CURRITUCK COUNTY
NORTH CAROLINA
May 17, 2010

The Board of Commissioners met prior to their regular scheduled meeting at 5:00 p.m. as the Board of Equalization & Review and at 6:15 p.m. for a Closed Session pursuant to N.C. Gen. Stat. 143-318.11(3) to consult with an attorney employed by the Board in order to preserve the Attorney-client privilege between the attorney and board.

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, Gregory, Rorer, Nelms, Aydlett and Taylor.

Invocation and Pledge of Allegiance

The Reverend Renee Edwards, Sharon Methodist Church, was present to give the invocation.

Approval of Agenda

Commissioner Aydlett moved to add to the agenda a resolution for legislation. Commissioner Etheridge seconded the motion. Motion carried.

Item 1 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Item 2 **Public Hearing and Action:** PB 09-36 Corolla Club and Resort: Request for a special use permit to allow a combination use comprised of 32 multi-family units, retail, restaurant, and hotel on property zoned Limited Business-Hotel (LBH) in Corolla, Tax Map 128, Parcel 1D, Poplar Branch Township.

Item 3 **Consideration of Agreement** for County Membership in East Carolina Behavioral Health for Provision of Mental Health Services

Item 4 **Consideration of Resolution** Regarding the Composition of the Board of Directors for East Carolina Behavioral Health Services

Item 5 **Consideration of Resolution** Regarding Consolidation With Additional Counties and the Acquisition of Real Property by East Carolina Behavioral Health

Item 6 **Appointment of Commissioner** to East Carolina Behavioral Health Area Board

Item 7 **Appointments to Game Board**

Item 8 **Consent Agenda:**

1. Interlocal Agreement for a Group Self-Insurance Fund for Risk Sharing or Group Purchase of Coverage
2. Proclamation for Currituck County Employee Health and Fitness Day
3. Approval of May 3, 2010, Minutes
4. East Carolina Behavioral Health Lease Agreement

5. Resolution Establishing Legislative Agenda and Request for the Introduction of a Local Act Amending Session Law 1995-701

Item 9 Commissioner's Report

Item 10 County Manager's Report

Item 11 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. There being no comments, he closed the public comment period.

Commissioner Etheridge requested the Board to adopt a beach clean up program.

Public Hearing and Action: PB 09-36 Corolla Club and Resort: Request for a special use permit to allow a combination use comprised of 32 multi-family units, retail, restaurant, and hotel on property zoned Limited Business-Hotel (LBH) in Corolla, Tax Map 128, Parcel 1D, Poplar Branch Township.

Ike McRee, County Attorney, reviewed the Special Use Permit process.

Sworn testimony was given prior to making statements.

Ike McRee, County Attorney, stated that the Attorney for the Turnpike Properties would like to present a motion to the Board for consideration.

John Gaw, Attorney, requested the Board to continue the hearing for 60 days until the re-zoning error on map has been filed by Turnpike Properties.

Commissioner Nelms moved to deny the request. Commissioner Gregory seconded the request. Motion carried.

Ben Woody, Planning Director, reviewed the request for a special use permit.

CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: May 17, 2010
PB 09-36 Corolla Club and Resort Special Use Permit

ITEM: PB 09-36 Corolla Club and Resort Special Use Permit request for 32 multi-family units and 100-room hotel.

LOCATION: Ocean Trail, south of Pine Island, Phase 3, and north of the Hampton Inn on the east side of Ocean Trail, Poplar Branch Township.

TAX ID: 0128-000-001D-0000

ZONING DISTRICT: Limited Business Hotel (LBH)

PRESENT USE: Audubon – Conservation Area

OWNER: National Audubon Society
225 Varick Street, Fl 7
New York, NY 10014-4396

APPLICANT: PIR Holding, LLC
c/o Sumit Gupta
PO Box 7442
Kill Devil Hills, NC 27948

ENGINEER: Quible and Associates, PC
PO Drawer 870
Kitty Hawk, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	**Zoning**
NORTH:	Residential	PUD-RO1
SOUTH	PUD Amenity Site/Commercial	PUD-LBH
EAST:	Atlantic Ocean	
WEST:	Audubon – Conservation Area	RO1

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: 12.75 acres

NUMBER OF UNITS: 32 multi-family units
100-hotel rooms

PROJECT DENSITY: 2.5 multi-family units/ acre
7.984 hotel units/acre

UTILITIES: The development will be served by Southern Outer Banks Water System (SOBWS). The sewage treatment and disposal will be provided by an on-site wastewater treatment system and on-site disposal pond designed to accommodate 60,000 gpd.

I. NARRATIVE OF REQUEST:

- The developer is seeking approval of a special use permit for a combination use that includes 32 multi-family units and 100-hotel rooms. In addition, the developer is proposing 22,000 square feet of retail and a 100-seat restaurant that can be approved administratively (zoning permit).

