

CURRITUCK COUNTY
NORTH CAROLINA
February 1, 2010

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, Rorer, Aydlett, Gregory, Nelms and Taylor.

Invocation

Reverend James Steele, New Beginnings Assembly of God, was present to give the invocation.

Pledge of Allegiance

Boy Scout Troop 182 was present to lead the Pledge of Allegiance. Chairman O'Neal presented a County flag to Boy Scout Frank Reuter, who has been chosen to go to Raleigh to celebrate the 100th anniversary of Boy Scouts of America.

Approval of Agenda

Commissioner Etheridge moved to amend the agenda by deleting Item 4. Commissioner Taylor seconded the motion. Motion carried.

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Resolution-Boy Scouts of America 100th Anniversary**
- Item 4 **Pittard, Perry & Crone Inc to present audit for June 30, 2009**
- Item 5 **Public Hearing and Action:** PB 99-13 Brady Landing, Phase I, Lot 8A: Request for an amended preliminary plat/special use permit for one additional lot, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Tax Map 52C, Parcel 8A, Crawford Township.
- Item 6 **Public Hearing and Action:** PB 09-33 Baybreeze Cove: Request for a preliminary plat/special use permit for a three lot subdivision located on Knotts Island on Solo Lane, Tax Map 76, Parcels 108H and 95F, Fruitville Township.
- Item 7 **Public Hearing and Action:** PB 07-10 South Ridge, PUD: Request for an amended preliminary plat/special use permit for 146 patio home lots, 5.46 acres of limited business-hotel designation, and a 1.75 acre county dedication community facility site located on Survey Road adjacent to Eagle Creek subdivision, Moyock Township.
- Item 8 **Consideration of modified Golf Cart Ordinance**
- Item 9 **Appointment to Library Board**
- Item 10 **Appointments to Recreation Advisory Board**
- Item 11 **Consent Agenda:**
1. Budget Amendments
2. Resolution of intent to close Milburn Sawyer Road

3. Petition to NCDOT for Addition of Deerfield Trail for State Maintenance
4. Approval of January 19, 2010, Minutes

Item 12 Commissioner's Report

Item 13 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.

Charles Berry, Grandy, supports the golf cart ordinance and questioned if this would also include private roads.

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

Resolution-Boy Scouts of America 100th Anniversary

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

**RESOLUTION
BOY SCOUTS OF AMERICA
100TH ANNIVERSARY**

WHEREAS, Boy Scouts of America was incorporated by Chicago publisher, William Boyce, on February 8, 1910, after learning of the Scouting movement during a visit to London;

WHEREAS, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters in New York;

WHEREAS, the purpose of Boy Scouts of America is to teach America's youth patriotism, courage, self-reliance, and kindred values;

WHEREAS, by 1912, Scouts were enrolled in every State; and in 1916, Congress granted Boy Scouts of America a Federal charter;

WHEREAS, each council will commit each Boy Scout to perform 12 hours of community service yearly, totaling 30,000,000 community service hours each year;

WHEREAS, membership since 1910 totals more than 111,000,000 scouts and is found in 185 countries around the world;

WHEREAS, the organization presented the 2 millionth Eagle Scout award in 2009;

WHEREAS, more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America; often neither receiving nor seeking the thanks of the public;

WHEREAS, February 8, 2010, would be an appropriate day to designate as 'Boy Scouts of America Day' in celebration of the Boy Scouts of America's 100th anniversary; and

WHEREAS, Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic, and governmental systems; take pride in their American heritage and understand our Nation's role in the world; have a keen respect for the basic rights of all people; and are prepared to participate in and give leadership to American society:

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners supports the designation of February 8, 2010, as '**Boy Scouts of America Day**' in celebration of its 100th anniversary.

BE IT FURTHER RESOLVED, that the Board of Commissioners commends the dedicated volunteer Scout leaders and institutions assisting the Scouting programs for the benefit of the youth in our community.

