads and highways within the county. A copy has been forwarded to Sheriff Johnson and Chief Deputy Casey for their review and comment. Their comments will be presented to you upon receipt. I will be prepared to answer questions regarding the ordinance during the January 19 Board meeting.



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS

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DANIEL F. SCANLON, II, CPA
County Manager

DONALD I. MCREE, JR.
County Attorney

GWEN H. KEENE, CMC
Clerk to the Board

February 24, 2010

VIA ELECTRONIC MAIL (charlan.owens@ncdenr.gov)

Ms. Charlan Owens, AICP

District Planner

Division of Coastal Management

Elizabeth City, NC

Re: Sandbags and Beach Push On Northern Currituck Outer Banks

Dear Ms. Owens:

I am writing in response to your request for the county's interpretation of Section 10-62 of the Currituck County Code of Ordinances as that code section relates to the placement of sandbags or beach pushes on the northern Currituck County Outer Banks. Two paragraphs of Currituck County Code Section 10-62 are relevant to the sandbag and beach push issue.

First, pursuant to Section 10-62(a) of the Currituck County Code of Ordinances, "[N]o person may block the foreshore in such a manner that would prohibit vehicular travel along the foreshore." The term "foreshore" is defined in Section 10-51 of the Currituck County Code of Ordinances to mean "the area from the water's edge to a wash line created by the previous high tide; specifically, the hard-packed sand strip adjacent to the water's edge." Therefore, the placement of sandbags within the foreshore area that prohibits vehicular travel along the foreshore is unlawful and prohibited. Likewise, the act and consequences of a beach push is also unlawful to the extent that such activity changes the grade or topography of the foreshore to the extent that motor vehicle traffic along the foreshore is prohibited even if only a temporary prohibition.

Secondly, pursuant to Section 10-62(b) of the Currituck County Code of Ordinances, "[T]here shall be no lawn chairs, coolers, fishing lines **or any other items** allowed to block the beach strand in any manner that would restrict vehicular movement in a north-south direction along the dune line or along the waters (sic) edge." [Emphasis added]. The term "beach strand" is defined in Section 10-51 of the Currituck County Code of Ordinances to mean "that area of the beach extending from the dune line to the waters (sic) edge." Therefore, the placement of sandbags in an area extending from the dune line to the water's edge that restricts vehicular movement in a north-south direction along the dune line or along the water's edge is unlawful and prohibited.

The county is informed that at least two structures are now located within the public trust area on the northern Currituck County Outer Banks and that there have been instances that the structures have prevented vehicular movement along the beach strand. There is also at least one instance when an ambulance was unable to move past the two structures to transport a patient in need of emergency medical treatment to a hospital. It is the county's intent to enforce Section 10-62 of the Currituck County Code of Ordinances in order to prevent or cause to be removed sandbags or beach push activity that prohibits or restricts the free movement of vehicular traffic along the beach which, of course, is the only public way to a large number of residential lots on the Currituck County Outer Banks.

The county appreciates your agency's understanding of the county's ordinances and expects that your agency will not issue permits that might give an applicant the belief that a state permit allows for violation of county ordinances.

Sincerely yours,

Donald I. McRee, Jr.
County Attorney

/DIMjr

cc: Daniel F. Scanlon, II, County Manager
Ben Woody, Planning Director

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING ARTICLE II, CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES TO RESTRICT BEACH PUSHES AND SANDBAGS ON THE**
4 **COUNTY'S OCEAN BEACHES**

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

8 WHEREAS, the Board of Commissioners for the County of Currituck finds and declares
9 that unimpeded motor vehicular access along the county's ocean beaches is essential for the
10 access by many to property and response by emergency personnel, equipment and vehicles to
11 calls for assistance and that the use of sandbags and beach pushes on the county's ocean beaches
12 will cause obstruction and impediment to the free movement of motor vehicular traffic.

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

15 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a
16 new section to read as follows:

17 **Sec. 10-26. Sandbag and bulldozing restrictions.**

18 On the ocean beaches, use or placement of sandbags, bulldozing sand, pushing of sand by
19 mechanical means or other mechanical change to the topography is prohibited except in the
20 following situations:

21 (1) When such work is performed as a part of a hurricane or erosion protection project or
22 beach nourishment project sponsored by the County of Currituck or any state or federal
23 agency;

24 (2) When such work is performed at the direction of the County of Currituck for purpose
25 of beach maintenance; or

26 (3) When such work is authorized by the issuance of a general waiver of this section by
27 the board of commissioners following a natural disaster.

28 As used in this section, "ocean beaches" means the area adjacent to the ocean and ocean
29 inlets that is subject to public trust rights. This area is in constant flux due to the action of wind,
30 waves, tides, and storms and includes the wet sand area of the beach that is subject to regular
31 flooding by tides and the dry sand area of the beach that is subject to occasional flooding by
32 tides, including wind tides other than those resulting from a hurricane or tropical storm. The
33 landward extent of the ocean beaches is established by the common law as interpreted and

1 applied by the courts of this State. Natural indicators of the landward extent of the ocean beaches
2 include, but are not limited to, the first line of stable, natural vegetation; the toe of the frontal
3 dune; and the storm trash line.

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

6 PART III. This ordinance is effective upon adoption.

7

8 ADOPTED this _____ day of _____, 2010.

9

10

11

S. Paul O'Neal, Chairman

12

ATTEST:

13

14

Gwen H. Keene, Clerk to the Board

15

16

17

APPROVED AS TO FORM:

18

19

Donald I. McRee, Jr., County Attorney

20

21

Date adopted: _____

22

23

Motion to adopt by Commissioner _____

24

Second by Commissioner _____

25

Vote: _____ AYES _____ NAYS

26

Gwen Keene

From: Vicky Hagemeister [vhagemeister@earlibrary.org]
Sent: Wednesday, March 03, 2010 11:44 AM
To: Gwen Keene
Subject: another library board resignation

Marion Thorne has resigned from the Library Board. She was on her second term and is now spending most of her time in western NC visiting her grandchildren and thus has difficulty attending the meetings. She lives in Moyock. Please place this on a Commissioner agenda so a replacement can be secured. Thank you.

Vicky Hagemeister
Currituck County Librarian
4261 Caratoke Highway
Barco, NC 27917
(252) 453-0492
vhagemeister@earlibrary.org
member East Albemarle Regional Library System

LIBRARY BOARD OF TRUSTEES
4 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Stephanie Miller	District 1			5/18/2009	2nd 6/30/2013
Dr. Norman Dahm	District 2			5/18/2009	2nd 6/30/2013
Colleen Umphlett	District 3			3/1/2010	Unexpired Term 6/30/2013
Joann DiBello	District 4			7/20/2009	1st 6/30/2013
Lisa Rose	District 5			6/15/2009	1st 6/30/2013
George Gregory	At-Large			5/18/2009	1st 6/30/2013
Rhonda Cheek	At-Large				2nd 6/30/2010
Marion Thorn -lives in Moyock*					2nd 6/30/2012
Dr. Alison Boone-Heyder					1st 6/30/2012

* Resigned

WHALEHEAD BOARD OF TRUSTEES

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cliff Scott	District 1	*	Aydlett	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Kimberlee Hoey	District 2	*	Rorer	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Gary McGee	District 3	*	Nelms	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Jeanne Meiggs	District 4	*	Etheridge	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Josh Bass	District 5	*	Taylor	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Travis Morris	At-Large	*	O'Neal	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Bill Richardson	At-Large	*	Gregory	3/1/2010	5/1/2013
				Eff. 5/1/2010	
Sharon Twiddy		**		3/1/2010	5/1/2013
				Eff. 5/1/2010	
Allen Ives		**		3/1/2010	5/1/2013
				Eff. 5/1/2010	
Buck Thornton		**		3/1/2010	5/1/2013
				Eff. 5/1/2010	
		**			

* 7 Members Must Be County Residents

** 4 Members May Be Non-Residents

MARKETING PROGRAM MANAGER

General Statement of Duties

Performs program management and professional work in managing the marketing functions for the Currituck County Tourism Department.

Distinguishing Features of the Class

An employee in this class is responsible for developing, overseeing, coordinating and implementing the Tourism marketing and advertising program. Work involves budget development and oversight to ensure funding supports the full year's program plan. Work includes graphic design and publication creation, relationship building with advertising representatives, contract services management, and research on varied marketing issues and trends, travel tradeshow, etc. Employee plans and implements press and familiarization tours and special promotions, and recruits travel writers and professionals. The employee coordinates services with other staff and department operations. Comprehensive knowledge of marketing and advertising practices and program management skills are required. Work requires the use of sound professional judgment, initiative and tact and diplomacy in the performance of duties. Work is performed under the general supervision of the Tourism Director and is evaluated based on conferences, review of work progress, and quality of final work or projects produced.

Duties and Responsibilities

Essential Duties and Tasks

Plans, organizes and implements the marketing and advertising program; creates marketing and advertising plan for the department; reviews media kits; manages advertising contracts; reviews vendor relationships for cost, performance and quality of service; uses data and research and makes decisions based on cost-benefit analysis; fields sales calls; meets with advertising representatives.

Develops and proposes marketing budget annually; oversees, monitors, and manages expenditures to spread funds throughout the year; discusses concerns and requests shifts of funds with the Director as needed; processes purchases orders.