- The proposed plan does not meet the standard parking requirements of the UDO and the applicant is requesting administrative relief to the minimum parking requirements. The request is for a 20% parking reduction and is detailed below:

Use	Required	Proposed
Retail	1:200 (110)	1:200 (110 * 20% = 88 spaces)
Hotel	1:room (100)	1:room (100* 20% = 80 spaces)
Multi-Family	2:unit (64)	2:unit (64* 20% = 51 spaces)
Restaurant	1:3 seats (34) 1:2 emp. (7)	1:3 seats (34 * 20% = 27 spaces) 1:2 emp. (7* 20% = 6 spaces)
TOTAL	**315 spaces**	**315 * 20% = 252 spaces**

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 a 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. Multi-family uses are an allowable use within the Limited Business Hotel (LBH) zoning district with a special use permit.
   b. The multi-family component of the mixed use development shall not exceed 30% of the total project gross floor area. The proposed multi-family development is 30% of the total project gross floor area.
   c. Hotels are an allowable use within the Limited Business Hotel (LBH) zoning district with a conditional use permit. Pursuant to Section 2.4.3 of the UDO combination uses shall be authorized by a special use permit if any of the principal uses combined requires a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
   Suggested Findings:
   a. The proposed development with recommended plan corrections and conditions meet or exceed the minimum requirements of this ordinance.

4. The special use will not endanger the public health or safety:
   Suggested Findings:
   a. The proposed development with recommended conditions and plan corrections should have an insignificant 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 combination use comprised of multi-family development, retail, restaurant, and hotel is allowed in the LBH base zoning district with a special use permit.
   b. An existing hotel facility is located to the south and an increased bufferyard requirement is recommended for the northern property boundary.

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 Corolla subarea. The Full Service classification supports a base residential density of 2 units per acre but may be increased to 3-4 units per acre through overlay zoning. 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:
      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. These 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.

   b. The following policy does address growth concerns for the development of the subject property:

      Policy ES8: Areas of the county identified for significant future growth shall avoid NATURAL HERITAGE AREAS (e.g. Great Marsh on Knotts Island, Currituck Banks/Swan Island Natural Area, Currituck Banks Corolla Natural Area, Pine Island/Currituck Club Natural Area, Northwest River Marsh Game Land, and many other marsh areas on the mainland).

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.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the site plan corrections identified below. It should be noted that the issuance of a special use permit does not grant site plan approval. The conceptual site plan was reviewed by the TRC on November 12, 2009, and a subsequent submittal to the TRC is required prior to site plan approval.

Planning

1. At a minimum, the landscape plan (bufferyards and shading) shall be submitted that is consistent with UDO requirements prior to site plan approval.
2. A lighting plan consistent with Chapter 4 of the UDO must be provided prior to site plan approval. Specifically, the footcandle measurements at the northern property line exceed the maximum allowances; provide building elevations identifying the building height (mounting height), location and type of light fixtures; verification that all fixtures are full cut-off; hours of operation for all exterior light fixtures; and photometric data for all exterior fixtures including fixtures mounted on the building.
3. A LOMR (Letter of Map Revision) is required prior to approval of this plan. As proposed the plan does not meet the V-zone development requirements of the ordinance. The county received verification on April 14, 2010 that FEMA has accepted and is processing a LOMR request for the property.
4. The maximum non-residential driveway width of 36 feet must be met unless a variance is obtained from the Board of Adjustment.
5. Staff supports administrative relief of the required parking for the proposed mixed use development provided the shared parking analysis submitted by Kimley Horn Associates is approved as part of the special use permit. The American Planning Association, Parking Standards, supports 10%-20% shared parking reduction within mixed-use developments.

Land Use Plan Consideration:

1. The proposed development is considered a Significant Natural Heritage Area as identified in LUP policy ES8 and significant growth shall avoid these areas. In an effort to address the proposed development impacts the applicant submitted assessment report prepared by Quible and Associates, PC that recognized significant plant and animal species or habitat and environmentally significant areas of this property. ***(Staff commentary: In 1990, the National Audubon Society terminated its conservation agreement which registered the entire Pine Island Audubon Sanctuary as a protected North Carolina Natural Heritage Area. However, the termination of the agreement did not affect the identification of the parcel as a Significant Natural Heritage Area. NC DENR staff evaluated the Quible and Associates assessment report, and on February 17, 2010 concluded the tract merits identification as a Significant Natural Heritage Area. It should be***

noted that the 12.75 acre parcel is part of a 3,500+/- acre Significant Natural Heritage Area).

NCDOT

The revised plans are under review by NCDOT, but no additional comments have been received.