Pittard, Perry & Crone Inc to present audit for June 30, 2009

deleted

Public Hearing and Action: PB 99-13 Brady Landing, Phase I, Lot 8A: Request for an amended preliminary plat/special use permit for one additional lot, adjacent to the Currituck County Airport and west of Brady Landing, Phase I, Tax Map 52C, Parcel 8A, Crawford Township.

Sworn testimony was given prior to making comments.

OWNERS: Terry & Bennie McKiney
PO Box 338
Maple, NC 27956

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Single Family Dwelling	RAD
SOUTH	Single Family Dwelling	RAD
EAST:	Vacant	RAD
WEST:	Single Family Dwellings/Vacant	A/RAD

LAND USE PLAN

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

SMALL AREA PLAN

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

SIZE OF SITE: Total Development: 2.03 acres

NUMBER OF UNITS: 2 residential lots (Brining total to 15 lots for Phase 1)

PROJECT DENSITY: 1.02 units/ acre

STREETS: The streets are built to NCDOT design and construction standards.

UTILITIES: The development will be served by county water. The proposed water usage is 720 gpd. The applicant is proposing on-site wastewater systems for the new lot.

OPEN SPACE: The UDO does not require this subdivision to dedicate open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking amended preliminary plat/SUP approval for one additional lot within a proposed residential airpark subdivision.
- The sketch plan/SUP for this phase was approved on September 10, 2004.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION

Suggested Findings:

a. The application is complete.

2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S".

Suggested Findings:

a. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.

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

Suggested Findings:

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

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

Suggested Findings:

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

5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED

Suggested Findings:

a. The Unified Development Ordinance indicates that a residential airpark development is allowed in the RAD overlay zoning district with a special use permit.

b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

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

Suggested Findings:

a. The 2006 Land Use Plan classifies this site as Full Service within the Barco-Coinjock, Airport subarea and the proposed use is in keeping with the policies of the plan, some of which are:

i. This area has many of the ingredients in place to become a significant community center for the mainland over the next 10 to 15 years.

ii. The policy emphasis of this plan is for this subarea to emerge as the principal community center serving the central area of the mainland and is therefore included as a Full Service Area.

iii. Policy ES1: New development shall be permitted to locate only in areas with suitable soil and where adequate infrastructure is available.

iv. Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

- v. Policy HN8: To protect the county's tax base and to ensure the long-term viability of the county's neighborhoods and housing stock, the county will continue to enforce appropriate construction and site development standards for residential developments.
- b. The 2009 Maple-Barco Small Area Plan classifies this site as Transitional and the proposed use is in keeping with the policies of the plan, including:
 - i. LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.
- 7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

III. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this amended plat/SUP as presented. Prior to final plat submittal, the following items must be addressed:

- 1. Water tap fees must be paid prior to approval of the final plat.
- 2. Amended restrictive covenants that include the new parcel and that are compliant with Section 10.5.2 of the UDO must be recorded in the Currituck County Register of Deeds office simultaneously with the final plat.
- 3. Correct Certificate of Approval.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** with staff recommendations of the amended preliminary plat/special use permit for one additional lot.

Chairman O'Neal opened the public hearing.

Eddie Hyman, Engineer, was present to answer questions.

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

Commissioner Nelms moved to approve with the findings of fact and staff recommendations included in the case analysis. Commissioner Taylor seconded the motion. Motion carried.

Public Hearing and Action: PB 09-33 Baybreeze Cove: Request for a preliminary plat/special use permit for a three lot subdivision located on Knotts Island on Solo Lane, Tax Map 76, Parcels 108H and 95F, Fruitville Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

OWNERS: Bryan Construction Company
281 South End Road
Knotts Island NC 27950

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

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

	Land Use	Zoning
NORTH:	Single Family Dwelling	A
SOUTH:	Single Family Dwelling	A
EAST:	Currituck Sound	
WEST:	Single Family Dwelling	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Limited Service** within the **Knotts Island-Gibbs Woods** subarea.