Designs and produces print advertisements for Tourism; establishes and assures a consistent image is maintained in layouts, colors, and imagery changing text and photos to fit the ads; creates publications promoting visitation to Currituck County; produces informational reports for tourism related businesses, local residents and elected officials on travel and tourism in the area; coordinates with public relations coordinator to utilize data collected; assists with creation of graphics and icons for tourism website, billboards and signage.

Creates and manages co-op advertising programs for local businesses; promotes and coordinates co-op ads; works with local businesses on; advises on and/or uses the business's ad; designs co-op layout; may design ads for businesses as needed; coordinates and places co-op ads with national publications.

Manages contracts for major publications each year; defines specification for publication productions; advertizes contracts and reviews bids and recommends selection; provides photos and information to be included in the publications; coordinates and oversees contractors in producing, printing and delivering publications; provides assistance to E-Marketing/Web Development Specialist on website and e-mail marketing campaigns managed by web company.

Manages contracts for television; discusses shot locations and concept with Director; attends the shooting of ads and coordinates the production with the contractor; reviews and approves final TV ads before release.

Plans and coordinates familiarization and press tours with the Public Relations Coordinator; recruits travel writers and professionals; pitches story ideas; plans and executes tours; manages on-

line press room; creates and mails press kits and monitors editorial coverage.

Researches and recommends attendance to travel shows; prepares promotional materials for distribution at shows; attends shows on County's behalf to promote travel to Currituck county to perspective vacationers and members of the travel industry, including travel agents and writers.

Handles special promotions and other projects; organizes and promotes vacation giveaways as means to increase potential visitors and businesses; creates and reviews marketing surveys for research purposes; promotes and assists in planning County events such as 4th of July Fireworks, Spring into Tourism, etc.; assists with training programs for information centers

Coordinates and works with E-Marketing Specialist; assists with content for e-newsletters to both local businesses and potential vacationers.

Networks with industry professionals, businesses, etc.

Maintains current level of knowledge of the tourism field, practices and trends, etc; attends local, regional and national industry meetings; researches and reviews information newsletters and webinars; attends conferences and seminars; reviews reports on tourism trends.

Additional Job Duties

Provides graphic design and marketing assistance to other county departments; produces materials for the county Manager's office, Planning Department, Fire and EMS, Economic Development, etc.

Performs related duties as required.

Recruitment and Selection Guidelines

Knowledges, Skills, and Abilities

Considerable knowledge of principles, practices and techniques of marketing and advertising in the travel and tourism industry.

Considerable knowledge of resources for printing and distribution of publications and collateral materials.

Considerable knowledge of methods, processes and procedures for development and production of publications, brochures, and related materials.

Considerable knowledge of Tourism Department goals, plans and strategies, activities and events, area attractions, businesses and other opportunities that would interest potential visitors.

Considerable knowledge of the working of media organizations and related planning and buying strategies.

Working knowledge of and demonstrated skill in using computers, internet technology, word processing, spreadsheet, database, and proficiency in graphic design software such as Adobe In Design, Photoshop, Illustrator, etc.

Skills in producing effective graphics and TV advertising.

Skills in organizing, planning, and implementing projects, tours, publication production, etc.

Skills in developing marketing strategies and providing consultation to management.

Ability to oversee and manage marketing strategies, budget, contracts, vendors, travel press and professionals, etc.

Ability to use sound judgment in all aspects of the work.

Demonstrated skill in communicating effectively in oral and written forms including public speaking.

Ability to be a self-starter, to take initiative and generate creative ideas, publications and products.

Ability to organize and gain input from a variety of sources for articles, publications, and TV ads.

Ability to develop and maintain effective working relationships with community organizations, local business owners, travel and tourism writers and professionals, advertising sales representatives, Director, elected officials, advisory board members, peers, and the public.

Physical Requirements

Must be able to physically perform the basic life operational functions of fingering, talking, hearing, and repetitive motions.

Must be able to perform light work exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

Must possess the visual acuity to work with data and figures, to operate a computer, to design graphics and to read extensively.

Desirable Education and Experience

Graduation from a four year college or university with a major in marketing, advertising, communications, or related degree, and some marketing, advertising and/or public relations experience; or an equivalent combination of education and experience.

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: MARKETING COORDINATOR

Grade: 58

GENERAL STATEMENT OF JOB

Develops an annual marketing plan and produces marketing and public relations materials to promote the County and travel and tourism. Under limited supervision, manages advertising campaigns and marketing materials. Compiles reports regarding tourism. Designs flyers, brochures, newsletters, and other publications, as well as works with outside advertising agencies to design ads and other create marketing materials. ~~Coordinates special events and serves as a liaison with community organizations. Reports to the Travel & Tourism Director / Public Information Director.~~

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Advertising

- ♦ Work with Travel & Tourism staff to develop an advertising and marketing plan.
- ♦ Create and design print advertisements for the prepared advertising and marketing plan.
- ♦ Provide graphic designer with photos, logos, and text for publications. Proof ads materials for accuracy and make sure they are consistent with the department's image and the goals of the ad campaign.
- ♦ Operate a computer graphics workstation using a wide variety of software and multi-media applications; provide general computer graphics assistance to staff.
- ♦ Create, publish, and maintain informational and interactive documents for public and web use for the Tourism Department and other county departments including annual reports, visitor guides, shopping & dining guides, maps, and other publications.
- ♦ Coordinate cooperative advertising opportunities for local businesses.
- ♦ Manage media contacts and develop media kits/promotions.
- ♦ Track editorial obtained through media relations.
- ♦ Coordinate press and familiarization tours. Recruit media, travel counselors, and travel agents for participation.
- ♦ Maintain catalogue of all ads, as well as a timeline showing where ads are placed and how long they will run. Monitor ads for effectiveness.
- ♦ Screen phone calls from ad sales reps and solicit ad kits from publications appropriate for ad campaigns.
- ♦ Assist in the creation of content for e-newsletters (to businesses and visitors).
- ♦ Organize and promote vacation giveaways in an effort to promote the county to potential vacationers and increase the department's database of e-mail addresses.
- ♦ Develop and maintain online marketing surveys.
- ♦ Develop an online press room and information for the media.
- ♦ Coordinate with co-op ad partners to ensure all county information has been received and that ads have been approved and placed in a timely manner.
- ♦ Review vendor relationships for cost, performance, quality of service; make recommendations based on cost-benefit analysis.
- ♦ Assist with employee training/orientation programs at information centers to promote the importance of data tracking for marketing purposes.
- ♦ Research and recommend attendance to trade shows, prepare materials for distribution, and attend shows on the county's behalf.

MARKETING COORDINATOR

Management/Marketing Tools

- ♦ Maintain files on area attractions, tourism trends, economic impacts, local events, and Currituck tourism issues, and projects to be used in writing media releases, answering media questions, and preparing department communications and publications.
- ♦ Provide staff with information needed to represent the department, including: talking points, charts, graphs, PowerPoint presentations, etc.
- ♦ Photograph area attractions and events; maintain a digital and film library to use in marketing materials and to share with media, graphic designers, and members of the tourism industry.
- ♦ Maintain a database of contacts within the tourism industry, both locally and regionally.

Community Relations

- ♦ Work with local community groups to help promote events and projects. Write press releases, develop and produce brochures, and promote events on the County and Travel & Tourism websites.

Etc.

- ♦ Serve as a liaison for local tourism-related business and industry; prepare and distribute information packets to promote economic development.
- ♦ Inventory office supplies and assume responsible for purchases.
- ♦ Attend industry conferences and seminars.
- ♦ Other duties assigned by the Travel & Tourism Director / Public Information Director and County Manager.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the Travel & Tourism Director / Public Information Director during a State of Emergency or other disaster.

Performs other related work as required.

MINIMUM TRAINING AND EXPERIENCE

Bachelor's degree in communications, journalism or a related field preferred; however, a post-secondary degree is not required if the applicant can demonstrate equivalent knowledge, skills, and abilities one would gain through successful completion of a bachelor's degree program. Two to three years experience in business, promotions, or a related field. Solid knowledge of computer applications with demonstrated proficiency in word processing (MS Word), desktop publishing (Adobe PageMaker/Illustrator, Photoshop), database management (MS Access), PowerPoint, and spreadsheet applications.

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED

MARKETING COORDINATOR

TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, cameras, etc. Must be physically able to operate a motor vehicle. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to clients and supporting personnel.

Language Ability: Requires the ability to read a variety of reports, correspondence. Requires the ability to prepare a variety of correspondence, reports, forms, budgets, studies, projects, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including accounting, engineering, legal, and marketing terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; interpret graphs.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

MARKETING COORDINATOR

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Considerable knowledge of the methods and techniques used in business solicitation and industrial promotion.

Considerable knowledge of the available resources of the County.

Considerable knowledge of the resources available to assist industries at the county, state and federal levels.

Considerable knowledge of general management and business organization principles and practices.

Considerable knowledge of the local and regional travel and tourism industry.

Considerable knowledge of County geography.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state and local laws, rules and regulations.

Ability to use common office machines, including popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to exercise considerable independent judgment and discretion in establishing, applying and interpreting policies and procedures.

Ability to develop effective promotional material for the County.

Ability to effectively express ideas orally and in writing.

Ability to make oral presentations before large groups of people.