IV. PLANNING STAFF RECOMMENDATION:

The proposed development with suggested conditions and plan modifications meets the requirements for special use permit approval. Therefore, the **staff recommends conditional approval** of this special use permit subject to the following conditions that address requirements of the ordinance and policies of adopted plans:

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 Conceptual Design Presentation prepared by CPAA Planning, Architecture, Interior Design, Visual Communications, and Landscape Architecture from Chapel Hill, NC dated January 27, 2010 is incorporated into the Special Use Permit. Significant design changes to the project will require modification of the Special Use Permit.
2. Please indicate all handicap accessible routes on the site plan.
3. Staff recommends relocating trash collection areas located in proximity of the residential units in Pine Island as well as the amenity area to the south. All fenced service areas and equipment, including but not limited to dumpsters and mechanical equipment, located between principle buildings and NC 12 shall be constructed of comparable exterior materials of the surrounding buildings within the immediate vicinity. (LUP Policy CD7)
4. Landscaping shall be selected from salt tolerant species.
5. A Type A opaque bufferyard shall be installed along the northern and southern exterior property lines. At the time of planting, the bufferyard shall include:
   a. Minimum 10 foot planting height and 2 inch caliper native, salt tolerant trees; and,
   b. 5-gallon native, salt tolerant shrubs.
6. Staff recommends all pedestrian crossings be raised with contrasting materials.
7. A maximum 20% shared parking relief shall be given to the proposed mixed use development. Retail uses shall be considered high volume traffic generators.
8. An internal traffic study prepared by a professional traffic engineer or licensed professional must be conducted for internal vehicular circulation. The study must be submitted and reviewed by the technical review committee as part of the site plan review. ***(Staff commentary: A shared use parking analysis completed by Kimley-Horn and Associates, Inc. was submitted February 9, 2010 and provided justification for shared parking reduction of 20% from the UDO requirements based on all high volume retail uses. The shared parking reduction must be approved as part of the SUP. The analysis did not address internal vehicular circulation.)***
9. Land Use Plan policy statement WQ5 promotes low impact development techniques and encourages developments to preserve the natural features of the site including existing topography and significant existing vegetation. The use of low impact development techniques shall be incorporated into the plan design. A minimum of three techniques shall be provided, including but not limited to the use of bioretention; permeable surfaces; reduction in the use of curb and gutter;

drought resistant, native vegetation; solar energy; green building practices; or cisterns. The preservation of natural features of the site, existing topography, and significant existing vegetation may include preservation of non-developed areas (i.e., those areas not identified for construction or unnecessary grading).

V. PLANNING BOARD RECOMMENDATION:
The Planning Board ***tabled*** the request at the January 12, 2010 meeting and ***recommended denial*** at the February 9, 2010 meeting for the following reason:

1. Classification of the property as a Significant Natural Heritage Area and Policy ES8 of the Land Use Plan it would be violated if the project moves forward as proposed.

PLANNING BOARD DISCUSSION (1-12-10)
Mr. Midgette stated how could the board make a recommendation because all the information is not complete.

Mr. Valdivieso stated that there were two key issues, the fire access and parking numbers. Mr. Valdivieso stated they went to Raleigh to meet with the architect and the state fire marshal to ensure this property is in compliance with State fire regulations. They have submitted a plan with detail which addresses the fire access issues. With the better layout for fire access they actually gain more parking spaces to where they are within the 10% to 20% shared parking reduction within mixed-use developments. Mr. Valdivieso stated the Audubon is selling this piece of property to his clients. This property is zoned commercial designation and the Land Use Plan classifies it in a full-service district. Mr. Valdivieso stated this property is not part of the Pine Island PUD and therefore not coming to the Planning Board with an amended sketch plan to amend the Pine Island PUD.

Ms. Wilson stated that with the original parking accommodations, the total impervious surfaces plus the walkways is approximately 86,000 sq. ft. The plan shows that there will be an infiltration pond handling the treated water. Would the developer consider having a treatment applied to the infiltration pond to accommodate the use of gray water or plumbing which would take some of the drain off the county supplied water?

Mr. Valdivieso stated they would take it into consideration. Mr. Valdivieso also stated there is parking underneath the building.

Mr. Clark asked who will be responsible for taking care of the pond.

Mr. Valdivieso stated it will be the owners and then the homeowners association.

Mr. Kovacs asked if there will be any public access to the beach.

Mr. Valdivieso stated no.

Mr. Clark asked if a professional company will be hired to treat the wastewater treatment pond.

Mr. Valdivieso yes.

Mr. Kovacs asked Mr. Valdivieso if he had seen the comments that the Planning Board members had received.

Mr. Valdivieso stated yes.

Mr. Mettenheimer stated he received an email from the Pine Island Association Board which states the original proposal, which included 15 single-family homes and how this project is a departure from the original plan. Mr. Mettenheimer stated the email also stated that the Pine Island board has obtained legal counsel to determine how to prevent any development of the subject parcel land that would affect the value of the Pine Island property. Mr. Mettenheimer stated he finds this project not consistent with the original plan, it will increase the number of people on this property, and it will affect the Pine Island owners' ability to rent their property and property value. Mr. Mettenheimer asks that this request be denied.

Mr. Smith states he has concerns with an incomplete plan, height of buildings, increase landscaping buffer between this project and Pine Island, lighting, beach access not to increase, wastewater treatment under condo building, access needs to be near commercial, and number of dumpsters.

