

CURRITUCK COUNTY
NORTH CAROLINA
DECEMBER 5, 2011

The Board of Commissioners met for Dinner at 4:00 p.m., then at 5:00 p.m. for a Closed Session according to GS 143-318.11(3) to consult with attorney in order to preserve the attorney-client privilege. After reconvening from closed session, no action was taken. At 6:30 p.m., the Board met to discuss Internet Cafés.

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 Aydlett, Commissioners Gilbert, O'Neal, Martin, Etheridge, Petrey, and Rorer.

Invocation

Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation.

Election of Chairman

Dan Scanlon, County Manager, presided over the election of Chairman.

Commissioner O'Neal moved to nominate Commissioner Martin. Commissioner Petrey seconded the motion. Motion failed with Commissioners Aydlett, Gilbert, Rorer and Etheridge voting no.

Commissioner Gilbert moved to nominate Commissioner Rorer. Commissioner Aydlett seconded the motion. Motion carried with Commissioners O'Neal, Martin and Petrey voting no.

Election of Vice Chairman

Commissioner Petrey moved to nominate Commissioner Martin. Commissioner O'Neal seconded the motion.

Chairman Rorer moved to nominate Commissioner Gilbert. Commissioner Aydlett seconded the motion. Motion carried with Commissioner Petrey, Martin and O'Neal voting no.

Approval of Agenda

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

- Item 1 **Election of Chairman**
- Item 2 **Election of Vice Chairman**
- Item 3 Approval of Agenda
- Item 4 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 5 **Recognition of Currituck County High School Football Team and the Currituck County High School Soccer Team**
- Item 6 **Consideration and Action:** PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.
- Item 7 **Public Hearing and Action:** PB 95-36 Cypress Landing, Phase 4: Request for a preliminary plat/special use permit for a 12 lot conservation subdivision located in Moyock at the terminus of Northwest River Drive, Tax Map 14, Parcel 13F, Moyock Township.
- Item 8 **Public Hearing and Action:** PB 11-17 Daniel C. Cartwright: Request for a conditional zoning from A (Agricultural) to CD-HM (Conditional District - Heavy Manufacturing) for 1.10 acres located at 128 Station Lane, Shawboro, Tax Map 23, Parcel 50, Crawford Township.
- Item 9 **Public Hearing and Action:** PB 06-24 Laurel Woods Estates: Request for an amended preliminary plat/special use permit for a 156-lot residential subdivision to modify the phasing plan and allow performance bonds for street trees and sidewalks, located on NC 168 .5 mile north of the intersection of Bells Island Road, Tax Map 50, Parcels 70A and 70B, Crawford Township.
- Item 10 **Discussion of Ocean Rescue Contract**
- Item 11 **Apply for permits to clean ditches to original dimensions in Carova and North Swan.**
- Item 12 **Appointment of a Commissioner to The Albemarle Commission**
- Item 13 **Appointments to Board of Adjustment**
- Item 14 **Appointments to Whalehead Stormwater Drainage Service District**
- Item 15 **Consent Agenda:**
 - 1. Request to declare two vehicles and one trailer as surplus
 - 2. Budget Amendments
 - 3. Approval of November 21, 2011, Minutes
 - 4. Approval of November 7, 2011, Minutes
- Item 16 Commissioner's Report
- Item 17 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 Rorer, District 2 Commissioner, stated that he has received some comments regarding his residency. He has lived in District 2 for most of the time, except for the last 10 months due to his wife's illness and is looking for a place to live in his district and he hopes to move within the next couple of weeks.

Chairman Rorer opened the public comment period.

Toni Tabb, is challenging the district that Chairman Rorer is living in and is against Commissioner Rorer being Chairman and he should step down. She has filed a challenge with the Board of Elections office today.

Barry Richman, is the Magistrate in Corolla and requested the Board to contact the legislature because they are considering reducing the number of Magistrates in Currituck from 4 to 3. This would leave Corolla without a Magistrate.

Commissioner O'Neal moved to send a letter to our Representatives opposing this new ruling. He also encouraged all citizens to do the same. Commissioner Aydlett seconded the motion. Motion carried.

Recognition of Currituck County High School Football Team and the Currituck County High School Soccer Team

John Wheeler, Coach for the High School Football Team introduced the team members and stated that the team won the play off game.

Mark Chappell, Coach for the Soccer Team introduced his team members and assistant Coach Tony. The team ranks 12th in the State.