Ability to work in a consulting capacity and exercise leadership in contact with a variety of public, industrial and business officials at various levels of authority and influence.

Ability to exercise tact, courtesy and firmness when in contact the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
18609-545000	Contract Services	\$ 3,600	
18390-499900	Fund Balance Appropriated		\$ 3,600
		<u>\$ 3,600</u>	<u>\$ 3,600</u>

Explanation: *Hog Bridge Ditch Drainage District (18609) - To appropriate fund balance for ditch maintenance in the Hog Bridge Ditch service district.*

Net Budget Effect: Hog Bridge Ditch (18) - Increased by \$3,600.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2010079

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-533201	Lab Tests	\$ 5,000	
60808-561000	Professional Services		\$ 4,500
60808-526001	Advertising		\$ 500
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: *Ocean Sands Water and Sewer (60808)* - To transfer funds for required lab testing in the Ocean Sands Water and Sewer District.

Net Budget Effect: Ocean Sands Water and Sewer District (60) - No change.

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Clerk to the Board



Number 2010080

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-431000	DSS Admin		11,057
10390-499900	Fund Appropriated Balance	11,057	
		<u>\$ 11,057</u>	<u>\$ 11,057</u>

Explanation: PUBLIC ASSISTANCE (752) - Adjust to reflect new allocation received from the Smart Start partnership.

Net Budget Effect: Operating Fund (10) - Decreased by \$11,057.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-526000	Advertising	\$ 1,000	
10460-532000	Supplies	\$ 6,000	
10460-514000	Travel		\$ 500
10460-514500	Training & Education		\$ 500
10460-516000	Maintenance & Repairs		\$ 6,000
		<u>\$ 7,000</u>	<u>\$ 7,000</u>

Explanation: *PUBLIC WORKS (10460)* - Transfer funds for energy efficient light bulbs for County buildings and for advertising employment opening.

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

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of March 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
10330-433000	Senior Center Grants	\$	839		
10775-503000	Salaries - Part time			\$	839
		<u>\$ 839</u>		<u>\$ 839</u>	

Explanation: *Senior Center (10775)* - To reduce Senior Center Grants for reduction in the Senior Center Outreach grant for FY 2010.

Net Budget Effect: Operating Fund (10) - Decreased by \$839.

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Clerk to the Board

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is professional services required for design of the Maple Commerce Park.

SECTION 2. The following amounts are appropriated for the project:

Professional Services/Design, surveys, etc.	\$	333,170
Reimbursable Expenses	\$	10,000
Contingency	\$	25,000
		<u>\$ 368,170</u>

SECTION 3. The following revenues are available to complete this project:

Transfer from Occupancy Tax, Tourism Related	\$	368,170
		<u>\$ 368,170</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 15th day of March 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Gwen H. Keene
Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
March 1, 2010

The Board of Commissioners met at 6:00 p.m. to discuss Code Enforcement.

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

Invocation Pledge of Allegiance

The Reverend Crehan, Jarvisburg Church of Christ, was present to give the invocation.

Approval of Agenda

Commissioner Etheridge moved to approve. 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 **Proclamation Girl Scout Week**

- Item 4 **Public Hearing and Action:** PB 09-15 A-1 Towing: Request for a special use permit to operate a towing company impound lot at 1221 Ponton Lane in Corolla, Tax Map 114, Parcel 3M, Poplar Branch Township.

- Item 5 **Public Hearing and Action:** PB 87-56 Monterey Shores, PUD: Request for an amended special use permit to designate an additional 1.10 acres of commercial zoning within the Planned Unit Development (PUD). The property is located in Monterey Shores, PUD, Tax Map 116, Parcels 3W and 10, Poplar Branch Township.

- Item 6 **Public Hearing and Action:** PB 09-38 Corolla Fun Park: Request for a special use permit to establish a 36-hole miniature golf course; go-kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD, Tax Map 116, Parcels 3W and 10 and Tax map 116D, Parcel 3D, Poplar Branch Township.

- Item 7 **Public Hearing and Action** on Intent to Permanently Close Milburn Sawyer Road in Poplar Branch Township

- Item 8 **Consideration of** ordinance amending Article III, Section 10-134 to allow dogs at the Rural Center (second reading)

- Item 9 **Discussion and Consideration** of Resolution establishing Single Family Residential Permitting Incentive Plan
 - Item 10 **Consideration** of modified Golf Cart Ordinance
 - Item 11 **Recommendation of Award** for the Corolla Greenway Multi Use Path Project
 - Item 12 **Appointment** to Library Board of Trustees
 - Item 13 **Appointment** to Fire and EMS Advisory Board
 - Item 14 **Appointment** to Senior Citizen Advisory Board
 - Item 15 **Appointments** to Whalehead Board of Trustees
 - Item 16 **Consent Agenda:**
 - 1. Pilmoor Methodist Church Food Bank \$2,500
 - 2. Budget Amendments
 - 3. Order the Tax Collector to advertise the 2009 real estate tax liens
 - 4. Petition to NCDOT for addition to state maintained system of sections of Rita Street, Parker Street and Neal Avenue in Albemarle Sound Beach Estates
 - 5. Resolution Authorizing Sheriff's Office to Dispose of Vehicles by Trade-in
 - 6. Disposal of Building Permit Files
 - 7. Resolution Surplus property Ocean Sands
 - 8. Approval of February 15, 2010, Minutes
 - Item 17 Commissioner's Report
 - Item 18 County Manager's Report
- Adjourn

Public Comment

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

Chairman O'Neal opened the public comment period.

Tracy Hale, Jarvisburg, commented on the roads in Albemarle Sound Beach Estates and requested the Board's assistance.

Gene Staples, also requested the Board's support with the roads.

Barbara Otto, Neal Avenue, requests the Board's support for the roads.

The Board directed staff to meet with residents after DOT reviewed the roads.

Commissioner Nelms thanked the citizens, Lower Currituck Fire Department and Dominion Power for their help with a house fire this weekend.

There being no further comments, Chairman O'Neal closed the public comment period.

Proclamation Girl Scout Week

Chairman O'Neal presented the following proclamation.

Girl Scout Week Proclamation

WHEREAS, March 12, marks the 98th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, through the Girl Scout leadership experience, girls develop the skills and lessons that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology and other fields that can expand their horizons; and,

WHEREAS, more than 3 million current Girl Scout members nationwide will be celebrating 98 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

NOW, THEREFORE, the Board of Commissioners of Currituck County, North Carolina, does hereby applaud the commitment Girl Scouting has made to support the leadership development of America's girls and proudly proclaims the week of March 7, 2010, as Girl Scout Week.

Public Hearing and Action: PB 09-15 A-1 Towing: Request for a special use permit to operate a towing company impound lot at 1221 Ponton Lane in Corolla, Tax Map 114, Parcel 3M, Poplar Branch Township.

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS

DATE: March 1, 2010

PB 09-15: A-1 Towing

Special Use Permit - Villages at Ocean Hill

ITEM: PB 09-15 Villages at Ocean Hill, Special Use Permit, Site Plan Approval, Zoning Map Revision for A-1 Towing Site

LOCATION: The property is located on Ponton Lane adjacent to the Currituck County future well site in Villages at Ocean Hill.

TAX ID: Tax Map 114, Parcel 3M

ZONING: The site is currently located in both General Business and RO1 zoning. The applicant is requesting a special use permit and zoning map revision to remove the A-1 Towing site from the county well site and relocate the entire operation within a General Business Zone. The site is also located in a PUD overlay district.

PRESENT USE: A-1 towing site, Currituck County future well site

OWNERS: Midlantic Builders, LLC
P.O. Box 2225
Kitty Hawk, NC 27949

ENGINEER: Bissell Professional Group.
P.O. Box 1068
Kitty Hawk, NC 27949.

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

	Land Use	Zoning
NORTH:	Vacant-Ocean Hill Commercial Tract 1	GB
SOUTH	Persimmon Street Residential/Commercial	CD-GB/RO1
EAST:	Vacant-Ocean Hill Commercial Tract 1	GB
WEST:	Vacant	RO1

LAND USE PLAN

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

SIZE OF SITE: Parcel Area: 13.56 acres; SUP Area: 0.36 acres.

STREETS: Existing access road construction is acceptable so long as the commercial parking element is excluded from the use.

UTILITIES: There will be no new utilities associated with the use.

OPEN SPACE: There will be no change in open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking SUP approval for the A-1 Towing site within Villages at Ocean Hill planned unit development.
- The applicant is proposing to shift portions of the submitted an amendment to reflect those changes. The relocate 31,913 square feet of GB zoning to other areas of the site, resulting in no net increase of commercial area. The A-1 Towing site in its entirety will be located within an area zoned for GB.
- All portions of the A-1 Towing use including a small amount of GB zoning will be removed from the 100' isolation radius of the Currituck County well site. The well point and its radius will be shifted to resolve an existing encroachment onto Ocean Hill Commercial property.
- The Ponton Ln. access easement will be shifted to avoid Currituck County well site.
- This case was reviewed at the May 2009 TRC meeting.