SIZE OF SITE: Total Development: 12.39 acres

NUMBER OF UNITS: 3 residential lots

PROJECT DENSITY: .24 units/ acre

STREETS: Solo Lane must meet NCDOT requirements.

UTILITIES: The development will be served by individual septic systems and individual wells.

OPEN SPACE: The UDO does not require this subdivision to dedicate open space; however, the applicant is proposing to reduce lot size and dedicate 4.49 acres to open space to allow each lot access to the sound.

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for three lots.
- The sketch plan for this phase was approved on October 21, 2009.

II. QUESTION(S) BEFORE THE BOARD:**Special Use Permit Criteria and Staff Findings:**

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

In order to approve an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION**Suggested Findings:**

- a. The application is complete.

2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S".**Suggested Findings:**

- a. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.**Suggested Findings:**

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

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

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

5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED**Suggested Findings:**

- a. The Unified Development Ordinance indicates that a major subdivision is allowed in the A zoning district with a special use permit.
- b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Limited Service within the Knotts Island-Gibbs Woods subarea and the proposed use is in keeping with the policies of the plan, some of which are:
- i. The policy emphasis is for development to remain as low to very low density residential lots, predominantly one unit per three acres.
 - ii. POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - iii. POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - iv. POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open.
7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

III. STAFF RECOMMENDATION:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this preliminary plat/SUP as presented. Prior to final plat submittal, the following items must be addressed:

1. Correct flood zone elevation from 5.0 to 5.3 as noted at the rear of lots one and two.
2. Provide pavement certification or provide a letter from NCDOT or an engineer that at the time the road was constructed, it was built to NCDOT standards.
3. Amended restrictive covenants that include the new parcels and that are compliant with Section 10.5.2 of the UDO must be recorded in the Currituck County Register of Deeds office simultaneously with the final plat.

4. A combined total of \$2003.62 in taxes must be paid prior to January 5, 2010 in order to divide the property.
5. Correct the Certificate of Approval.
6. Rear setback line must be shown at 25', not 20'.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** with staff recommendations of the preliminary plat/special use permit for a three lot subdivision.

PLANNING BOARD DISCUSSION (January 12, 2010)

Mr. Woody stated that 4.49 acres will be dedicated to open space to allow each lot access to the sound.

Mr. Kovacs asked if the lots will have access to Woodleigh Road.

Mr. Hyman stated there is a gate at Woodleigh Road which will give you access to the property. The gate will remain to restrict public access.

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

Mr. Hyman stated yes.

ACTION

Mr. Clark recommended approval with staff recommendations of PB 09-33 Baybreeze Cove for a preliminary plat/special use permit for a three lot subdivision as presented. Mr. West seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the public hearing.

Eddie Hyman, Engineer, was present to answer questions.

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

Commissioner Aydlett moved to approve with the findings of fact and staff recommendations included in the case analysis. Commissioner Rorer seconded the motion. Motion carried.

Public Hearing and Action: PB 07-10 South Ridge, PUD: Request for an amended preliminary plat/special use permit for 146 patio home lots, 5.46 acres of limited business-hotel designation, and a 1.75 acre county dedication community facility site located on Survey Road adjacent to Eagle Creek subdivision, Moyock Township.

Sworn testimony was given prior to making comments

Ben Woody, Planning Director, reviewed the request.

OWNER: Survey Road, LLC
3500 Virginia Beach Blvd., Suite 528
Virginia Beach, VA 23452

DEVELOPER: South Moyock Development, LLC
616 Village Drive, Suite G
Virginia Beach, VA 23454

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

SIZE OF SITE: 74.23 acres

NUMBER OF UNITS: 146 patio home lots

PROJECT DENSITY: 2.18 units/acre

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

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

OPEN SPACE: The required open space for South Ridge is 35% (1,131,708 SF or 25.98 acres). The proposed development plan provides 25.98 acres of open space.