The Board recognized both teams for their achievements and sportsmanship.

Consideration and Action: PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

On December 6, 2010, the Board of Commissioners granted Soundside Recycling a one-year extension of the special use permit for a demolition landfill (recycling center). This extension required that all state permits needed to relocate operations east of the power transmission lines be issued within one year and that the applicant comply with all county ordinances within 90 days of the extension.

According to quarterly updates and recent correspondence with Racy Newbern, the State permit for the relocation of materials and operations was issued in March 2011. A pre-operative condition of the State permit is to provide a surety guarantee prior to operation of the new facility. The surety guarantee was secured in November 2011. Mr. Newbern stated that improvements to the site are underway to achieve compliance with the relocation requirement of the special use permit.

Prior to the December 5, 2011 Board of Commissioners meeting, staff will inspect the property to ensure the applicant complies with all county ordinances. A summary will be provided at the public hearing.

This special use permit is set to expire on December 6, 2011 and the applicant is requesting a renewal. The current special use permit and site plan are enclosed. Should you have any questions, do not hesitate to contact Ben Woody at 232-3055.

Chairman Rorer opened the public hearing.

Racy Newbern, applicant, was present to answer questions.

Commissioner Martin questioned how long has he been waiting for a permit.

Commissioner O'Neal stated that it does take the agency this long to secure bonds.

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

Commissioner O'Neal moved to extend for 60 days.

Commissioner Aydlett seconded the motion. Motion carried.

Public Hearing and Action: PB 95-36 Cypress Landing, Phase 4: Request for a preliminary plat/special use permit for a 12 lot conservation subdivision located in Moyock at the terminus of Northwest River Drive, Tax Map 14, Parcel 13F, Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
December 5, 2011
PB 95-36 Cypress Landing, Phase 4**

ITEM: PB 95-36 Cypress Landing, Phase 4, Preliminary Plat/Special Use Permit for a 12 lot conservation subdivision.

LOCATION: In Moyock at the terminus of Northwest River Driver, Moyock Township.

TAX ID: 0014-000-013F-0000

ZONING DISTRICT: Residential (R)

PRESENT USE: Undeveloped

OWNER: Jerry Old
1669 Tulls Creek Road
Moyock NC 27958

APPLICANT: Mel Hopkins
204 Walden Dr
Yorktown VA 23692

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Single Family Dwelling	R
SOUTH	Open Space for Cypress Landing Subdivision	R
EAST:	County Operated Manned Convenience Center	R
WEST:	Cypress Landing, Phase 3	R

LAND USE PLAN

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

- SIZE OF SITE:** 22.171 Acres
- NUMBER OF UNITS:** 12 Lots
- PROJECT DENSITY:** .54 units/acre
- OPEN SPACE:** The applicant is required to provide 45% open space and is doing so by dedicating 9.99 acres to open space for this phase of the development.
- UTILITIES:** Public water will be provided by the Currituck County Water System and the lots will be served by individual on-site septic systems. Water demands will be approximately 4,320 gallons per day. The individual septic systems are being designed to support a four bedroom single family dwelling per lot.

I. NARRATIVE OF REQUEST:

- The applicant is proposing to construct a 12 lot residential subdivision.
- This is the fourth and final phase of Cypress Landing Subdivision.
- The sketch plan for this phase was approved on September 22, 2011.

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. 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. As presented, the subdivision meets or exceeds the minimum requirements of the ordinance.

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

Suggested Findings:

- a. The subdivisions 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 UDO indicates that a conservation subdivision is allowed in the R zoning district with a special use permit.
- b. The proposed residential lots are currently within a neighborhood with densities comparable to those proposed and should be in harmony with the neighborhood.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural class is intended to provide for agriculture, forestry, and another allied uses traditionally associated with a rural area. The sub-area emphasis is to encourage clustered housing developments limited to a density of approximately one to two units per acre. 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. One form of development is:

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 Service areas identified on the Future Land Use Map.

POLICY ML1: Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The county shall exercise diligence in applying policies, plans, and actions that will encourage compact growth and the preservation of farmland and open space in the mainland areas.