II. UNRESOLVED TRC COMMENTS:

- **Planning Staff Comment #1:** The existing access road does not fall within the boundaries of the legal access easement from NC 12. The legal easement must be relocated to the existing road site (Ocean Hill Commercial, Parcel 2), or the necessary permits must be obtained to improve an access road within the existing legal easement (Ocean Hill Commercial, Tract 1). *Staff Commentary: The owner of Parcel 2 has not agreed to allow legal access through the existing road site. Tract 1, which includes the existing legal easement, is currently under an active Army Corps of Engineers wetland fill violation. In order to improve an access within the legal easement a permit to fill wetlands is required. Due to the outstanding Corps violation, this appears to be unfeasible. As a result, the applicant is proposing to continue using the historic access via the Coral Lane stub located on the west side of NC12.*

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 except for the unresolved TRC comment concerning the access from NC12.

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

Suggested Findings:

a. The proposed use 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 use is not visible from NC12 nor located within close proximity to residential dwellings 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 Full Service area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, such as:

- i. Policy ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.
- 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 the minimum requirements for SUP approval, staff recommends **conditional approval** of this SUP/Site Plan/Zoning Amendment with the following conditions:

- Evidence must be presented to the Board that establishes Mid-Atlantic Builders, LLC and its assignees as legal users of the Coral Lane right-of-way.
- The proposed use and associated areas of disturbance shall have no direct impact on adjacent wetlands. This shall include but is not limited to the use of vegetated buffers and the treatment of stormwater through vegetative swales.
- The requirements of UDO Chapter 5: Landscaping, Bufferyards, & Shading must be satisfied within two months of site plan approval.
- A lighting plan meeting the requirements of the Outer Banks Overlay District shall be submitted and approved prior to the installation of any lighting on the property.
- No hazardous waste material shall be stored on the site.
- The use permit is limited to a towing operation and impound lot (Automobile Services).

- A revised site plan meeting all requirements of the UDO shall be re-submitted to the Technical Review Committee for review and approval.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the special use permit with the staff recommendations.

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Kovacs asked if the county uses the Coral Road access.

Mr. Woody stated yes.

Mr. Bissell stated that the plan has been modified since the last time the board saw it so there are no impacts on future irrigation areas or green areas which have been confirmed with the state. Mr. Bissell talked about the three possibilities for access which A-1 Towing can use. Mr. Bissell stated this request is to go back to the access that was approved in 1989 and to review that part of the A-1 Towing application in 1991-2001.

Mr. West asked if Coral Lane is the access that A-1 Towing has legal access too.

Mr. Bissell stated yes.

Mr. Weaver stated he owns A-1 Towing and the purpose of the storage area is to keep cars and contents in a secure area.

Mr. Cornet stated he is the president of the Ocean Hill Section 1 Property Owners Association (OH1POA). Mr. Cornet stated OH1POA believes that any special use permit that relies on the use of the Coral Lane stormwater area for vehicular access to RT12 should be denied because:

- OH1POA is the owner of the right-of-ways within the OH1 subdivision that include Coral Lane. Although the roads and right-of-ways are dedicated to public use, by court order OH1POA has responsibility for operation and maintenance and has the authority to issue easements. No easement has been granted.
- Vehicles enter by driving over private property on a narrow track that has been created by filling wetlands.
- OH1POA is against issuing an easement until three issues can be resolved.

- Ø Public health issues due to flooding on Coral Lane and Rt. 12.
- Ø Public safety issues at a dangerous intersection.
- Ø Destruction of value and harmony in a residential only subdivision.

Ms. Cole stated she lives adjacent to Coral Lane. Ms. Cole stated A-1 Towing has been a good neighbor and does not have any problems with them. A-1 Towing was to move the access north of Coral Lane. Right after A-1 Towing was approved, in 2001 they did improve the access just north of Coral Lane but it was never recorded. Ms. Cole stated it is important that it gets recorded and a dedicated legal access is moved. Ms. Cole recommended that A-1 Towing have a chance to get it straight and continue to operate.

Mr. Bissell stated that ownership and public dedication are two different things. The original developer did a quick claim deed to the property owners association, but the key is that it was dedicated to public use. What they are trying to do is re-approve what was originally approved. Mr. Bissell read a portion of a letter from Starkey Sharp an attorney for Midlantic Builders that states, "The roadway was part of the original Ocean Hill subdivision. There is a spur of the road which comes west off NC12 at the south end of the Villages at Ocean Hill project. The roadway was dedicated at the time the plat was recorded showing that road. The property into which Coral Lane runs is owned by Midlantic Builders, LLC and is part of the Villages at Ocean Hill PUD. The dedication of the street segment which occurred with the recording of the plat remains effective; In addition, the roadway is necessary to provide access to properties within the PUD and has been in continuous use for many years. I understand a property owners group from the original Ocean Hill subdivision may dispute what I have summarized in the letter. I believe the case law will support the position I have outlined." Mr. Bissell stated the applicant has the continually legal right to use the road.

Mr. Midgette asked Mr. Bissell if he is okay with staff recommendations.

Mr. Bissell stated yes.

ACTION

Mr. Clark motioned to recommend approval with staff recommendations of PB 09-15 A-1 Towing for a special use

permit to operate a towing company impound. Mr. West seconded the motion. Motion carried unanimously.

Ike McRee, County Attorney, opened the public hearing.

Mark Bissell, Engineer, and Jim Bickford, representing Mid Atlantic Builders, LLC., presented their reason for using Coral Lane access, which they have used for many years. Mr. Bickford stated that he is willing to work with the homeowners to resolve the access issue.

Chairman O'Neal questioned the wetland area.

Commissioner Aydlett, asked if Mr. Bickford could meet with Mr. Freidman and resolve the access issue.

Tom Nash, Attorney for Ocean Hill Section I, Property Owners Association, presented a letter from Mike Brough, Attorney, opposing the use of Coral Lane as the access point. The property owners feel that this should not be used as the access for A-1 Towing. They are not opposed to A-1 Towing's operation.

Ike McRee, County Attorney, opened the hearing for comments.

Mr. Bickford submitted a plat showing the wetland area.

Kay Cole, stated that, in 1999, the homeowners opposed this use of their access on Coral Lane.

Alicia McDonnell, opposes the use of Coral Lane by A-1-Towing.

Bonnie McCarthy, opposes the use of Coral Lane.

Ed Ish, opposes the use of access on Coral Lane.

Bill Schnider, opposes the use of access on Coral Lane.

Rachel Schrote, opposes the use of access on Coral Lane.

Larry Weaver, A-1-Towing, stated that he has used this access and would not have a problem with another access.

Karen Ish, questions why the homeowners have to be involved in the issues with Mr. Bickford and Mr. Freidman, opposes the use of access on Coral Lane.

Buddy Ponton, Commercial Fisherman, has used this access and has permission to do so because he is also a resident.

Commissioner Nelms questioned how long it would take to get a legal easement.

Ike McRee, County Attorney, closed the hearing.

Commissioner Aydlett moved to **approve** PB 09-15 with the findings of fact and the staff recommendations included in the case analysis and the following conditions:

- The Permit is valid for six months, during which time the applicant shall pursue an alternative access for the use. The applicant must reapply at the end of the six month period for reconsideration of the Permit.
- Additional insurance costs born by the Ocean Hill One home owners association shall be paid by the applicant.
- A-1 Towing shall continue to use the existing access (parcel 0114000003G0000) until such time as it is closed by the property owner.

Commissioner Rorer seconded the motion. Motion carried with Commissioners Nelms and Etheridge voting no.

Public Hearing and Action: PB 87-56 Monterey Shores, PUD: Request for an amended special use permit to designate an additional 1.10 acres of commercial zoning within the Planned Unit Development (PUD). The property is located in Monterey Shores, PUD, Tax Map 116, Parcels 3W and 10, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: March 1, 2010**

PB 87-56 Monterey Shores, Planned Unit Development

ITEM: PB 87-56 Monterey Shores, Planned Unit Development, Amended Special Use Permit, to designate an additional 1.10 acres of commercial zoning within the PUD.

LOCATION: Corolla, Monterey Shores, PUD, Poplar Branch Township.

TAX ID: 0116-000-003W-0000 0116-000-0010-0000

ZONING

DISTRICT: Outer Banks Standard Residential (R01) with PUD overlay.

PUD Overlay (R01):	320.04 acres
PUD Overlay (GB):	34.46 acres
PUD Overlay (GB):	1.10 acres proposed

PRESENT USE: Planned Unit Development, church site and undeveloped lands

OWNER: Monterey Shores, Inc.
5299 Pennock Point Road
Jupiter, FL
Corolla Worship Center
PO Box 668
Nags Head, NC 27959

DEVELOPER: IG Holdings, LLC
PO Box 120
Kitty Hawk, NC 27949

ENGINEER: Coastal Engineering & Surveying
934 W. Kitty Hawk Road
PO Box 1129
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Open Space/Commercial/Apartments	PUD-R01/GB
SOUTH	Open Space/Undeveloped Commercial	PUD-R01/GB
EAST:	Commercial	PUD-R01/GB
WEST:	Open Space	PUD-R01

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service and Conservation** within the **Corolla** subarea.

OPEN SPACE: The required open space for Monterey Shores is 35% (124.46 acres). According to the proposed development plan Monterey Shores provides 37.1% (131.94 acres) of open space.

I. NARRATIVE OF REQUEST:

- The developer is seeking to amend the special use permit to allocate an additional 1.10 acres of commercial designation within the Monterey Shores PUD.
- The developer is also seeking a PUD variance that would allow the General Business (GB) zoning designation

within the PUD. The UDO currently requires that commercial properties be designated as Limited Business-Hotel (LBH) designation. The request is to provide zoning consistency within the PUD.

