

CURRITUCK COUNTY
NORTH CAROLINA
July 18, 2011

The Board met at 6:00 p.m. prior to the regular meeting for an update on the Technical Aviation Training Center and at 6:30 to meet with DOT to present the 2012 Secondary Roads Program.

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

Invocation and Pledge of Allegiance

The Reverend Jerry Ross was present for the invocation.

Approval of Agenda

Commissioner O'Neal moved to amend the agenda by adding to the consent agenda resolution approving secondary road program. Commissioner Gilbert seconded the motion. Motion carried.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Public Hearing and Action:** PB 08-03 Backwoods Hideaway: Request for a preliminary plat/special use permit for 16 lots located on Northwest Backwoods Road, approximately 1.4 miles north of the intersection with South Mills Road, Tax Map 3, Parcel 3A, Moyock Township.
- Item 4 **Public Hearing and Action:** PB 11-08 Denton E. Snider: Request to amend to the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 3: Special Requirements to allow for the storage of vehicles, boats, and trailers on a vacant residential lot.
- Item 5 **Consideration and Action:** Adoption of the Currituck County Comprehensive Transportation Plan in accordance with North Carolina General Statutes (136-66.2).
- Item 6 **Corolla Fire Department request to purchase property**
- Item 7 **Approval of Bid for Sheriff's Vault**
- Item 8 **Designation of Voting Delegate to NCACC Annual Conference August 18, 2011**
- Item 9 **Consent Agenda:**
 - 1. RESOLUTION opposing Elimination or Severe Reductions to the Parents as Teachers (PAT) Program in Currituck County
 - 2. ECBA 11-12 Fiscal Monitoring Report
 - 3. Charge Levy on Motor Vehicles for March Renewals
 - 4. Approval of July 5, 2011, Minutes
 - 5. Resolution approving Secondary Road Construction Program 2012

- Item 10 Commissioner's Report
- Item 11 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 Aydlett opened the public comment period. There being no comments, the public comment period was closed.

Public Hearing and Action: PB 08-03 Backwoods Hideaway: Request for a preliminary plat/special use permit for 16 lots located on Northwest Backwoods Road, approximately 1.4 miles north of the intersection with South Mills Road, Tax Map 3, Parcel 3A, Moyock Township.

Chairman Aydlett reconvened the public hearing from last meeting.

Ben Woody, Planning Director reviewed the amendment.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: July 18, 2011
PB 08-03 Backwoods Hideaway**

ITEM: PB 08-03 Backwoods Hideaway, preliminary plat/special use permit.

LOCATION: Northwest Backwoods Road, approximately 1.4 miles north of the intersection with South Mills Road.

TAX ID: 0003-000-003A-0000

ZONING DISTRICT: Agricultural (A)

PRESENT USE: Vacant

OWNER: Old Brothers LLC and Swain and Temple, Inc

APPLICANT: Hyman and Robey
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

SIZE OF SITE: 54.4 acres

NUMBER OF UNITS: 16 lots

PROJECT DENSITY: .29 units per acre

UTILITIES: Private wells and septic tanks. Water demands are expected to be between 360-480 gallons per day per dwelling.

I. NARRATIVE OF REQUEST:

This is a request for a 16 lot major subdivision. The developer has chosen to reduce minimum lot size for 12 of the lots in order to cluster the lots. The reduced square footage has been added to open space. The developer intends to build homes that will be 1,600 square feet or larger and have a minimum of 2 bathrooms and 3 bedrooms. The lot and home combinations are expected to have an average price of \$250,000.

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. A major subdivision with single family dwellings is a permitted use in the A zoning district.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The conditions proposed 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 request should have 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 proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses include low density single family dwellings and agricultural uses.
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 Conservation within the Moyock subarea. The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic, or biologically productive values of these areas. Extremely low densities (1 unit per 3 acres) would be permitted.

The policy emphasis for the Moyock subarea states that it is not the County's intention to develop all of Moyock intensely but rather create specific service centers and to provide a buffer of Limited Service Areas at lower density development between Full Service Areas and those within the Rural and Conservation classifications.