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 12 lot subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

1. Please consult with Mr. Kevin Carver R.S. at 252-232-6603 in order to obtain required permits to construct a proposed dwelling and septic system on each lot of proposed subdivision. (ARHS Comment)
2. An erosion and sedimentation control plan must be submitted to the Land quality Section of DENR and approved prior to beginning the project. (NCDENR Land Quality Comment)

IV. PLANNING STAFF RECOMMENDATION:

Staff recommends approval of this request subject to all findings of fact listed above and all TRC comments being adequately addressed.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of the preliminary plat/special use permit with the findings of fact and staff recommendations.

Chairman Rorer opened the public hearing.

Jerry Old, Applicant, and Mel Hopkins, Engineer was present to answer questions.

There being no comments, Chairman Rorer closed the public hearing.

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

Public Hearing and Action: PB 11-17 Daniel C. Cartwright: Request for a conditional zoning from A (Agricultural) to CD-HM (Conditional District - Heavy Manufacturing) for 1.10 acres located at 128 Station Lane, Shawboro, Tax Map 23, Parcel 50, Crawford Township.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
December 5, 2011
PB 11-17 Daniel C. Cartwright
Conditional Zoning Request**

ITEM: PB 11-17 Daniel C. Cartwright requests to rezone 1.10 acres from Agricultural (A) to Conditional District - Heavy Manufacturing District (CD-HM).

LOCATION: 128 Station Lane, Shawboro: North side of Station Lane approximately 500 feet west of Shawboro Road (NC 34) intersection, Crawford Township.

TAX ID: 0033-000-0050-0000

OWNER: Currituck Grain Inc.
PO Box 7100
Virginia Beach, Va 23457

APPLICANT: Daniel Clay Cartwright
382 N. Gregory Road
Shawboro, NC 27973

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agriculture	A
SOUTH	Agriculture	A
EAST:	Railroad Right-of-Way	GB
WEST:	Single Family Dwelling	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Shawboro-Crawford subarea.

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District - Heavy Manufacturing (CD-HM)

CURRENT USE: Agriculture

SIZE OF SITE: 1.10 acres

ZONING HISTORY: 1973: AO-1 - Agriculture-Open Space District
1975: A-40 - Agricultural District
1989: A - Agricultural District

UTILITIES: Property is served by well water and has an approved septic permit. There is potential for connection to the county's water system.

The neighboring property to the east is also served by well water.

TRANSPORTATION: The property is accessed by Station Lane, an approximately 16 foot wide state maintained road.

FLOOD ZONE: The subject property is not located within the 100-year flood plain and is identified as Flood Zone X.

WETLANDS: There are no wetlands on the property.

SOILS: According to the Currituck County Soils Survey, the entire property has soils that are considered unsuitable.

PROPOSED ZONING CONDITIONS:

1. An 8 foot tall fence shall be installed and maintained around the perimeter of the property.

COMMUNITY MEETING:

A community meeting was held on October 13th, 2011. A report of the meeting is attached.

TECHNICAL STAFF RECOMMENDATION:

The TRC reviewed the conceptual plan on October 19, 2011. A formal site plan submittal must be reviewed by TRC prior to development.

PLANNING STAFF RECOMMENDATION:

The planning staff recommends denial of the proposed conditional zoning request based on the following:

- The proposed heavy manufacturing use can be considered inconsistent with the Rural land use classification. The Rural class is intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. Preferred uses include very low-density dispersed development associated directly with farm uses.
- Due to the adjacent single family residences, the proposed use appears to be inconsistent the following Land Use Plan policies:

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, Industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.

POLICY ID2: Industrial uses should not be located in areas that would diminish the desirability of existing and planned NON-INDUSTRIAL DEVELOPMENTS, nor shall incompatible non-industrial uses be allowed to encroach upon existing or planned industrial sites.

POLICY ID6: New industrial development shall be encouraged to locate in existing and/or planned INDUSTRIAL PARKS.

- NCDOT has stated that Station Lane, being only approximately 16' wide, can not support daily truck traffic.
- The increased vehicle traffic and noise of the operation may disturb the residences on Station Lane and nearby property.
- Sheriff Susan Johnson has concerns regarding the increased price of scrap metal and increased theft associated with it. In a letter attached, she explains that during these times, scrap metal operations need constant monitoring by law enforcement to ensure compliance with the N.C.G.S. She states that future request for these operations be scrutinized and evaluated on the location as it will effect both the community and law enforcement. She recommends that when new scrap metal operations are approved in the county, the Sherriff's Office would need another detective position to handle the demands presented by this type of business to meet the requirements of the statute. *Please see attached letter for full explanation.*
- The conceptual plan submitted does not illustrate required parking areas and bufferyards. Further compliance with the Unified Development Ordinance may reduce the overall outdoor storage area.
- Section 3.8.1 of the UDO states that no junkyard shall be within 1,000 feet of a major highway. The property is approximately 500 feet from NC 34. It is in staff's opinion that NC 34 is a major highway.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** of the conditional zoning request due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development and staff recommendations. Ms. Taylor seconded the motion. Ayes: Jim Clark, Joe Kovacs, Susan Taylor and John Wright. Nays: Fannie Newbern and Forrest Midgette.