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

- A. There is a discrepancy between the dedicated green area and the NC DENR wastewater permit allocations of green area. (*Staff commentary: Green area is land that is set aside for future wastewater needs*). In 2007, the original developer of Monterey Shores, PUD, dedicated easements and recorded green area maps within the PUD. Approximately two months later, Carolina Water submitted a request to NC DENR to expand the wastewater treatment facility. The request included a revised map that dedicated additional green area on property owned by Monterey Shores, Inc. (the original developer). According to Bob DeGabrielle, Monterey Shores, Inc., did not provide easements or dedication for the additional green area. It is the opinion of the county attorney and Mr. DeGabrielle that this additional allocation is not legally permitted since Monterey Shores, Inc. did not authorize or make available the additional land for wastewater green area. In addition, Carolina Water, permit holder, must modify the green area and legally acquire additional lands suitable for wastewater disposal. Outside of all concerns outlined, it remains uncertain whether Carolina Water has legal authority to locate green area within the utility easement identified on the recorded easement plat (plat cabinet K, slide 49).

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 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 provided assurances for wastewater disposal are submitted from NC DENR and Carolina Water.
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 development and conditions should have little to no negative impact on public health or safety.
5. The special use will not injure the value of adjoining 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 R01 base zoning district and PUD overlay with a special use permit.
 - b. The requested zoning designation meets the UDO maximum commercial designation for a PUD.
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 and Conservation (.178 acre) within the Corolla subarea. The Full Service classification supports the density and commercial allocations of a planned unit development provided design criteria is established to ensure commercial development protects and preserves the existing community. The Conservation classification provides for long-term management and protection of significant, limited, or irreplaceable natural resources. The classification is typically applied to areas that should not be developed (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. With the exception of the proposed .178 acre commercial designation within the Conservation

classification, the proposed use and conditions, are in keeping with the LUP Policy statements and the

Corolla subarea policy emphasis, 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:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often 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.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

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 SUP, and **staff recommends conditional approval** of the SUP subject to the findings of fact and the following conditions:

1. The commercial designation shall be located within the Full Service classification area and shall not include the .178 acre proposed in Conservation classification area as identified by the 2006 Land Use Plan. This condition excludes the existing 1.03 acre allocation of General Business (GB) approved by the Board of Commissioners May 21, 2001 (See approved Amended Sketch Plan dated May 21, 2001 for specific location).
2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided in environmentally sensitive areas or lands designated Conservation by the 2006 Land Use Plan. Cisterns should not discharge stormwater as sheet flow or concentrated flow across the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
3. All inland, non-tidal and coastal wetlands should remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust, or turned over to the homeowner's association (LUP Policy ES2, ES3).
4. Any modification to green area must be approved by Currituck County and NC DWQ prior to implementation. Green area shall be identified by an easement, illustrated on a map, and recorded in the Currituck County Register of Deeds.
5. All projects, residential and non-residential, shall meet the minimum zoning requirements in effect at the time of construction.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** for an amended special use permit with the staff recommendations and omitting #1.

PLANNING BOARD DISCUSSION (2/9/10)

Mr. Delucia stated the plan already has stormwater approval from the Division of Natural Resources and it has already gone through its first technical review with the site plan. Mr. Delucia stated his client wants to build a family resort. Mr. Delucia provided an overview of what has been done.

- The special use permit has been submitted and gotten comments from the Technical Review Committee.
- The area where the low impact development track is located is already approved for general business. They felt this location would be good to minimize noise and also minimize spectators. Mr. Delucia talked about the stormwater situation and it has been taken care of.
- No wetlands are on the property which will be developed.
- Currently the open space is part of the Monterey Shores PUD and if his client purchases it the open space will be maintained the same way it is now.
- On the site plan they show a 10 foot wide path and a 20 foot easement along the highway and they have also offered to extend the path further to the Buck Island entrance.
- Mr. Delucia talked about the recommended hours of operations 9:00 a.m. to 10:00 p.m. as being problematic for them.
- There is no significant vegetation in the area.
- They intend to include preservation along NC 12.
- The architectural style matches the Corolla area.
- Gas powered vs. electrically powered karts. Mr. Delucia stated his client wants to use gas powered karts but is willing to use 4 stroke engines which don't have the noise level that 2 stroke engines have.

Mr. Wright asked if a study was done that says the area has no significant vegetation.

Mr. Delucia stated they went out to the property and compared it with the definition of "significant vegetation".

Mr. Rary stated he represents the TimBuck II Property Association. Mr. Rary stated they already have these entertainment facilities in Corolla. It is their understanding there is an issue between Carolina Water and Bob DeGabrielle regarding the water line crossings which still remain on this property. Until it is settled then the property should not be rezoned. The stormwater drainage at Whalehead cannot handle additional water. Property values will go down while your insurance will increase. They are concerned with the increase in traffic and how it will affect their business. People come to Corolla for the family values and quaintness. Mr. Rary asks the board to deny the request.

Mr. Lynch stated he is representing Monterey Shores Homeowners Association. Mr. Lynch stated that they are concerned that the Corolla Fun Park will make property

values go down, safety, noise, lighting, toxic waste removal and the RO water plant. Mr. Lynch is asking the board to deny this request.

Mr. Zabloudil lives in Monterey Shores and is a business owner in TimBuck II. He is concerned with stormwater, environment, noise, lighting, and traffic. For these reasons he is asking that the board deny the request.

Mr. Meredith stated he has a lease with TimBuck II for the miniature golf and in the lease it has a non-compete clause for another miniature golf in the area. Mr. Meredith is asking the board to deny the request.

Mr. Wemer stated this is not compatible with Corolla. People come to Corolla for a different experience. Mr. Wemer asked what happens when these fun parks don't do well financially. What are they left with? Mr. Wemer is asking the board to deny the request.

Mr. Delucia stated the driveway connection which is off NC 12 on the site plan has been approved by Department of Transportation. The stormwater will be handled onsite and nothing will go offsite.

Mr. Gray stated the usages they want to put on this property are permissible usages. Many questions have been brought up which staff has brought to the attention of the developer and they have tried to respond back to staff. Mr. Gray stated Carolina Water showed some real estate on the property that they had no right to do so. Mr. DeGabrielle and Carolina Water have been in litigation and now have settled. Part of the settlement is Mr. DeGabrielle giving Carolina Water the pond, the county is negotiation and going to put an easement and run water into that pond as well. The county has done an engineering study as to what type of capacity the pond is capable of handling. This will cause his client, if this project is approved, to have to raise his property up where the facilities are going to be so they don't have overflow to their property. As to the issue if they are subject to the homeowner's association, this is not before the board. This would be between his client and the homeowner's association if he buys the property. Mr. Gray stated they are not part of the lease agreement with TimBuck II. Mr. Gray stated you are hearing a lot that there are plenty of things to do up in Corolla. If his client thought this, would he be spending this kind of money? His client believes there is a need. Mr. Gray stated his client is putting in 4 stroke engines which are quieter and not 2 stroke engines. These engines are

environmental friendly because you don't mix the oil and gas together and they have an automatic shut-off. Mr. Gray stated he can remember when Monterey Shores came to this county and at that point and time there was hardly anything there. The arguments were from the people who lived there were we don't think it is compatible with our community to have such a large subdivision. We are hearing the same argument now.

ACTION

Mr. West motion to recommend approval with staff recommendations with admitting #1 of PB 87-56 Monterey Shores, PUD for an amended special use permit. Ms. Newbern seconded the motion. Motion carried unanimously.

MEMORANDUM

To: Carlos Gomez, Coastal Engineering
John Delucia, Albemarle & Associates

From: Donna Voliva, Planner II

Date: September 10, 2009

Subject: Monterey Shores, PUD Amended Sketch Plan, Special Use Permit

The following comments were received for the September 16, 2009 TRC meeting. Additional comments may be received at the meeting, and comments are valid for six months from the TRC meeting date.

The necessary revisions listed below must be submitted to me by September 21, 2009 in order to remain on the October 13, 2009 Planning Board agenda.

Planning, Donna Voliva

Resubmit

*Amended Sketch Plan/Special Use Permit
Required Plan Modifications*

1. Based on the plans submitted, two PUD overlay variances are required:
 - a. To allow the zoning designation General Business (GB) on parcel 0116000003W0000 that would be consistent with the remaining business property in Monterey Shores, PUD (Section 4.3.2 C. & D.)