The proposed use is in keeping with the policies of the plan, some of which are:

Policy AG2: Farms and woodlands shall be recognized as an integral part of the county's open space system. Efforts to keep these areas viable as part of the area's resource-based economic section, shall be encouraged.

Policy HN3: Currituck County shall especially encourage open space developments that cluster homes on less land, preserving permanently dedicated open

space. The objective is to avoid traditional suburban sprawl in these 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 subdivision should 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:

1. The exempt subdivision plat creating the lot must be recorded prior to final plat approval.
2. Please provide an active recreational amenities plan. Parks and Recreation will approve active amenities based on expected demographics and the number of lots in a subdivision.
3. Please note on the plat that this property is located within an 'Unnumbered A flood zone' that will require base elevation calculations prior to building permit application. Base Flood Elevation must be determined according to Section 6.4.3 of the UDO. (*Applicant plans to determine base flood elevations prior to final plat approval*)
4. Please note that these 16 divisions will count towards the total number of lots to determine the required open space for further divisions of this property when either of the following situations exist:
 - a. The new subdivision uses common infrastructure and a common access point to a state road to create a subdivision; or,
 - b. The property is part of the same parcel as it existed April 2, 1989.
5. The subdivision will be subject to a cash deposit for the water lines at final plat. The amendment to the UDO allows the owner to substitute a surety bond or letter of credit if the water lines have not been put in within three years.
6. Pre-Construction submittal will require a Stormwater Management Plan (i.e. Stormwater Calcs, elevations, etc.)
7. More than one acre will be disturbed in the course of developing the infrastructure. An E & S plan must be approved prior to initiating any land disturbance associated with developed.

8. Any impacts to jurisdictional waters or wetlands regulated by the US Army Corps of Engineers will require prior approval by the Wilmington District Office.

IV. PLANNING STAFF RECOMMENDATION:

Staff recommends approval of this request subject to the findings of fact, TRC comments, and the following:

1. The applicant has indicated that all of the open space should be left as natural area. Considering the remote location, small number of lots, and Conservation classification, staff recommends all open space, with the exception of recreational amenities and stormwater infrastructure, be retained by the developer and placed into a conservation easement. This easement shall include a provision that no land disturbance or logging operations take place. The developer shall be responsible for contracting with a conservation receiving agency to hold the easement to the property.

V. PLANNING BOARD RECOMMENDATION:

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

- Where the interconnectivity is proposed at the front and back of the development it be noted on these lots that there may be future development.

PLANNING BOARD DISCUSSION (6-14-11)

Mr. Bell asked will there be future development later.

Mr. Woody stated it is likely.

Mr. West asked what the soil type in the area is because it backs up to wetlands.

Mr. Dail stated the soil changes as it gets closer to the wetlands. The Health Department has deemed the soil suitable. The lots would be built up with 2 feet of fill. Mr. Dail has recommended that stormwater infrastructure be built in the open space in place of the recreational amenities.

Mr. Woody stated this is reasonable.

The Planning Board discussed interconnectivity, logging operations and flooding problems.

Mr. Dail stated some stormwater ponds will be added along with ditches around the perimeter of the property.

Mr. Rowland stated this property is wetlands and every time it rains the property is under water. The only drainage this property has is road front property.

Mr. Dail stated a portion of the property is located in a flood zone and the back half of the property is wetlands. Stormwater infrastructure will be installed on the site. A narrative has been provided on how the stormwater will be handled, touching on the pre and post runoff.

Mr. West stated he doesn't like filling lots to build on or adding fill for a septic system.

Mr. Rowland stated the soil type is peat and nothing but swamp.

PLANNING BOARD ACTION

Mr. Clark made a motion to deny the request but withdrew the motion.

Mr. Kovacs moved to approve PB 08-03 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Where the interconnectivity is proposed at the front and back of the development it be noted on these lots that there may be future development.