Mr. Valdivieso stated the wastewater treatment will be put under Building B; lighting will be in compliance with the UDO, they will meet the UDO requirements for buffering/landscaping, and they will also need a CAMA permit. A special use permit will dictate what can be put on the property. Mr. Valdivieso stated the buildings will be less than 35 ft. from grade.

Mr. West asked if the condos will be individually owned or time share.

Mr. Valdivieso stated they will be sold.

Mr. Smith stated he is concerned with where the grade is. If the grade is 10-12 ft. then they add the 35 ft. it is really going to be tall. He is concerned with how tall it will be in comparison to his house.

Mr. Valdivieso stated it will be similar with the roof lines of the other commercial structures that are already there.

Ms. Wilson stated the architecture of the buildings is nice but as a resident living in Corolla when you drive by the area what is there now is lovely. Ms. Wilson stated in spite of what decision is eventually made she feels a great deal of sympathy with the area residents.

ACTION
Ms. Wilson recommended that PB 09-36 Corolla Club and Resort (Sumit Gupta) be tabled until all the deficiencies can be addressed and permits are obtained. Mr. Clark seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (2-9-10)
Mr. West asked who makes the determination for the Letter of Map Amendment (LOMA).

Ms. Voliva stated FEMA.

Mr. Valdivieso stated that his client is under contract to purchase the property from the National Audubon Society. This property is not part of the Pine Island PUD and is not subject to the Pine Island guidelines. The property is zoned commercial and the site is

designated full service district. Mr. Valdivieso stated this case came before the Planning Board in January but was tabled because it did not comply with the fire code access and 20% reduction in the parking requirements. Since this time they have had a parking study done and resubmitted a site plan that meets fire code. Mr. Valdivieso stated the issues with the stormwater disposal or means of wastewater disposal are not valid at this point because the process that they are going through now is to request a special use permit for the site plan. There has been a lot of discussion on the Natural Heritage Program designation of the property. Mr. Valdivieso stated they have been in contact with NC Department of Natural Resources to find out why the subject property is in a Natural Heritage Area and what significance the property has from an environmental prospective. Mr. Valdivieso stated the main reason it is in there Heritage Area program is because it is Audubon property. Mr. Valdivieso stated the county has asked them to check with the NC Department of Natural Resources to find out why the subject property is in a Natural Heritage Area and if it is valid to be under this designation. They did speak to them and basically they said the Natural Heritage Program (NHP) is a non regulatory program. Mr. Valdivieso stated they had a site assessment done with two of his staff members. The conclusion was that there is no threatened, endangered or special concern species recognized by NHP were observed.

Mr. Midgette stated that the property is considered a Natural Heritage Area as identified in the county's Land Use Plan (LUP) and significant growth shall avoid these areas.

Mr. Valdivieso stated he is aware of the statement, but the site assessment which was done states this property does not meet the criteria for a Natural Heritage Area.

Mr. Midgette asked Mr. Valdivieso how the board would get confirmation if the property is a Natural Heritage Area and how long will it take to get confirmation.

Mr. Valdivieso stated they are asking the board to base their decision on the information that they have provided. Mr. Valdivieso stated what they are running into with the NC Department of Natural Resources is that they are not willing to come out and say if this meets their criteria or doesn't meet their criteria.

Mr. West asked what is the zoning of the other property that the National Audubon owes which is across the street.

Mr. Woody stated RO1 and the subject property is zoned Limited Business Hotel (LBH).

Mr. West asked how did this piece of property get rezoned to LBH which is still owned by the National Audubon when the other property is zoned RO1.

Mr. Valdivieso stated he thinks the property was zoned LBH when the National Audubon obtained it, but this is just a guess.

Mr. Adams, a professional traffic engineer, presented a presentation on the Shared Parking Analysis.

Ms. Wilson stated that in the calculation was it taken into consideration the potential number of people parking in these spaces during the peak season time.

Mr. Adams stated that in talking with the development team there is recognition of this factor.

Ms. Wilson stated the developer said the wastewater system will be a very environmental conscious system; would they also apply this as well to the parking system.

Mr. Gupta stated that there are two things with the parking, one being from the business side they want to make sure there is enough parking to sustain the project. During the peak season they need to have in place some sort of management of parking, i.e. valet system. Mr. Gupta stated there are many environmental friendly ways to manage the parking and they are still looking at other options.

Mr. Valdivieso stated they have addressed the issues of fire access, parking and Natural Heritage Area. Mr. Valdivieso stated they have applied to FEMA to change the flood zone designation from a VE designation to an AE designation for construction purposes.

Mr. Hollan stated he was here to speak on behalf of Pine Island and he knows a lot about the history of the property. Earl Slick gave the property to the Audubon. Mr. Hollan provided an overview of the history. Mr. Hollan stated that the Audubon voluntary dedicated this area as a Natural Heritage property. The state does not come in and take someone's property and say it is in a Natural Heritage Area. The Audubon submitted this area to the state as part of the Natural Heritage Program. Mr. Hollan stated the proposed project is not in harmony with the rest of the community. Property taxes have never been paid on this property. Mr. Hollan stated he hopes the board finds this request is inconsistent with the surrounding properties and it is a Natural Heritage Area and will deny the request.