PLANNING BOARD DISCUSSION (11/8/11)

Mr. Cartwright stated that this property was used for a saw mill, and prior to that it was a cotton mill. Mr. Cartwright stated that the Department of Transportation (DOT) originally stated that Station Lane would not support daily truck traffic, but after he talked to them DOT has sent another comment stating Station Lane would support daily truck traffic. Mr. Cartwright talked about the height of the stock piles, the eight foot tall fence, and

buffering. Mr. Cartwright stated this is an ideal spot for a scrap yard.

Mr. Clark asked what the hours of operation will be.

Mr. Cartwright stated daylight hours and five or six days per week.

Mr. Wright asked where the closest heavy manufacturing district is as it relates to this property.

Mr. Cartwright stated approximately 400 yards.

Mr. Midgette asked if the railroad tracks would be utilized.

Mr. Cartwright stated yes.

Mr. Midgette stated that the Unified Development Ordinance classifies a junk yard and scrap yard as the same. Mr. Midgette stated in his opinion they are not.

Mr. Litten stated he is concerned with noise, traffic, hours of operation, debris, dust, thief issues, and decreasing property values. Mr. Litten is asking the Planning Board to deny this request.

Mr. Midgette asked Mr. Litten if he attended the community meeting.

Mr. Litten stated no.

Ms. Miller stated she is concerned with traffic, hours of operation, and this request is not in line with the county's goals. Ms. Miller would like this property to remain in an agricultural district and it is of no benefit to the community. Ms. Miller is asking the Planning Board to deny this request.

Mr. Midgette asked Ms. Miller if she attended the community meeting.

Ms. Miller stated no, but she was not aware of the meeting.

Ms. Etheridge stated Mr. Cartwright lead people to believe that he wanted to store landscaping material on this site and some people are still under this impression. The county ordinance states heavy manufacturing districts seem to have the most significant impact on communities. Ms. Etheridge provided the uses of a heavy manufacturing district. Ms.

Etheridge is concerned with traffic, debris, decreasing property values, and how unsightly a scrap yard will look in a residential community. Ms. Etheridge stated Mr. Cartwright does not own the property. Ms. Etheridge is asking the Planning Board to deny this request.

Mr. Midgette asked Ms. Etheridge if she attended the community meeting.

Ms. Etheridge stated no.

Mr. Ray Etheridge is asking the Planning Board to deny this request.

Mr. Fred Etheridge stated he is asking the Planning Board to deny this request. Mr. Etheridge stated he does not want a junk yard in this community. He is also concerned with traffic, dust and noise.

Ms. Litten stated she is concerned with traffic, thief issues, and the negative side affects. Ms. Litten is asking the Planning Board to deny this request.

Mr. Cartwright addressed noise, traffic and crime issues. Mr. Cartwright stated since he is asking for a conditional zoning request his uses would be in the original application which are a scrap yard and landscaping materials. Mr. Cartwright asked planning staff to read the statement recently submitted by DOT.

Mr. Schuler read an email statement from DOT dated November 7, 2011.

Mr. Cartwright stated he feels this request will be a positive influence on the community.

PLANNING BOARD ACTION

Mr. Kovacs moved to deny PB 11-17 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development and staff recommendations. Ms. Taylor seconded the motion. Ayes: Jim Clark, Joe Kovacs, Susan Taylor and John Wright. Nays: Fannie Newbern and Forrest Midgette.

Chairman Rorer opened the public hearing.

Commissioner Martin asked the County Attorney if this was spot zoning. Ike McRee, County Attorney, stated that he

does agree that this is spot zoning and the Board needs to have sufficient findings and establish a reasonable basis for approval.

Commissioner O'Neal stated that he thought this was an appropriate zoning due to the location of the railroad tracks.