Ms. Newbern seconded the motion. Ayes: Mr. Bell, Ms. Newbern, Ms. Taylor, Ms. Wilson, Mr. Kovacs and Mr. Midgette. Nays: Mr. West and Mr. Clark.

Derek Dail, Engineer, Hyman & Robey, met with property owners to discuss issues presented at the last meeting. The Applicant agreed to move the entrance road north.

Tina McCutcheon was not agreeable to the change. She has requested an 8ft. fence around her property.

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

Commissioner O'Neal moved to approve with changes by Engineer. Commissioner Martin seconded the motion. The motion carried.

Public Hearing and Action: PB 11-08 Denton E. Snider: Request to amend to the Unified Development Ordinance, Chapter 2: Zoning Districts and Chapter 3: Special Requirements to allow for the storage of vehicles, boats, and trailers on a vacant residential lot.

Chairman Aydlett opened the public hearing.

Ben Woody, Planning Director, reviewed the request. The proposed text amendment submitted by Denton Snider would allow for the storage of vehicles, boats, and trailers on a vacant residential lot provided it meets certain requirements. Currently, the Unified Development Ordinance allows for an unlimited number of licensed vehicles and trailers, and up to four boats to be stored on a residential lot containing an

inhabited single family dwelling. In this case the storage is accessory to the primary use of the lot, the single family dwelling. This text amendment would make vehicle, trailer, and boat storage a primary land use in residential areas.

In the proposal, Mr. Snider sets requirements on the number, use, and ownership of the vehicles/trailers/boats being stored. The proposal also requires the vehicles/trailers to be registered through DMV and maintain a setback from any public or private right-of-way. While these proposed requirements improve the text amendment, it is staff's opinion that storage should not be a primary use in residential areas.

As stated in the UDO, the residential zoning districts in the County are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Specifically, the Basic Residential (R) district is designed to provide for low-density residential development. The purpose of residential zoning is to provide for single family dwellings as a primary use, not the storage of vehicles.

Another concern of this proposal is it may lead to storage of items or equipment that either are not allowed by the UDO, or do not meet the comfortable, healthy, safe, and pleasant environment of residential areas.

Because of the above factors, staff recommends **denial** of the proposed amendment. However, shall the proposal be approved, the board may consider an additional requirement limiting the size of the vehicles, boats, and trailers being stored along with a requirement to screen the vehicles from right-of-ways. Currently, accessory home occupations are allowed to store one vehicle or trailer not larger than 8' x 32'.

The Planning Board unanimously recommended denial at their June 14, 2011 meeting.

PLANNING BOARD DISCUSSION (6-14-11)

Mr. Snider stated he received a letter of violation from the county which indicated he was in violation of the UDO, Section 2.5 Outdoor Storage. Mr. Snider stated he has stored vehicles and trailers on a vacant lot in a residential area since 1998. Mr. Snider stated he could put all these cars and trailers in his front yard as long as they are licensed. The UDO limits the number of boats to four to be stored on a residential lot. Mr. Snider is proposing requirements on the number, use, and ownership of the vehicles/trailers/boats being stored. The proposal also requires the vehicles/trailers to be registered through DMV and maintain a setback from any public or private right-of-way. Mr. Snider stated the Board of Commissioners (BOC) saw this in February and they requested staff to make a change to the UDO for their consideration. Mr. Snider stated staff sent a change to the BOC for consideration but staff convinced the commissioners that it was done wrong and the BOC should not recommend the change so this is why he is requesting the text amendment. Mr. Snider stated it is his understanding if you had two lots under one deed then it would be allowable.

Mr. Midgette asked if the homeowner's association would have any limits on the number of vehicles, trailers and boats.

Mr. Snider stated there is no limitation in the covenants.

Ms. Overton presented a power point presentation providing an overview of Tulls Bay Colony. Ms. Overton is opposed to the request.

Mr. Fuciarelli stated he is opposed to the request.

Ms. Taylor asked how many vacant lots are in Tulls Bay Colony.