Mr. Clark asked if there is any other area open in Corolla like this property.

Mr. Hollan stated no.

Mr. West stated that farmers can asked that land be put in an agriculture district but they can also remove it. Since the National Audubon asked that this land be put in the Natural Heritage Area, can they request that it be removed?

Mr. Hollan stated he does not think so.

Mr. Gaw stated he is there representing the Pine Island Homeowner's Association. He has a petition with 277 names on it opposing the development. Mr. Gaw stated the Audubon acquires environmental sensitive land that needs to be protective and this is why there is a Natural Heritage designation application to this land. The Natural Heritage is not a regulatory agency but it is an agency that identifies land that needs to be regulated because it is land that is environmentally sensitive. Mr. Gaw stated there is a public health issue because over wash from the ocean and how it will affect the septic systems. There are many problems with this project and he would ask that the board deny this request.

Mr. Wemer stated this project is requesting to get out of the V-zone and with the recent northeaster storm they have lost 10 to 30 feet of dunes in Corolla. He requests the request be denied.

Mr. Jerry Wright stated he is concerned about the water fowl resource that is in Currituck County and how they will be affected because they use the marshes in Pine Island and the Audubon property. The proposed site is directly across from the Pine Island Club House which the northern pintail flight comes and winters on this yard starting in August. Mr. Wright stated the Pine Island community was never intended to have this intense

type of development. They have tried to work in Currituck to promote economical growth and activity on the beach while at the same time trying to protect the resources that people come here for; our horses, our water fowl and our fishing. Mr. Wright requests the board denies this request.

Mr. Valdivieso provided an overview of the wastewater treatment system and the affect of over wash and stormwater runoff.

Mr. Kovacs asked if the development will be done in phases.

Mr. Gupta stated yes and the timeline will be 2 to 3 years for build out.

Mr. Valdivieso stated the retention pond will be approximately 10,000 sq. ft. with fencing and will be professional managed.

Mr. Midgette asked how many contractors in Currituck County or Dare County that would be capable of building a hotel of this magnitude.

Mr. Valdivieso stated they do have a contractor but would use local contractor to do the plumbing, framing, electrical, site work, and supplies.

Mr. Midgette stated he thinks they have a great project but the location is not right.

Mr. Gupta stated they have been working on this project for two years. Mr. Gupta stated the county's LUP has this zoned as LBH in a full service district. They have a letter from the Audubon stating they do not see this property as part of the conservation area and are willing to sell the property. Mr. Gupta stated this resort will offer a lot to Corolla in the long run. Mr. Gupta stated it is very frustrating to them as a developer that they have spent two years on a project if the county had told them upfront that they could not develop this land because it was part of a Natural Heritage Area.

Mr. Wright stated the county does adhere to the LUP and Natural Heritage Area which is adopted by the county. Mr. Wright refers to Policy ES8 which states that significant future growth shall avoid Natural Heritage Areas.

Mr. West stated that with no taxes paid on the property that signals something unique with the property.

Mr. Kovacs asked Mr. Valdivieso was he okay with staff recommendations.

Mr. Valdivieso stated the only objection is with the mandate to construct in a V-zone.

Mr. Clark stated he has concerns from citizens which are recommendations in the event the SUP is approved. Construction during June thru October be limited to 9-5, 5 days per week to reduce noise impact, overnight parking for heavy equipment should be at the south end of the property, working hours should be dawn to dust during November thru May seven days per week.

Mr. Valdivieso stated they would take them into consideration.

Ms. Wilson stated that even though the land was reclassified from RO1 to LBH; does this mean the environmental needs disappear with it?

Mr. Valdivieso stated yes. The National Audubon Society is now saying in writing that the site does not have a conservation value.

ACTION

Ms. Wilson motioned to recommend denial based on the classification of the property as a Significant Natural Heritage Area and Policy ES8 of the Land Use Plan it would be violated if the project went forth. Ms. Taylor seconded the motion. Ayes: Mr. West, Mr. Wright, Mr. Midgette, Ms. Taylor, Mr. Clark and Ms. Wilson. Nays: Ms. Newbern and Mr. Kovacs.