COMMUNITY

FACILITIES: The required community facilities dedication for 146 lots in South Ridge is 1 acre/100 lots in excess of required open space. The developer is proposing 1.75 acres of community facilities dedication.

I. NARRATIVE OF REQUEST:

- The property was rezoned from Agricultural to Residential on December 4, 2006. The PUD overlay and sketch plan was approved by the Board of Commissioners on December 3, 2007.
- The developer is seeking approval of South Ridge, PUD, amended preliminary plat. The purpose of the amendment is to provide an alternate wastewater treatment plan/relocation the on-site wastewater treatment facility and a patio home development (smaller lots and setbacks). In addition, the developer is seeking clarification to three conditions indicated on the special use permit.
- The patio home style of development has been utilized for sections of other developments that are larger than this entire subdivision, but it has not been utilized previously as the only residential style within a PUD. However, it does meet the requirements of the UDO. The developer indicated that the patio style is being utilized in order for the lot development plans to be combined to create a streetscape that is scaled appropriately for the size and style of the proposed houses, as shown on the rendering that compares the old and new plans. While the patio lot style of development does not require the dedication of additional open space, the previous plan had smaller lots with a like amount of open space. The average lot size in the approved plan is 9,100 sf, and the smallest lot is 5,000 sf. The new plan has an average lot size of 8,500 sf, and the smallest lot is 8,100 sf. The proposed open space dedication is the same as with the previous plan, and is in conformance with the UDO requirements.
- The proposed development will be constructed in phases:

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

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

A. Please remove the note "Not a Part" from preliminary plat sheet 2, Neighborhood Commercial (5.46 Acre).

NCDOT

A. NCDOT comments are being negotiated and will be finalized by pre-construction.

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.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Chapters 3 and 10 of the UDO allow a planned unit development as a permissible use with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The conditions proposed meet the minimum requirements of this ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The proposed subdivision should have little to no impact on public health or safety.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The Unified Development Ordinance indicates that a planned unit development is allowed in the R base zoning district and PUD overlay with a special use permit.

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

Suggested Findings:

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

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

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

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

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

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

IV. STAFF RECOMMENDATION:

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

1. The pre-construction plans shall meet and address all NCDOT traffic engineer comments and recommended changes.
2. The right-of-way and legal instrument granted by Eagle Creek Property Owner's Association for the South Ridge subdivision entrance shall be resolved and recorded with the pre-construction submittal.
3. Documentation regarding the Eagle Creek open space reduction (right-of-way dedication) shall be provided with the pre-construction submittal.
4. The proposed, improved access connection to the adjacent property does not extend to the property line. This access will not be used by a property owner until such time as the interconnection is made; staff recommends the developer posting a bond for installation in lieu of paving the connection to the property line.
5. The proposed wastewater treatment and disposal provides two options for South Ridge development. The first option includes wastewater treatment and disposal within the boundaries of South Ridge development. The South Ridge utility plan shall also include any required green area, and must be submitted with the pre-construction submittal. The second option includes treatment and disposal within the Eagle Creek development. In order to proceed with the second option (Eagle Creek) the following information must be submitted with the pre-construction submittal:
 - a. A summary of available capacity for the Eagle Creek system. The summary should include all existing demands as well as committed demands (platted lots).
 - b. The basis and DWQ approval for residential flow reduction based on peak usage.
 - c. A detailed green area map. Any modifications to green area must be approved by Currituck County and NC DWQ prior to implementation.
 - d. A detailed narrative of necessary improvements to the Eagle Creek wastewater treatment or disposal areas to accommodate anticipated capacity of South Ridge (residential and commercial/county dedication) and financial responsibility for system upgrades.
6. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.