- b. To allow .08 percent reduction in the minimum required open space of 35 percent (Section 10.4.2)
2. The submitted amended sketch plan provides a development summary for Monterey Shores but does not provide a development plan that illustrates the locations of all open space, green space, or business areas. There are several phases of Monterey Shores that are being developed by different applicants; formerly Monterey Shores, Phase 3. All phases of Monterey Shores are combined for open space, green space, and business designations. A clear, illustrated map must be provided that defines all required areas that are subject to the business designations, green space as well as open space. Prior piece-meal project modifications are resulting in non-compliance with the PUD designation. The calculation summary appears inconsistent with the Monterey Shores, PUD amended sketch plan open space and business area calculations approved over the years but specifically 2006 for the tract formally identified as Phase 3. There are fluctuations in acreage and percentages. Please provide a map summary that is consistent with the table summary.
3. The Monterey Shores wastewater treatment plan green spaces maps for Corolla Water Service Inc, of NC (dated December 27, 2006) clearly show development within existing available green space. Improvements such as a service drive, proposed stormwater pond, portions of the miniature golf, playground, walkway and paddle boat dock, parking and possibly the proposed building appear to be within the designated green space areas. Please provide the revised plans that have been approved by the utility and the state that exclude the proposed development from green space.
4. Please provide information regarding proposed parcel 6. The submitted amended sketch plan indicates on entire parcel containing 37+ acres; however, the application for the special use permit indicates proposed parcel 6.
5. Please provide a copy of the approved wetland map dated 3-1-05. There appears to be inconsistencies with the map references and the submitted plans.
6. The plat prepared for Carolina Water Service recorded in plat cabinet K, slide 49 indicates the existence of a utility easement in the area of the stormwater pond, gravel service drive, portions of the miniature golf, cart maintenance building, and

- portions of the go-kart track. Please provide the legal documentation that supports the abandonment of the easement.
7. Please provide written acknowledgement from Carolina Water Service for water and wastewater commitment. A copy of the letter submitted to CWS by Albemarle and Associates was submitted; however, an allocation acknowledgement from CWS must be provided.
 8. Stormwater ponds may not be located within 10 feet of any property line.
 9. Please indicate the entire Monterey Shores PUD in the vicinity map that is at a scale of 1" = 2000' or larger on the amended sketch plan.
 10. The amended sketch plan must be at a scale of 1" = 100' or larger.
 11. The zoning classification of the development must be provided on the amended sketch plan.
 12. All commercial activities must be located within the General Business zoning designation, including paddle boat dock.
 13. Please provide details of the intended ownership of the open space.
 14. Understanding the engineering costs for the site plan, the application is requesting the special use permit for the use only and a full site plan must be submitted to the technical review committee at a later date. Although, staff did not evaluate the site plan for full UDO compliance there are some items that do not appear to meet the minimum requirements and must be addressed:
 - a. The dumpster location does not provide for adequate access that will not interfere with proposed parking spaces.
 - b. Proposed parking must meet a 20' vehicular area setback from any street right of- way (proposed or existing).
 - c. The proposed development will be subject to the Maritime Forest Guide.
 - d. The access for this development is proposed through a NCDOT controlled access right-of-way that has not been abandoned and a deeded parcel to NCDOT. Please provide verification that a full movement access is approved at this location (also see suggested plan modifications below). If this location is approved by NCDOT and the Board of Commissioners, an easement is required.

Suggested Plan Modifications

1. The proposed go-kart tract is located within the Conservation land use classification and is considered environmentally significant. Preservation of areas of significant existing vegetation shall be encouraged. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
2. Low Impact Development techniques such as cisterns that capture the rainwater from the roof and rain gardens should be provided. Such cisterns should not directly discharge stormwater to the ground but should be reused within the development. The use of rain gardens should also be considered throughout the project and within the miniature golf and parking areas. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
3. Staff recommends all inland, non-tidal and coastal wetlands to remain undisturbed excluding elevated walkways and placed into a conservation easement, preservation trust or turned over the homeowner's association. (Conserve Environmentally Sensitive Areas Policies, Water Quality Policies)
4. The access to the proposed development is within the NCDOT controlled access right-ofway and close to a signalized intersection. Staff recommends accessing the proposed development from Malia Drive. Should NCDOT and the Board of Commissioners allow the NC 12 connection, the access should be restricted to right-in and right-out. (Transportation Policies)
5. The county has initiated the Corolla Greenway multi-use path along the west side of Ocean Trail. It is anticipated that over time the path will extend the length of Ocean Trail. Staff would request the dedication of a 20 foot pedestrian easement for future multi-use path. (Parks and Recreation Policies)
6. Based on the elevation information provided with the site plan there are several elevated portions on this property, preservation of the significant existing vegetation and topography is encouraged (i.e. Along NC 12 and interior of the site). Please preserve natural features of this property when developing the site. (Conserve Environmentally Sensitive Areas Policies and Water Quality Policies)
7. Staff recommends a reduction in parking spaces that would effectively reduce the amount of impervious material by providing bike racks to encourage alternate modes of transportation (Rate: 1 bike rack [each rack accommodating a minimum of 5 bicycles] for every 20 spaces - 1 to 1 reduction with a maximum of 3 parking space reduction). (Transportation Policies and Water Quality Policies)

8. This site is located at the gateway to Corolla. Should this site be selected for the Mid- County Bridge, it will be the first northbound site as you enter the Outer Banks. Extensive, native landscape improvements should be used on this site (Community Appearance Policies).
9. Staff encourages the integration of the area's architectural and cultural heritage when designing the buildings on this site. (Historic Preservation Policies)

County Engineer, Eric Weatherly

Approved with corrections

1. CWS provided me with a map indicating their green space and easements which I have forwarded to you. I do not agree that stormwater features and access roads should be allowed on green space.
2. Please indicate all utility and green space information from the information I provided on your site plans for clarity.
3. Provide easements for the existing groundwater discharge and 48 inch pipe.
4. It would appear the 48 inch pipe will be in the way of the future stormwater pond.
5. Provide the commitment letter from CWS.

Utilities, Pat Irwin

Approved

GIS, Harry Lee

Approved

1. Addresses for arcade building and manager's residences will be assigned by GIS at the time of building permit application.

Fire Marshal, James Mims

Approved.

1. Site plan will require additional review.

Soil and Water, Mike Doxey

Approval with corrections

1. Need state erosion and sedimentation control permit and stormwater permit.

Currituck County Schools, Bruce McDonald

Approved

1. No comment.

Albemarle Regional Health Services, Joe Hobbs

Denied/Resubmit

1. Any wastewater approvals for these proposed developments will need to be approved by the NC

Division of Water Quality (Washington, NC office 252-946-6481). Consult with Health Department concerning pool and restaurant approvals at 252-232-6603.

NCDOT, Roger Ward

Approval with corrections

1. Not sure if access is allowed across a controlled access right-of-way. May have to go before control of access committee in Raleigh.

US Army Corps of Engineers, Tom Steffens

Denied/Resubmit

1. "New Wetlands Line" noted near the WWTP requires documentation as to origin, verification by USACE with Action ID#, if different from wetland line verified 03/2005. Please submit to USACE before finalizing.

NC Division of Coastal Management, Charlan Owens

No comment

NCDENR, Land Quality, Pat McClain

Approval with corrections

1. An erosion and sedimentation control plan for this project must be approved prior to initiating any land disturbance associated with this project.

The following agencies did not provide a recommendation for this project:

Currituck County Emergency Management, MaryBeth Newns
Currituck County Sheriff Department, Susan Johnson
Currituck County Building Inspections, Spence Castello
Currituck County Parks and Recreation, Jason Weeks
Corolla Fire and Rescue, Richard Galganski
NCDENR Environmental Management, Roger Thorpe
NCDENR Public Water, Siraj Chohan
NC State Archaeology, Lawrence Abbot
Embarq, Hester Jones
Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey

Resubmittal Items:

- 3 - full size copies of all revised plans.
- 10 - 11"x17" copies of the amended sketch plan and special use permit plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents.

Ike McRee, County Attorney, opened the hearing.

John DeLucia, Engineer, reviewed the request.

Mike Meredith, opposes the request. Chairman O'Neal asked if this was because he operates the same type of business.

Tim Rary, also opposes the request due to the fact he also operates this type of business in the area.

Andrew Meredith, Duck, opposes request and operates same type of business in Duck. He states that this operation is too close to residential area.

Bob Schultz, President of Monterey Shores Property Owners Association, opposes the request because it would reduce property values in the area.

Hui Sun Zabloudil, opposes request due to traffic and noise concerns.

Crouse Gray, Attorney for Developer, stated that they would reduce commercial area in the conservation area to 1.17 acres out of 36 acres.

Ike McRee, County Attorney, closed the hearing.

The Board took no action.

Public Hearing and Action: PB 09-38 Corolla Fun Park: Request for a special use permit to establish a 36-hole miniature golf course; go-kart track; spin zone; children's playground area; and arcade with limited retail, snack bar, and office on property located within Monterey Shores, PUD and Buck Island, PUD, Tax Map 116, Parcels 3W and 10 and Tax map 116D, Parcel 3D, Poplar Branch Township.

deleted

Public Hearing and Action on Intent to Permanently Close Milburn Sawyer Road in Poplar Branch Township

Chairman O'Neal opened the public hearing. There being no comments, the hearing was closed.

Commissioner Nelms moved to approve. Commissioner Rorer seconded the motion. Motion carried.

Consideration of ordinance amending Article III, Section 10-134 to allow dogs at the Rural Center (second reading)

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

**AN ORDINANCE OF THE
CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE III, SECTION 10-134 OF THE CURRITUCK
COUNTY CODE OF ORDINANCES**

WHEREAS, pursuant to N.C. Gen. Stat. Sect. 153A-121 a county may by ordinance define, prohibit, regulate 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. Sect. 153A-169 a county may by ordinance adopt regulations concerning the use of county property.