PB 09-36 Corolla Club and Resort
Special Use Permit

0 120 240 480 720 Feet

Currituck County Planning Department

PB 09-36 Corolla Club and Resort
Special Use Permit

0 120 240 480 720 Feet

Currituck County Planning Department

PB 09-36 Corolla Club and Resort
Special Use Permit

0 155 310 620 930 Feet

Currituck County Planning Department

MEMORANDUM

To: David A. Deel, Quible & Associates
PIR Holding, LLC

From: Donna Voliva, Planner

Date: November 12, 2009

Re: Corolla Club and Resort

The following comments have been received for the November 18, 2009 TRC meeting. In order to be scheduled for the December 8, 2009 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on November 23, 2009. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva

Resubmit

1. A 25 foot Type A bufferyard setback shall be applied to both the north property line (adjacent to Pine Island residential lots) and the south property line (adjacent to the Pine Island amenities site).
2. The flood zone data has not been approved and should reflect the approved maps.
3. Please indicate all handicap accessible routes on the site plan.
4. The trash collection sites shall be designed for front loading trucks.
5. The maximum driveway width at the property line is 36 feet.
6. The landscape plan calculations shall be consistent with UDO canopy calculations.
7. Floor area ratios shall exclude all enclosed parking areas but shall include remaining floor area.
8. A traffic study should be conducted for internal circulation. The main access does not appear to have adequate stacking for exiting the property.
9. Note #21 shall include both building B calculations.
10. Fire hydrants may not be located within 15 feet of a parking space.
11. The loading and unloading spaces do not appear functional.
12. Staff recommends all pedestrian crossings be raised and of contrasting materials.
13. A lighting plan must be provided.
14. This proposed phase of development is considered a Natural Heritage Area as identified in the Land Use Plan policy statement ES8 and significant growth shall avoid these areas.
15. Land Use Plan policy statement WQ5 encourages developments to preserve the natural features of the site including existing topography and significant existing vegetation.
16. Landscaping shall be selected from salt tolerant species.
17. Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except bulkheads established for the purpose of shoreline protection or as otherwise permitted by the county engineer. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.
18. If the flood zone modification is approved, the planning staff recommends all buildings be built to V-zone certification requirements.
19. The proposed parking schedule must be reworked as it does not meet the minimum requirements.

Currituck Soil and Water, Mike Doxey

Approved with corrections.

1. Need high density state stormwater permit.

Currituck County Engineer, Eric Weatherly

Approved with corrections.

1. Provide water main plans from county tie in to end of project.
2. Provide Public Water Supply permit for water main extension.
3. Provide 12" water main extension to project.
4. Provide 12x6 tee, FH, 12 gate valve and plug at end of water main for future extension.
5. The 1 inch water services for condominiums and 50 room motels appears too small. Provide flow calculations to support sizing.
6. Provide sewer system plans and supporting documentation for all collection, treatment and disposal. Provide sewer application and permit.

7. Where will the Typical Storm Pipe Outlet Detail be used at on the project?
8. Provide stormwater and erosion control permits.
9. No fill within 10' of the property line.
10. Provide better narrative description and construction details of the stormwater overflow device.
11. Provide downstream stormwater analysis of the proposed roadside swale to be use as the systems overflow beyond the 10 year storm.
12. A more thorough soils investigation should be provided to support the Currituck Soil Survey book and to identify the SHWT for design of the stormwater chamber infiltration system.
13. Indicate the pad and finish floor elevations.
14. Provide the stormwater chamber system maintenance requirements for the county's file.
15. Provide a copy of the soil scientist report.
16. There are concerns about standing water the entire length of the road frontage (like Harris Teeter).
17. Construction plans must be resumbmitted to TRC.

Currituck County Utilities, Pat Irwin

Approved

1. The county will require a 12 inch water line connected to the existing 12 inch line in front of the Spindrift development a 12 inch valve will be required at the connection to SOBWS.
2. Are one inch service lines to the hotels and condominiums large enough to handle the demand?

Currituck County Emergency Management, James Mims

Denied/Resubmit

1. Fire apparatus must be able to come within 150 feet of all portions of all structures including the deck. This requirement will not be held to the narrow beach access walkways.
2. If structures are greater than 30 feet in height additional access requirements are needed for the fire department ladder truck.
3. If the structures are sprinklered fire department connections must be indicated on the site plans. They should be placed in such a fashion that they can be accessed and an adjacent fire hydrant can be accessed without blocking the full width of the fire apparatus access.

Currituck County Building Inspections, Spence Castello

Approved

1. All amenities must be accessible.

Currituck County GIS, Harry Lee

Reviewed

1. Addresses will be assigned by GIS when building permit(s) applied for. Building elevations will be required to assign addresses.

Currituck County Parks and Recreation, Jason Weeks

Reviewed

1. No comment.

Currituck County Economic Development, Peter Bishop

Reviewed

1. Please provide total commercial retail space proposed, insight on tenant mix and space available, total project investment, and permanent job-creation projection.

NC Division of Coastal Management, Charlan Owens

1. A CAMA Major Permit will be required. Permitting rules concerning structure setback requirements were amended effective August 11, 2009. The setback distance is determined by both the size of the development and the shoreline erosion rate. Please see 15A NCAC 07H. 0306 at http://www.nccoastalmanagement.net/Rules/Text/t15a-07h.0300.pdf
2. The plans show calculations relative to the new rules, however additional support documentation will be needed to verify the required setback. Please contact Ron Renaldi, DCM Field Representative, at 252-264-3901 for additional information.