Mr. Fuciarelli stated approximately twenty lots.

Mr. Gregory stated to leave the ordinance like it is and he is opposed to the request.

Ms. Thayer stated she lives next door to Mr. Snider and the vehicles that are stored on the lot are never as neat as they are shown in the picture. Please keep the neighborhood clean. Ms. Thayer is opposed to the request.

Mr. Decastillia stated he has seen a lot of changes in Currituck. The county ordinance needs to be enforced. Mr. Decastillia is opposed to the request.

Ms. Decastillia stated she is concerned this request will decrease property value. Ms. Decastillia is opposed to the request.

Ms. Fuciarelli stated to protect property values and she is opposed to the request.

Mr. Thayer is opposed to the request.

Mr. West stated this request would apply countywide if approved.

Mr. Snider stated the vehicles and trailers are neat and this is the way they are going to stay. Mr. Snider would be willing to provide screening. Mr. Snider stated there are 330 lots in Tulls Bay Colony and only 240 houses.

Mr. Midgette asked what was submitted to the commissioners.

Mr. Woody stated staff put together some suggestions or ways that would allow storage on vacant lots. Staff did not receive direction from the commissioners to move forward with a text amendment.

PLANNING BOARD ACTION

Mr. Kovacs moved to deny PB 11-08 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 is not a proper use of land in a residential subdivision. Mr. Clark seconded the motion. Motion carried unanimously.

Denton Snider, applicant, stated that he has been storing his vehicles since 1998 and there is no code violation.

Linda Taylor Day, Pike Street, stated that she does not support amendment.

Cindy Overton, Board Member, opposes amendment.

Heidi Fuciarelli, stated that other residents have cleaned up their yards and opposes the text amendment.

David Thayer, opposes text amendment.

Theresa McPhearson, President of Homeowners Association, opposes amendment.

Bill Gregory, opposes the amendment.

Chairman Aydlett closed the public hearing.

Commissioner Petrey moved to deny. Commissioner Martin seconded the motion. Motion carried.

Commissioner Rorer requested staff to look at ordinance with regard to lots with houses.

Consideration and Action: Adoption of the Currituck County Comprehensive Transportation Plan in accordance with North Carolina General Statutes (136-66.2).

Carrie Morrow, DOT, presented the Plan.

Chairman Aydlett opened the public hearing. there being no comments, he closed the public hearing.

Commissioner Rorer moved to adopt the following resolution. Commissioner O'Neal seconded the motion. Motion carried.

RESOLUTION ADOPTING A
COMPREHENSIVE TRANSPORTATION PLAN
FOR CURRITUCK COUNTY, NORTH CAROLINA

The following resolution was offered by Commissioner Rorer, seconded by Commissioner O'Neal and, upon being put to a vote, was carried Unanimously on the 18th day of July, 2011.

WHEREAS, Currituck County, Albemarle Rural Planning Organization, and the Transportation Planning Branch, North Carolina Department of Transportation, have actively worked to develop a Comprehensive Transportation Plan for Currituck County, North Carolina; and

WHEREAS, the County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a transportation system that will serve present and anticipated volumes of traffic in the County; and

WHEREAS, it is recognized that the proper movement of traffic within and through Currituck County is a highly desirable element of the comprehensive plan for the orderly growth and development of the County; and

WHEREAS, after full study of the plan and providing an opportunity for public comments, the County Commissioners feel it to be in the best interests of the County to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED: That the Currituck County Board of Commissioners hereby adopts the Currituck County Comprehensive Transportation Plan dated June 23, 2011, that is within its planning jurisdiction. This plan should be approved and adopted as a guide in the development of the transportation system in Currituck County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption:

Corolla Fire Department request to purchase property

Barry Richman, Corolla Fire and Rescue, requested to purchase a house in the amount of \$335,000 for lifeguards to live during the summer. This will be a 10 year loan and property reverts back to the county.

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

Approval of Bid for Sheriff's Vault

Commissioner Etheridge moved to award the bid to A.R. Chesson in the amount of \$347,393. Commissioner Petrey seconded the motion. Motion carried.