7. On street parking, if installed, shall be provided in accordance with the variance issued by the Board of Commissioners.
8. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
9. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
10. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
11. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
12. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
13. The applicant shall provide the following information regarding the waste water treatment system at pre-construction submission:
 - a. A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
 - b. State approval of the proposed system; and,
 - c. The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
14. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
15. In accordance with the UDO, the applicant shall create a sewer district for the proposed development prior to final plat submission.
16. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types;
 - d. Inclusion of front porches, projecting bays, vestibules; and,
 - e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features with in the vernacular of the area.

17. In keeping with Policy WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
 18. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
 19. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
 20. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
 21. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)
 22. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
 23. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
 24. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
 25. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
 26. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).
 27. The maximum amount of pond aeration devices allowed by NC DWQ shall be installed.
 28. A complete downstream analysis shall be included with the pre-construction submittal.
 29. *The driveways shall be two vehicle deep parking.
 30. *The slope of ponds shall be considered.
 31. *Cluster mailboxes shall be used.
- * Clarification needed from the Planning Board

V. CLARIFICATION OF SPECIAL USE PERMIT CONDITIONS

1. *The driveways shall be two vehicle deep parking. *Engineer Commentary: The applicant is proposing to address the parking requirement by providing a driveway that is sufficient to provide two side by side vehicles, in front of a garage that would provide additional parking. A detail is included for a typical development lot.*
2. *The slope of ponds shall be considered.
3. *Cluster mailboxes shall be used. *Engineer Commentary: It is agreed that cluster mailboxes will be provided within the common area adjacent to lot 135, with details to be provided at the pre-construction stage.*

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

1. At the proposed residential entrance to the development, Gerald Boulevard lines up with the old alignment of Survey Road. Survey Road was realigned several years ago. This intersection is now a T-intersection. Gerald Boulevard must be designed to line up with the current configuration of Survey Road, not the old. Another alternative for this intersection would be a roundabout. The roundabout must be designed to accommodate school busses and any service type trucks for the school and residential uses. The roundabout design, if considered, must be submitted to the District and forwarded to the Division Traffic Engineer for further review. Design questions for the roundabout should be coordinated through Chad Edge.
2. The proposed right in right out configuration for Commercial Access Drive #2 is acceptable as well as the proposed median island on Survey Road to physically prohibit left turns. If a roundabout design is proposed as mentioned earlier, this median island should be an extension of the splitter island on this approach.
3. At the proposed Commercial Drive #1, the right turn land proposed is acceptable as having 100 feet of full storage PLUS the appropriate deceleration and taper lengths as outlined in the NCDOT Driveway Manual. In addition, a left turn lane for northbound traffic should be constructed on Survey Road with a minimum of 75 feet of full storage PLUS the appropriate deceleration and taper lengths.
4. At the signalized intersection of NC 168 and Survey Road, the proposed addition of a right turn lane with 100 feet of full storage is acceptable. The appropriate deceleration and taper length will need to be included as well. The addition of this lane may require the addition of guardrail on the southeast quadrant for the traffic signal pole. In addition, for NC168 southbound the right turn lane shall be lengthen to obtain 250 feet of full storage PLUS the appropriate deceleration and taper length.
5. With regard to the internal streets, it is encouraged that interconnection between adjacent parcels and to the commercial areas be designed to minimize trips on NC 168 and Survey Road as well as provide alternative access points.
6. Design details for the above improvements must be reviewed and approved. A signing and pavement marking plan will also be required to be submitted for review and approval.

VII. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended denial of the preliminary plat/special use permit for 146 patio home lots.

Chairman O'Neal opened the public hearing.

George Winslow, owner of adjacent farm, requested the Board to consider a buffer between his property and residential property.

John Bowman, Eagle Creek Home Owners Association, supported the developers request to hook up to Eagle Creek sewer.

Gary Werner, reviewed his plans for development and construction of the homes.

Mark Bissell, Engineer, presented technical information, such as traffic study.

Commissioner Gregory requested a forest buffer and to build foundation above the current drainage as presented by Mike Doxey, SCS.

Commissioner Nelms questioned curb and guttering.

Commissioner Taylor requested clarification of parking.