Clay Cartwright, Applicant, reviewed his use of the property as a recycling of metals. He would buy metals, separate, and ship off. He would also have mulch, rock and riprap.

Commissioner Petrey questioned if he would have a fence.

Ben Woody, Planning Director, read letter from Department of Transportation on traffic on Station Lane.

Greg Barco, supports request.

Kenneth Wallace, opposes a scrap yard at this location and the contamination of the water and other toxic concerns.

Karen Etheridge, Jarvisburg Realtor, opposes this request because it will depreciate the value of property in Shawboro.

Fred Etheridge, Shawboro Road, opposes the request and that this would destroy the Shawboro area.

Newton Hampton, Coinjock, supports the request.

C.J. Hutson, supports the request.

Kitty Etheridge, Shawboro, requested the Board to deny this junkyard and that it would devalue the property. She requested the Board to protect the safety and well being of the residents in Shawboro by denying this request.

Ron Anoaia, Real Estate Agent from Virginia, stated that a salvage yard would devalue the property and make it difficult to sell property in Shawboro. He stated that this zoning would be a mistake and needed a comprehensive plan.

Commissioner O'Neal questioned the difference between a salvage yard and a recycling center.

Ray Etheridge, Shawboro, stated that Commissioner Etheridge would profit from this junk yard and why did not Mr. Cartwright locate this on his property.

Commissioner Etheridge wanted to comment on Ray Etheridge's statements. He stated that Mr. Cartwright came to him and asked him what to do and nothing more.

Ray Litton, opposes the request.

Julia Meiggs, opposes the request.

Mary Wallace, opposes the request and this use on her family property.

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

Commissioner Etheridge moved to approve due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development and its long history of industrial uses, granary, lime plant and liquid fertilizer plant are among the businesses that have operated there. He also would like to include an opaque fence. Commissioner O'Neal seconded the motion. Motion carried with Commissioner Martin voting no.

Commissioner Martin wanted to state why he voted no. He opposes a junk yard and this is not a good location.

Public Hearing and Action: PB 06-24 Laurel Woods Estates: Request for an amended preliminary plat/special use permit for a 156-lot residential subdivision to modify the phasing plan and allow performance bonds for street trees and sidewalks, located on NC 168 .5 mile north of the intersection of Bells Island Road, Tax Map 50, Parcels 70A and 70B, Crawford Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 5, 2011
PB 06-24 Laurel Woods Estates**

ITEM: PB 06-24 Laurel Woods Estates Amended Preliminary Plat/Special Use Permit for a 156 lot phase in the conservation subdivision.

LOCATION: The property is located on the west side of NC 168, Caratoke Highway; ½ mile north of the intersection of Bells Island Road, Crawford Township.

TAX ID: 0050-000-070A-0000
0050-000-070B-0000

ZONING DISTRICT: Mixed Residential (RA)

PRESENT USE: Agricultural

OWNER: D&B Properties, Inc.
c/o Brian Sutryk
820 Greenbrier Circle, Suite 31
Chesapeake, VA 23320

APPLICANT: Sam Miller
Laurel Woods Estates NC, LLC
820 Greenbrier Circle, Suite 30
Chesapeake, VA 23320

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low density residential uses/farmland	RA
SOUTH	Low density residential uses/woodland/farmland	RA
EAST:	Low density residential	R
WEST:	Farmland	RA

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Services within the Courthouse subarea.

SIZE OF SITE: 156.67 acres

NUMBER OF UNITS: 160 total residential lots approved on the sketch plan
156 total residential lots within this phase

PROJECT DENSITY: 1.02 units/acre

UTILITIES: The development will be served by county water. The proposed water usage is 76,800 gpd. The applicant is proposing on-site wastewater systems for each 20,000 sf residential lot.

IV. NARRATIVE OF REQUEST:

- The applicant is seeking amended preliminary plat/special use permit approval for 156 lots within a proposed 160 lot conservation subdivision.

- The applicant is proposing the following modifications to the plat and special use permit:
 - o Phasing Plan
 - Up to 49 lots recorded for Phase 1, year 1
 - 36 lots recorded for Phase 2, year 2
 - 38 lots recorded in Phase 3, year 3
 - 33 recorded in Phase 4, year 4 (156 lots) with the potential to add the remaining 4 lots in year 4 (160 lots).
 - o Performance bond for the planting of some of the street and site trees due to the time of planting. Street trees associated with the first phase will be installed Spring 2012.
 - o Performance bond for the installation of the sidewalks planned along the streets. The sidewalks will be completed with the construction of the homes to avoid damage. The walking trails will be installed as planned.