Designation of Voting Delegate to NCACC Annual Conference August 18, 2011

Chairman Aydlett moved to appoint Commissioner Etheridge. Commissioner O'Neal seconded the motion. Motion carried.

Consent Agenda:

1. RESOLUTION opposing Elimination or Severe Reductions to the Parents as Teachers (PAT) Program in Currituck County
2. ECBA 11-12 Fiscal Monitoring Report
3. Charge Levy on Motor Vehicles for March Renewals
4. Approval of July 5, 2011, Minutes
5. Resolution for Secondary Road Construction Program 2012

Commissioner Gilbert moved to approve. Commissioner Petrey seconded the motion. Motion carried.

**JOINT RESOLUTION
OPPOSING ELIMINATION or SEVERE REDUCTIONS
TO THE PARENTS AS TEACHERS (PAT) PROGRAM IN CURRITUCK COUNTY**

WHEREAS, Currituck County has contributed in-kind resources to support and operate a model Parents As Teachers (PAT) program at Knotts Island which provides valuable services to the students and families of this remote, geographically isolated community, funded by Smart Start since 2000; and

WHEREAS, the Knotts Island PAT program has served 25 to 30 families and 35 to 38 students through home visits, evening programs, and a 2 day per week PreK class each year since its inception; and

WHEREAS, the Knotts Island PAT program has proven to be successful in providing information to parents on early childhood development and parenting, linkages to resources within the community, early developmental screenings, and transition to school for 4 year olds; and

WHEREAS, the Knotts Island PAT program, the only PAT program sponsored by Smart Start in Currituck County, is facing elimination and/or severe reductions due to a 20% reduction in the Smart Start budget; and

WHEREAS, House Bill 22, Section 10.5.(a) state "The NC Partnership for Children, Inc. shall not reduce the allocation for counties with less than 35,000 in population by more than 20% of their current allocation/State funding level; and

WHEREAS, Smart Start's proposal to provide one day of service each week to the families of Knotts Island, representing a 90% reduction to the current program, will negatively impact families and all but eliminate the program as it has been designed and implemented; and

WHEREAS, members of both the Board of Education and Board of Commissioners of Currituck County have contacted the Smart Start Director and our legislative representative, Bill Owens, to advocate for the preservation of the PAT Program;

NOW, THEREFORE, BE IT RESOLVED, the Currituck Board of Education and the Currituck Board of Commissioners jointly oppose the plan to reduce the Knotts Island PAT Program to one day per week as it will have an adverse effect on the student success in school in the future;

FURTHER, BE IT RESOLVED, that the Currituck Board of Education and the Currituck Board of Commissioners jointly oppose any plan that reduces the Knotts Island PAT program more than 20% as would be aligned with the cuts to the Smart Start budget reduction.

**RESOLUTION
SECONDARY ROAD CONSTRUCTION**

**Project listing for Currituck County
Fiscal Year 2011-2012**

NOW, THEREFORE BE IT RESOLVED, that during their regular meeting of the Currituck County Board of Commissioners, held on July 18, 2011, upon motion by Commissioner Petrey and seconded by Commissioner Gilbert and unanimously voted upon, the Currituck County Board of Commissioners hereby support the Proposed Secondary Road Improvement Program for fiscal year 2011 thru 2012 as presented by the North Carolina Department of Transportation (estimated total allocation of (\$324,097.54).

Commissioner's Report

Commissioner Petrey, sent well wishes to Bill Richardson's wife Sherry to get well.

Commissioner Rorer reminded citizens of Wild Goose Rotary prizes at the golf course.

Commissioner O'Neal questioned why August 2 was the date for fireworks.

Commissioner Etheridge welcomed the new business to the county and commended Mr. Bishop for his work.

County Manager's Report

Dan Scanlon, County Manager, stated that the county closed on the purchase of Carolina Water.

Adjourn

There being no further business, the meeting adjourned.