NCDOT, Gretchen Byrum

Approved with corrections

1. A 5 ft paved shoulder is existing on NC 12, but the plans show a 2 ft paved shoulder. The 5 ft paved shoulder shall be restored to maintain the improvements made by NCDOT to better facilitate bicyclist on NC 12.
2. The plans show a continuous left turn lane and continuous right turn lane. The left turn lane shall be broken up into individual left turn lanes via pavement markings or concrete islands. There should be 3 individual left turn lanes, the 2 proposed driveways and 1 at existing Audubon Drive. The right turn lane shall be physically broken up into 2 separate right turn lanes.
3. Pavement markings should be in accordance with std specifications and drawings. The arrows, etc can be found in std drawing 1205. 06. All markings shall be thermoplastic. The white edge line separating traffic from the paved shoulder shall be Vibraline.
4. The traffic entering the site at primary driveway is shown as having a STOP condition. This shall be changed to such that internal traffic will have the STOP condition and entering traffic will have the right of way and free flow. This short driveway stem length is concerning but a free flow entrance may help. An internal roundabout at the entrance to deal with the internal flow is recommended.
5. The main entrance traffic island is just under the 20 max width. It also may be closer to the through travel lane (6-12 ft). 6 ft would be preferred provided landscaping does not block sight distances. A narrower entrance is recommended to reduce the appearance to motorist of two separate drives.
6. A note was made referencing a NC 12 HWY roadway improvement plan (lower left hand corner). This plan needs to be reviewed before additional comments are made and permits issued.
7. The roadway improvements and pavement marking plans should be illustrated in separate plan sheets for clarity.

NCDENR, Land Quality, Pat MCClain

Approved

1. More than one acre will be affected in the course of developing this project. Therefore, an erosion and sedimentation control plan must be submitted to and approved by the Land Quality Section prior to initiating any land disturbance associated with this development.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. THE PROPOSED WASTEWATER TREATMENT PLANT TO SERVE THIS PROPOSED DEVELOPMENT WILL NEED TO BE APPROVED BY THE NC DIVISION OF WATER QUALITY (WASHINGTON REGIONAL OFFICE) AT (252)946-6481. PLEASE SUBMIT WASTEWATER TREATMENT PLANT ENGINEERED PLANS AND APPROVAL LETTER TO HEALTH DEPT. FOR KNOWLEDGE AND REVIEW.
   *NOTE: ANY PROPOSED COMMUNITY POOLS, RESTAURANTS, FOOD STANDS WILL NEED TO BE REVIEWED BY HEALTH DEPT. BEFORE APPROVAL CAN BE GRANTED BY HEALTH DEPT.. CONSULT WITH HEALTH DEPT.(252)232-6603.
2. ALSO PROPOSED HOTEL(S) PLANS WILL NEED TO BE REVEIWED BY HEALTH DEPT. BEFORE APPROVAL CAN BE GRANTED BY HEALTH DEPT.. AGAIN, PLEASE CONSULT WITH HEALTH DEPT. (252) 232-6603. THANK YOU

Currituck County Schools, Dr. Megan Doyle
Currituck County Local Volunteer Fire Department
Currituck County GIS, Harry Lee
NCDENR, Environmental Management, Roger Thorpe
NCDENR, Public Water, Siraj Chohan
NC State Archaeology, Lawrence Abbot
US Army Corps of Engineers, Tom Steffens
Embarq, Hester Jones
Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey

Chairman O'Neal opened the hearing phase of the request.

Applicant Sumit Gupta introduced the team that would present their case.

Bill Bryan, Attorney for Developer, called Edward Valdivieso, Engineer, as his first expert witness.

Edward Valdivieso, Engineer, reviewed the project and answered questions.

Richard Adams, Engineer for Transportation and Parking Study, presented his comments on the study.

Judy Randall, CEO, for Randall Travel Marketing, stated that the study done for Currituck County Tourism supports this project.

Brian Roleno, Environmental Science Engineer, with Quible, presented his comments on the project.

James Spangler, Environmental Assessment Firm, reviewed the natural heritage designation as not registered or protected.

Sherry Rollason, Registered Appraiser, stated the property use will not substantially injure the adjacent property owners.

David Richards, Commercial Appraiser, stated that this project will not impact adjacent commercial property.

Ralph Lassiter, Designer of the Development, reviewed the project and stated that all conditions by the Board will be included.

This phase presented by the applicant was closed.

Henry Campen, Attorney, for Pine Island Property Owners, stated that he strongly opposes the statements made by the witnesses, that they have not met the burden of proof. This project does not meet the criteria of the Land Use Plan, it is not in harmony with surrounding property and the project will injure the value of surrounding property.

Chairman O'Neal opened the second phase of the hearing.

Eddie Staley, Director of GIS Service, presented a computer program that showed how this project would look in contrast with adjacent property.

Bill Bryan, Attorney for applicant, objects to this testimony as not an accurate simulation and a complete fabrication.

Mr. Campen, Attorney, presented his next witness.

Elon Blutinel, Pine Island Property Owner, opposes the project as not being in harmony with surrounding property.

Brian Hargraves, Pine Island Property Owner, stated that the project was not in harmony and inconsistent with the LUP.