V. PLANNING STAFF RECOMMENDATION:

The preliminary plat must be corrected to illustrate lots 147, 148, 149, and 153 as future parcels. The four parcels did not receive a provisionally suitable recommendation from Albemarle Regional Health Department and did not receive preliminary plat approval.

The planning staff recommends approval of the request to amend the preliminary plat/special use permit condition L. issued by the Board of Commissioners November 5, 2007:

- L. The county will administer the formal phasing plan by allowing only the indicated number of lots to be built on (~~10 year one, and 30 in subsequent years~~) to receive final plat approval in that calendar year.
- Up to 49 lots recorded for Phase 1, year 1
 - 36 lots recorded for Phase 2, year 2
 - 38 lots recorded in Phase 3, year 3
 - 33 recorded in Phase 4, year 4 (156 lots) with the potential to add the remaining 4 lots in year 4 (160 lots).

The planning staff recommends approval of the request for performance bonds. Performance bonds must be submitted to the county prior to recording the final plat.

- Performance bond for the planting of some of the street and site trees due to the time of planting. Street trees associated with the first phase will be installed Spring 2012.
- Performance bond for the installation of the sidewalks planned along the streets. The sidewalks will be completed

with the construction of the homes to avoid damage. The walking trails will be installed as planned.

III. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the amended preliminary plat/special use permit with the findings of fact and staff recommendations.

PLANNING BOARD DISCUSSION (11/8/11)

Mr. Kovacs asked clarification on the phasing.

Mr. Miller provided an overview of the phasing plan and the performance bond for the planting of some of the street and site trees due to the time of planting.

PLANNING BOARD ACTION

Ms. Newbern moved to approve PB 06-24 with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

Chairman Rorer opened the public hearing.

Sam Miller, Applicant, was present to answer questions.

There being no comments, Chairman Rorer closed the public hearing.

Commissioner Martin moved to approve with findings of fact and staff recommendations included in the case analysis. Commissioner O'Neal seconded the motion. Motion carried.

Discussion of Ocean Rescue Contract

Dan Scanlon, County Manager, reviewed the contract which expires December 31, 2011. It is a 1 year contract for the same amount.

Sylvia Wolfe, reviewed the programs they have been working on.

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

Apply for permits to clean ditches to original dimensions in Carova and North Swan.

Dan Scanlon, County Manager, this is for the R02 area to maintain ditches and just needs the Board to approve process to get permits.

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

Appointment of a Commissioner to The Albemarle Commission

Commissioner Aydlett re-appointed Commissioner Rorer. Commissioner Martin seconded the motion. Motion carried.

Appointments to Board of Adjustment

Commissioner O'Neal moved to table. Commissioner Etheridge seconded the motion. Motion carried.

Appointments to Whalehead Stormwater Drainage Service District

Commissioner O'Neal moved to reappoint the following. Commissioner Etheridge seconded the motion. Motion carried.

Daniel Clements, III, Robert Collins, Richard Donica, George Mears and Jack Riggle.

Consent Agenda:

1. Request to declare two vehicles and one trailer as surplus
2. Budget Amendments
3. Approval of November 21, 2011, Minutes
4. Approval of November 7, 2011, Minutes

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

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on December 5, 2011 authorized the following, pursuant to GS 160A and 270(b), property listed below, be traded in for a replacement, sold at auction or by advertised sale:

<u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
	2006 Ford Freestar (DSS)	2FMZA52226BA19653
	1985 Long Trailer (WISD)	130AU1212DC001578
	1987 GMC Truck (WISD)	1GTCS14E3H2529171

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-590000	Capital Outlay	\$ 26,000	
10380-488400	ABC Profits		\$ 26,000
		<u>\$ 26,000</u>	<u>\$ 26,000</u>

Explanation: *Social Services (10750)* - To increase appropriations for a replacement van for DSS. The 2006 Ford Freestar with 144,000 is inoperable and too costly to repair. This vehicle purchase will advance the vehicle requested for the FY 2013 budget year.

Net Budget Effect: Operating Fund (10) - Increased by \$26,000.

Commissioner's Report

The Board wished everyone a Merry Christmas, since the December 19th meeting has been canceled.

The Board also thanked Commissioner Aydlett for his leadership this year as Chairman.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.