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

PART 1. Section 10-134. Dogs, of the Code of Ordinances for Currituck County is amended to read as follows:

(a) Except as permitted herein, dogs are not permitted in county parks except service dogs for the disabled. Notwithstanding the foregoing, dogs are permitted in the county park located at 140 Gabbard Lane, Spot, North Carolina when in compliance with the conditions set forth in paragraphs (1) through (7) of Section 10-134(b) of this Code.

(b) Dogs may be permitted in county parks for a particular purpose sponsored by a group, association or organization that has obtained a permit under Section 10-148 of this Code and with the following conditions:

(1) Dogs must have current vaccinations and licenses. Proof of vaccinations and licensure is required upon request of the group, association or organization permitted to use a county park for a particular purpose, law enforcement officer or animal control officer.

(2) Dogs under four (4) months of age or female dogs in heat are not permitted.

- (3) Dogs must be under the control of an adult at all times, must wear a collar with any required tags and must be on a leash unless part of a specially trained performing group under the voice control which specially trained performing group is included in the permit of the sponsoring group, association or organization.
- (4) Each dog owner or adult in control of a dog shall remove and dispose of their dog's fecal matter in containers provided for such disposal.
- (5) Aggressive dogs are not permitted and any dog displaying aggression shall be immediately removed from the county park.
- (6) No dog shall be left unattended.
- (7) Dog owners or adults in control of a dog shall provide potable drinking water for their dog.

PART 2. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, or paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalid phrase, clause, sentence, or paragraph shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the Board of Commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Discussion and Consideration of Resolution establishing Single Family Residential Permitting Incentive Plan

Commissioner Nelms moved to approve resolution.
Commissioner Etheridge seconded the motion. Motion carried.

RESOLUTION ESTABLISHING SINGLE-FAMILY RESIDENTIAL PERMITTING INCENTIVE PLAN

WHEREAS, pursuant to N.C. Gen. Stat. §153A-102 a county's board of commissioners may fix the fees and commissions charged by county officers and employees for performing duties or services; and

WHEREAS, there currently exists an economic environment not experienced since the Great Depression that nationally and locally is causing low economic investment and performance and high unemployment to the detriment of the public health, safety and welfare; and

WHEREAS, the Board of Commissioners for Currituck County finds that it is in the public's interest to adopt a building permit incentive plan to promote and increase employment, economic growth through the purchase and use of construction supplies and material and the county's tax base.

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

Section 1. The following plan is established:

SINGLE-FAMILY RESIDENTIAL PERMITTING INCENTIVE PLAN

Sec. 1.1 The Single-Family Residential Permitting Incentive Plan is applicable to construction, renovation or improvement of single-family residential structures and accessory or appurtenant structures incidental to the use of a single-family residential structure with value, excluding land value, in an amount not exceeding \$250,000.

Sec 1.2 Every applicant for a building permit with value in an amount not exceeding \$250,000 shall pay at the time of building permit fee application the fees required by the Currituck County Fee Schedule then in effect. The applicant will be issued a certificate and checklist of request applicant for a refund of building permit fees paid at the time of application.

Sec. 1.3 To qualify for refund of building permit fees under this plan the applicant must present to the county's chief building inspector or designee the certificate and checklist of requirements issued with the building permit and documentation satisfactory to the chief building inspector or designee evidencing the following criteria:

a. Construction under the building permit issued for a project began and received one inspection required by the chief building inspector or designee within 30 days of the issuance of the building permit and a certificate of

occupancy or completion issued within one year of the issuance of the building permit.

b. The contractor performing work on the project under the building permit is a North Carolina based contractor.

c. Sixty-percent of subcontractors on the project under the building permit are North Carolina based subcontractors.

d. Sixty-percent of supplies and materials used in the construction of the project under the building permit are purchased in North Carolina.

Sec. 1.4 No applicant may receive and have outstanding more than five incentive plan

Sec. 1.5 Upon certification by the chief building inspector or designee that the applicant meets the requirements set forth in this plan the building permit fees paid by the applicant shall be refunded within thirty days from the date of certification.

Section 2. This resolution shall be effective upon its adoption and shall be valid for twelve months thereafter.

Consideration of modified Golf Cart Ordinance

Commissioner Rorer 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 PERMIT AND REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS WITHIN THE COUNTY
Ordinance No. 10-02**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-245 a county may regulate the operation of golf carts on any public street, road or highway where the speed limit is 35 miles per hour or less;

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

PART I. That the Code of Ordinances, Currituck County, North Carolina is amended by adding an article and section to Chapter 12 to read as follows:

ARTICLE V. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

Sec. 12-64. Definitions.

The following words and phrases when used in this article shall have the definitions respectively ascribed to them in this section. Whenever any words or phrases used in this

chapter are not defined but are defined in the North Carolina General Statutes, Chapter 20 and amendments thereto, such definitions shall apply.

Driver means the operator of a vehicle, as defined in subdivision (25). The terms "driver" and "operator" and their cognates are synonymous.

Golf cart means a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

Highway means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway", "road", "street", and "public vehicular area (PVA)" and their cognates are synonymous.

Insurance means a liability insurance policy or financial security deposit or by qualification as a self-insurer, as these terms are defined and described in Article 9A, Chapter 20 of the General Statutes of North Carolina, as amended.

Operator means a person in actual physical control of a vehicle which is in motion or which has the engine running. The terms "operator" and "driver" and their cognates are synonymous.

Sec. 12-65. Operation of golf carts on public streets not otherwise designated for such _____ operation.

It shall be unlawful for any person to operate a golf cart on or over any public road in the County, except as provided in this article.

Sec. 12-66. Designation of public streets for operation of golf carts.

Except for U.S. Highway 168, U.S. Highway 158, N.C. State Highway 34, N.C. State Highway 12, Tull's Creek Road and Poplar Branch Road, a golf cart may be operated on all public streets, roads, highways and public vehicular areas where the speed limit is 35 miles per hour or less. Upon receipt of a petition signed by 67% of residents and/or property owners in an area requesting designation of public streets, roads, highways or public vehicular areas on which golf carts are prohibited, the County Board of Commissioners may adopt an ordinance designating the area and public streets, roads, highways or public vehicular areas within the designated area on which golf carts may not be operated.

Sec. 12-667. Limitations and safety criteria.

Golf cart operation on designated public streets of the County shall be in accordance with the following limitations:

(1) No golf cart shall be driven across any road at an intersection where the road being crossed has a posted speed limit of more than thirty-five (35) miles per hour **except for the sole purpose of crossing such street in a perpendicular direction at the intersection of a through street or at a signalized location in accordance with the direction of the signal.**

(2) The maximum occupancy of a golf cart traveling on streets will be one (1) person per designated seat. No occupants of a golf cart shall stand at any time while the golf cart is in motion.

(3) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.

(4) No person may operate a golf cart unless that person is licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's

license. An operator of golf cart must be at least sixteen (16) years of age, with the exception that operators under the age of sixteen (16) years may operate golf cart if they possess a valid learner's permit issued by the state of North Carolina and are accompanied by a licensed driver as required by state law.

(5) If the operator is over the age of sixteen (16) and qualifies for a handicapped parking space the operator may operate a golf cart on public streets upon the submission of a certificate signed by a licensed physician that the driver is able to operate a motorized golf cart on the roadways designated. The operator must have the certificate and handicap parking tag in their possession while operating a golf cart.

(6) Golf carts may be operated only during daylight hours. ~~with the exception that golf carts equipped with operating lights meeting the requirements set forth below may operate only between the hours of 7:00 a.m. to 10:00 p.m.~~

~~a. Two (2) lighted lamps, one (1) on each side of the front of the golf cart visible under normal atmospheric conditions from a distance of at least three hundred (300) feet in front of such golf cart and a red lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least two hundred (200) feet to the rear of such golf cart.~~

(7) Golf carts must be operated at the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

(8) Golf carts shall not be operated on any sidewalk, pedestrian walkway, multi-use path, jogging path, greenway, park or trail except by law enforcement or by County employees or contractors while on County business who carry on their person County issued credentials evidencing work for the County.

(9) Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog or other conditions.

(10) Golf cart operators shall maintain manufacturer installed safety devices and equipment on the golf cart in good repair and operable condition and ensure that an unobstructed view to the rear is maintained at all times the golf cart is in operation on public streets.

(11) Golf carts operating on public streets of the County pursuant to this article shall be insured as required by G.S. 20-309.

(12) All golf carts shall have the following equipment: locking brake, reverse warning device, main power switch, horn, either hip restraints or hand holds, front and rear reflectors, and a manufacturer's serial number plate. Manufacturer-installed safety labels shall be visible and readable.

(13) In no instance may a golf cart be operated at a speed greater than 20 miles per hour. Even at speeds at or below 20 mile per hour, no golf cart may be operated at a speed greater than is reasonable and prudent for the existing conditions.

(14) No golf cart may be operated in a careless or reckless manner.

(15) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, skateboards or bicycle . ~~Notwithstanding the foregoing, a golf cart may be used to tow watercraft, utility carts or utility trailers on public streets or public vehicular areas on which the operation of golf carts is authorized by this article but towed watercraft, utility carts or utility trailers shall not be occupied by any person while the golf cart is in operation.~~

Sec. 12-678. Exceptions.

The limitations set forth in section 12-667 shall not apply to golf carts being operated as follows:

(1) To cross a road from one portion of a golf course to another portion thereof or to another adjacent golf course and the speed limit on the road is no more than thirty-five (35) miles per hour; or to cross a road at an intersection where the road has a posted speed limit of not more than thirty-five (35) miles per hour.