Commissioner Rorer, agreed with a buffer between properties.

Chairman O'Neal wanted the open space addressed and encouraged developer to use local contractors.

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

Commissioner Taylor moved to deny because the proposal is not in harmony with the surrounding area due to small lot sizes and is inconsistent with the Rural Classification of the 2006 Land Use Plan. Commissioner Taylor seconded the motion. Motion failed with Chairman O'Neal, Commissioners Gregory, Etheridge, Rorer, and Aydlett voting no.

Commissioner Aydlett, moved to re-open public hearing. Commissioner Etheridge seconded the motion. Motion carried.

Chairman O'Neal questioned staff on UDO requirements.

Mark Bissell, Engineer, commented on distance between homes.

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

Commissioner Rorer moved to approve with the findings of fact and the staff recommendations included in the case analysis and additional conditions to raise the building pad elevations a minimum of 18 inches, and provide a solid vegetative buffer and fencing between the adjacent agricultural properties. Commissioner Aydlett seconded the motion. Motion carried with Commissioners Nelms and Taylor voting no.

Consideration of modified Golf Cart Ordinance

Ike McRee, County Attorney, reviewed the revised ordinance.

Commissioner Rorer questioned the percentage needed to file petition.

Commissioner Aydlett moved to continue for further review. Commissioner Gregory seconded the motion. Motion carried with Commissioner Rorer and Commissioner Nelms voting no.

Appointment to Library Board

Commissioner Nelms moved to table. Commissioner Taylor seconded the motion. Motion carried.

Appointments to Recreation Advisory Board

Commissioner Etheridge moved to appoint William Segar, Charles Pickell and Bill Freethy. Commissioner Aydlett seconded the motion. Motion carried.

Consent Agenda:

1. Budget Amendments
2. Resolution of intent to close Milburn Sawyer Road
3. Petition to NCDOT for Addition of Deerfield Trail for State Maintenance
4. Approval of January 19, 2010, Minutes

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12543-516103	Building & grounds	\$	15,000		
12543-516003	Repairs & Maintenance	\$	15,000		
12543-532003	Supplies	\$	1,000		
12543-545000	Contract Services	\$	1,423		
12543-532103	Fire supplies	\$	1,000		
12544-545000	Contract Services - Crawford	\$	33,423		
	Contract Services - Lower				
12545-545000	Currituck	\$	33,423		
12546-513006	Utilities - Corolla			\$	2,000
12546-516106	Buildings & Grounds-Corolla	\$	1,500		
12546-532006	Supplies-Corolla	\$	1,000		
12546-536006	Uniforms-Corolla			\$	1,300
12546-536106	Personal Protect Equip-Corolla			\$	4,000
12546-553006	Dues and subscriptions-Corolla	\$	1,000		

12546-544006	Volunteer Assistance-Corolla		\$	10,000
12546-554006	Insurance-Corolla		\$	10,310
12546-590006	Capital Outlay-Corolla	\$	57,533	
12547-545000	Contract Services-Carova	\$	33,423	
12548-545000	Contract Services-Knotts Island	\$	33,423	
12541-587029	T T - Fire Equip Replacement		\$	225,541
12390-499900	Appropriated Fund Balance	\$	25,003	
29390-495012	T F - Fire Services Fund	\$	225,541	
29690-590000	Capital Outlay		\$	225,541
		<u>\$</u>	<u>478,692</u>	<u>\$</u> <u>478,692</u>

Explanation: Fire Services (12543-12548) - To increase appropriations for the volunteer fire department contracts to continue the FY 2009 appropriation through June 30, 2010 and to eliminate funds transfer to the Fire Equipment Replacement Fund..