Bill Hollan, Turnpike Properties Developer from Winston Salem, stated that the project was inconsistent with surrounding property and opposes the project.

George Wood, Environmental Professional, presented his study of the project and stated that it was not in conformity with surrounding property, it is inconsistent with the LUP.

Charles Moody, Appraiser with Realty Services of Eastern NC, presented an impact analysis on the project. It would impact property values of abutting and surrounding property.

This phase of the hearing was closed.

Chairman O'Neal opened the public hearing.

Roy Etheridge, stated that this project would address jobs needed in the county.

Maxine Rossman, Realtor, stated that this would increase property tax and Occupancy Tax revenues along with more job opportunities.

Doug Brindley, Corolla Light, supports project.

The public hearing was closed.

Ike McRee, Attorney, asked for Attorney's closing comments.

Bill Bryan, Attorney for applicant, stated that the Special Use Permit findings have been met.

Henry Campen, Attorney for PIPOA, stated that the project is not in harmony, not in conformity with LUP, has not met their burden on property value.

Ike McRee, County Attorney, stated that the evidentiary phase has been closed.

Commissioner Nelms moved to approve based on the evidence and argument presented, that the Board finds that the application is complete, that the application complies with all of the applicable requirements of the UDO for the proposed development and that the application to make use of the property for the purpose indicated in the application is approved, subject to the conditions set forth in the Planning Staff Case Analysis and further that attorneys for the applicant draft and circulate an order for entry by this Board. Commissioner Gregory seconded the motion. Motion carried unanimously.

Chairman O'Neal stated that due to the time the Board would recess the meeting until Monday, May 24th. The Board would vote on the consent agenda before adjourning.

Consideration of Agreement for County Membership in East Carolina Behavioral Health for Provision of Mental Health Services

Consideration of Resolution Regarding the Composition of the Board of Directors for East Carolina Behavioral Health Services

Consideration of Resolution Regarding Consolidation With Additional Counties and the Acquisition of Real Property by East Carolina Behavioral Health

Appointment of Commissioner to East Carolina Behavioral Health Area Board

Appointments to Game Board

Consent Agenda:

1. Interlocal Agreement for a Group Self-Insurance Fund for Risk Sharing or Group Purchase of Coverage
2. Proclamation for Currituck County Employee Health and Fitness Day
3. Approval of May 3, 2010, Minutes
4. East Carolina Behavioral Health Lease Agreement
5. Resolution Establishing Legislative Agenda and Request for the Introduction of a Local Act Amending Session Law 1995-701

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

Currituck County Employee Health and Fitness Day

Proclamation

WHEREAS, Currituck County Government is concerned about the health of its employees; and

WHEREAS, May 21, 2010, is designated Currituck County Employee Health and Fitness Day; and

WHEREAS, heart disease and cancer are the two leading causes of death in Currituck and are largely affected by what we eat and how physically active we are; and

WHEREAS, employers with highly effective health and productivity management programs have cost increases that are: 5 times lower for sick leave; 4.5 times lower for long-term disability; 4 times lower for short-term disability; and 3.5 times lower for general health care coverage.

WHEREAS, regular physical activity has curative and protective health benefits and can improve the quality of life for everyone; and

WHEREAS, a healthier populace means long-term cost savings for our county government; and

WHEREAS, County government shall encourage more physical activity opportunities for their employees; and

WHEREAS, County employees are becoming more aware of the need to eat smart and move more to improve their quality of life and reduce health care costs; and

WHEREAS, more fitness and nutrition educational programs shall be offered to county employees that support and encourage physical activity, healthy eating and worksite wellness;

NOW, THEREFORE, the Currituck Board of Commissioners hereby proclaims May 21, 2010, as Currituck County Employee Health & Fitness Day.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ESTABLISHING LEGISLATIVE AGENDA AND REQUEST FOR THE INTRODUCTION OF A LOCAL ACT AMENDING SESSION LAW 1995-701

WHEREAS, the North Carolina General Assembly convened the second session of the 2009-2010 biennium on May 12, 2010; and

WHEREAS, Board of Commissioners for the County of Currituck desires that its legislative delegation introduce and support the adoption of a local act beneficial to the citizens of Currituck County.

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

Section 1. The County of Currituck requests that Representative Bill Owens and Senator Marc Basnight introduce and support legislation amending Session Law 1995-701 to provide that Currituck County may deny land use and building permits whenever delinquent taxes are owed on property to be used under the land use or building permit or any other contiguous property owned by the same persons requesting a land use or building permit.

Section 2. The County Manager, County Attorney and Clerk to the Board of Commissioners are directed to forward a copy of this resolution to Representative Bill Owens and Senator Marc Basnight with supporting documentation.

Section 3. This resolution shall be effective upon its adoption.

Commissioner's Report

County Manager's Report

Recessed Meeting

Commissioner Taylor moved to recess the meeting to Monday, May 24 at 9:00 a.m. Commissioner Nelms seconded the motion. Motion carried.