(2) To the extent necessary for County employees and County contractors, who carry on their person County issued credentials evidencing work for the County, to fulfill a governmental purpose, provided the golf cart is not operated on a public road of the County with a posted speed limit over thirty-five (35) miles per hour.

(3) In connection with a parade, a festival or other special event provided the consent of the sponsor is obtained and provided the golf cart is only used during such event.

Sec. 12-689. Liability Disclaimer.

Golf carts are not designed for nor manufactured to be used on public streets and the County neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and highways. All persons who operate golf carts on public streets, roads and highways do so at their own risk and peril, and must observe and be attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. By permitting golf carts to be operated on public streets, roads and highways under the General Statutes of North Carolina, the County assumes no responsibility or liability for the operation of golf carts.

PART II. That the Code of Ordinances for the County of Currituck is amended by rewriting Section 1-8(i)(4) to read as follows:

(4) Chapter 12, section 12-62; Article V.

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

Recommendation of Award for the Corolla Greenway Multi Use Path Project

Commissioner Etheridge moved to award bid to Barnhill Construction in the amount of \$413,640. Commissioner Nelms seconded the motion. Motion carried.

Appointment to Library Board of Trustees

Commissioner Nelms moved to appoint Colleen Umphlett. Commissioner Gregory seconded the motion. Motion carried.

Appointment to Fire and EMS Advisory Board

Commissioner Taylor moved to reappoint Hugh McCain Carl Soltow, Mick Lesinski, Stanley Griggs and Greg Laput for a two year term. Commissioner Nelms seconded the motion. Motion carried.

Appointment to Senior Citizen Advisory Board

Commissioner Nelms moved to appoint Rose Wright. Commissioner Taylor seconded the motion. Motion carried.

Appointments to Whalehead Board of Trustees

Commissioner Aydlett moved to appoint the following. Commissioner Etheridge seconded the motion. Motion carried. Terms will begin May 1, 2010.

Bill Richardson, Kimberlee Hoey, Cliff Scott, Josh Bass, Jeanne Meiggs, Gary McGee, Travis Morris, Sharon Twiddy, Allen Ives, and Buck Thornton.

Consent Agenda:

1. Pilmoor Methodist Church Food Bank \$2,500
2. Budget Amendments
3. Order the Tax Collector to advertise the 2009 real estate tax liens
4. Petition to NCDOT for addition to state maintained system of sections of Rita Street, Parker Street and Neal Avenue in Albemarle Sound Beach Estates
5. Resolution Authorizing Sheriff's Office to Dispose of Vehicles by Trade-in
6. Disposal of Building Permit Files
7. Resolution Surplus property Ocean Sands
8. Approval of February 15, 2010, Minutes

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10390-499900	Fund Appropriated Balance	6,899	
10750-511000	Telephone & Postage	6,500	
10750-513000	Utilities	2,500	
10750-557700	Crisis Intervention	17,900	
10750-561000	Professional Services	15,000	
10752-519202	Title IV-E Adoption Assistance	16,200	
10752-519600	Child Daycare	75,000	
10752-519601	Smart Start Daycare	7,955	
	Contracted Services-Special		
10752-545003	Adoption	23,250	
	Professional Services-Special		
10752-561003	Adoption	23,250	

10330-430200	Adoption Assistance	46,500		
10330-431000	DSS Admin	24,799		
10330-432800	Day Care	82,955		
10750-519800	TANF Transportation	6,000		
10750-531000	Gas, Oil, Etc.	3,300		
10750-590441	Technology Over \$1,000	14,700		
10752-519100	Title IV-E Foster Care	16,200		
		<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: right;"><u>\$ 194,454</u></td> <td style="width: 50%; text-align: right;"><u>\$ 194,454</u></td> </tr> </table>	<u>\$ 194,454</u>	<u>\$ 194,454</u>
<u>\$ 194,454</u>	<u>\$ 194,454</u>			

Explanation: *SOCIAL SERVICES ADMINISTRATION (750) and PUBLIC ASSISTANCE (752) - Adjust to reflect actual spending in operating expenses; new allocations received from the state and the Smart Start partnership; funds received for finalized adoptions since July 2009; and IV-E Adoption Assistance county payback.*

Net Budget Effect: Operating Fund (10) - Increased by \$147,355.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
62828-533200	Lab Tests	500	
62828-532000	Supplies	1,900	
62828-561000	Professional Services		2,000
62828-516000	Repair/Maintenance		400
		<u>\$ 2,400</u>	<u>\$ 2,400</u>

Explanation: *Newtown Road Sewer (62828) - Transfer funds for lab tests and supplies needed for operations.*

Net Budget Effect: Newtown Road Sewer (62) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10461-514000	Travel	1,000	
10461-516200	Vehicle Maintenance		1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: *Public Utilities (10461) - Transfer funds to allow wastewater operator to attend the Grade IV Biological Treatment School.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
65858-590000	Capital Outlay	\$ 3,200	
65858-532000	Supplies	\$ 8,000	
65858-561000	Professional Services		3,200
65858-533200	Lab Tests		3,000
65858-516000	Repairs/Maintenance		5,000
		<u>\$ 11,200</u>	<u>\$ 11,200</u>

Explanation: *Moyock Commons Sewer (65858)* - To transfer funds to repair the ditch lowering pump and for a tool trailer for Moyock Commons Sewer.

Net Budget Effect: Moyock Commons Sewer Fund (65) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-590000	Capital Outlay	\$ 7,831	
10531-502000	Salaries - Regular		\$ 7,831
		<u>\$ 7,831</u>	<u>\$ 7,831</u>

Explanation: *Emergency Management (10531)* - Transfer funds to purchase equipment necessary for 800Mhz radios.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10790-511000	Telephone & Postage		\$ 1,500
10790-532000	Supplies	\$ 1,500	
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

Explanation: *Library (10790)* - Transfer funds for additional supplies needed for start-up at Moyock library.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10535-590441	Technology over \$1,000	\$ 1,252	
10535-532441	Technology under \$1,000		\$ 1,252
		\$ 1,252	\$ 1,252

Explanation: *Communications (10535)* - Transfer funds to replace headsets for telecommunicators.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-532000	Supplies	\$ 2,220	
61818-513000	Utilities	\$ 53,300	
61818-516000	Repairs and Maintenance		\$ 2,000
61818-516400	Equipment Maintenance		\$ 110
61818-531400	Equipment Fuel		\$ 110
61818-502000	Salaries		\$ 40,000
61818-514500	Training and Education		\$ 800
61818-516200	Vehicle Maintenance		\$ 3,000
61818-526000	Advertising		\$ 500
61818-531000	Gas, Oil, Etc.		\$ 1,000
61818-533200	Lab Tests		\$ 3,000
61818-590003	Fire Hydrants		\$ 5,000
		\$ 55,520	\$ 55,520

Explanation: *Mainland Water (61818)* - Transfer funds for additional filters and increased utilities for the reverse osmosis plant operations.

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10560-519701	HCCBG - Access Service	\$	2,222		
10330-432200	HCCBG - Transportation			\$	2,222
		\$	2,222	\$	2,222

Explanation: *Inter-County Transportation (10560)* - Adjust to final grant approval.

Net Budget Effect: Operating Fund (10) - Increased by \$2,222.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12547-545000	Contract Services	\$	45,000		
12547-590007	Capital Outlay			\$	45,000
		\$	45,000	\$	45,000

Explanation: *Carova Beach Volunteer Fire Department (12547)* - To transfer funds from Capital outlay to operations. The Swan Beach reserve will not be used this year since there was a loan with the County approved at the February 15, 2010 meeting.

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-526000	Advertising	\$	100		
10531-514000	Travel	\$	1,000		
10531-532000	Supplies	\$	13,689		
10531-590000	Capital Outlay	\$	7,000		
10330-445000	Emergency Mgmt Grant			\$	21,789
		\$	21,789	\$	21,789

Explanation: *Emergency Management (10531)* - To record additional Emergency Management Planning Grant for FY 2010, this is the 2009 grant cycle. Capital purchases will be for portable lights and explosive ordinance containers.

Net Budget Effect: Operating Fund (10) - Increased by \$21,789.

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on 3/1/2010 authorized the following, pursuant to GS 160A and 270(b), that the property listed below be disposed of:

- Asset 2912 Iron Treatment Filters: Part of old Ocean Sands Water Plant that has been demolished.
- Asset 2913 Ground Water Storage Tank: Part of old Ocean Sands Water Plant that has been demolished.
- Asset 3041 High Water Signal Control Unit: Unit no longer in working condition, not repairable.
- Asset 3180 4" Flanged Water Valve: Part of old Ocean Sands Water Plant that has been demolished.
- Asset 6108 8 Bull Horn Alarms (Lift Station): Unit no longer in working condition, not repairable.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

Commissioner's Report

Commissioner Taylor stated that the Moyock Volunteer Fire Department has submitted a budget with the requested 5% reduction.

Commissioner Nelms discussed a bike path around Griggs School and Poplar Branch Road.

Commissioner Rorer thanked everyone for their well wishes for his wife.

County Manager's Report

Dan Scanlon, County Manager, updated the Board on the census information.

Adjourn

There being no further business, the meeting adjourned.