Net Budget Effect: Fire Services Fund (12) - Decreased by \$25,003.
 Fire Equipment Replacement Fund (29) - Decreased by \$225,541.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-526000	Advertising	\$ 1,100	
10796-532000	Supplies	\$ 32,770	
10796-590000	Capital Outlay		\$ 33,870
		<u>\$ 33,870</u>	<u>\$ 33,870</u>

Explanation: 4H Cultural Life Center (10796) - Transfer capital outlay funds to supplies to reclassify purchases that actual costs were less than anticipated and therefore were not capital purchases and for advertising for employment.

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12547-590007	Capital Outlay	\$ 175,268	
12547-545000	Contract Services		\$ 110,000
12380-482000	Miscellaneous Revenue		\$ 65,268
		<u>\$ 175,268</u>	<u>\$ 175,268</u>

Explanation: Carova Beach Volunteer Fire Services (12547) - To increase appropriations for

reimbursement for capital purchases made by Carova VFD in the FY 2009 budget and for capital purchases in 2010 as follows:

FY 2009 Capital Purchases	
400 amp generator	7,945
Well	6,050
Security system	6,273
Swan Beach	
Bldg/Apparatus Reserve	45,000
FY 2010 Capital Purchases	
Dry Hydrants	8,000
Communication	7,500
Upgrade	
Replace chasis on #71	39,500
Informational sign	10,000
Swan Beach	
Bldg/Apparatus	
Reserve	45,000
	\$ 175,268
	\$ 175,268

Net Budget Effect: Fire Services Fund (12) - Increased by \$65,268.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
		Increase Expense	Decrease Expense
10415-561000	Professional Services	\$ 65,000	
10415-511000	Telephone & postage		\$ 500
10415-514000	Travel		\$ 1,000
10415-553000	Dues & subscriptions		\$ 500
10320-411003	Article 44 sales tax		\$ 63,000
		\$ 65,000	\$ 65,000
		\$ 65,000	\$ 65,000

Explanation: Legal (10415) - Increase appropriations for continued cost share with Camden County for the OLF legal services.

Net Budget Effect: Operating Fund (10) - Increased by \$63,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
		Increase Expense	Decrease Expense
63838-521000	Rent	\$ 25,900	

63838-532000	Supplies	\$	1,500		
	Contracted services -				
63838-545001	collection			\$	27,400
			\$	27,400	\$ 27,400

Explanation: Solid Waste (63828) - Increase appropriations for operating supplies for the remainder of this fiscal year and for rental payments for Old property convenience center. This will cover the rental period of April 2007 through July 2014.

Net Budget Effect: Solid Waste Fund (63) - Increased by \$27,400.

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE
MILBURN SAWYER ROAD IN POPLAR BRANCH TOWNSHIP**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-241 a county may permanently close any street, whether opened or unopened; and

WHEREAS, the Board of Commissioners for the County of Currituck, North Carolina has determined that it is desirable, necessary and appropriate to permanently close Milburn Sawyer Road in Poplar Branch Township in order to relocate the road as an entrance from N. Spot Road into the 4-H Rural Life Center.

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

Section 1. A public hearing shall be held on March 1, 2010 at 7:00 p.m., or as soon thereafter as the matter can be reached, to hear any person on the question of whether or not to permanently close Milburn Sawyer Road in Poplar Branch Township as more particularly described and shown on that plat recorded at Plat Cabinet E, Page 161 of the Currituck County Registry.

Section 2. The Clerk to the Board of Commissioners shall cause the publication of this Resolution once a week for four successive weeks prior to the public hearing and a notice of the proposed permanent closing of Milburn Sawyer Road and public hearing shall be prominently posted in two locations along Milburn Sawyer Road.

Commissioner's Report

Commissioner Taylor thanked the Board for allowing her to attend the retreat via telephone.

Commissioner Gregory stated that he and Commissioner Etheridge met in Washington, DC, last week with Congressman Jones, Senator Hagan and Senator Burr regarding OLF.

Chairman O'Neal thanked the staff for their efforts and hard work on the recent retreat.

County Manager's Report

County Manager stated that trash pick up in Corolla would be on Thursday because of snow.

Adjourn

There being no further business, the meeting adjourned.