

CURRITUCK COUNTY
NORTH CAROLINA
November 5, 2012

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: Vice-Chair Marion Gilbert, Commissioners O'Neal, Etheridge, Martin and Petrey. Commissioners Aydlett and Rorer were absent due to illness.

A) Invocation

B) Pledge of Allegiance

Commissioner Etheridge gave the invocation and pledge of allegiance.

C) Approval of Agenda

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

A) Invocation

B) Pledge of Allegiance

C) Approval of Agenda

D) Public Comment

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

Public Hearings

A) **Public Hearing and Action:** PB 12-21 Sunseekers Tours: Request for a special use permit for an outdoor tour operation - horse tours. The property is located at 1024 Ocean Trail, Corolla Light, Tax Map 115B, Parcel P14, Poplar Branch Township (Beach).

B) **Consideration and Action:** PB 07-10 South Ridge, Planned Unit Development (PUD): Request for a preliminary plat/special use permit extension consisting of 146 single family patio home lots, 5.46 acres of limited business-hotel designation, and 1.75 acre county dedicated community facility site. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

C) **Consideration and Action:** PB 06-27 Village Square of Currituck: Request for a preliminary plat extension for a nine lot commercial subdivision located on Caratoke Highway, Crawford Township.

D) **Consideration and Action:** PB 05-35 Currituck Fields: Request for a preliminary plat extension for a 25-lot residential subdivision located off of North Currituck Road, Crawford Township.

New Business

A) Board Appointments:

1. Appointment to Ocean Sands Water & Sewer District Advisory Board

B) Consent Agenda:

1. Approval of October 15, 2012 Minutes

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- 2. Budget Amendments
- 3. ITS Surplus Resolution
- C) Commissioner's Report
- D) County Manager's Report

Adjourn

D)Public Comment

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

Vice-Chair Gilbert opened the public hearing. There being no comments, she closed the public comment period.

Public Hearings

- A) Public Hearing and Action: PB 12-21 Sunseekers Tours:
Request for a special use permit for an outdoor tour operation - horse tours. The property is located at 1024 Ocean Trail, Corolla Light, Tax Map 115B, Parcel P14, Poplar Branch Township (Beach).**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the permit request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: November 5, 2012
PB 12-21 Sunseekers Tours**

ITEM: PB12-21 Sunseekers Tours - SUP Outdoor Tour Operator - Horse Tours

LOCATION: 1024 Ocean Trail

TAX ID: 115B-000-0P14-0000

ZONING DISTRICT: GB - General Business

PRESENT USE: Maintenance Vehicle Parking, Sports Center Parking Lot

OWNER: Outer Banks Ventures
215 Brooke Avenue, No 1001
Norfolk, VA 23510

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APPLICANT: Donald Cheek
1131 Gray Court
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Corolla Light Sports Center/Residential	Zoned R01
SOUTH	Undeveloped	Zoned R01/GB
EAST:	Residential Lots/Office/Utility	Zoned R01/GB
WEST:	Residential	Zoned R01

LAND USE PLAN

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

SIZE OF SITE: 5.89 acres

I. NARRATIVE OF REQUEST:

- a. The applicant seeks a Special Use Permit for Outdoor Tour Operator
- b. The request is for one vehicle (seating 6-10) to be used for guided tours. Passengers will load and unload at the Sports Center site. Passengers have access to the existing Corolla Light Trolley. Tours are available exclusively to Corolla Light Owners and Guests.
- c. Restrooms are provided at the Sports Center.
- d. The tour vehicle will be parked in the existing maintenance parking lot
- e. There are no proposed structures or facilities associated with this request.
- f. The Board of Commissioners has considered limiting the total number of horse tour vehicles; however, no action has been taken to date.

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.

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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. Outdoor Tour Operators are permitted in the GB zoning district with a Special Use Permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

Suggested Findings:

- a. The proposed conditions include all of the provisions for Outdoor Tour Operators in Section 3.7.3 of the Unified Development Ordinance.

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

Suggested Findings:

- a. Based on the submittal, the project will not endanger the public health or safety.
- b. There are no proposed changes to the existing site.

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 parcel is currently in a commercial area that includes a putt-putt golf course and the Corolla Light Sports Center.

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 Corolla subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

- a. Policy ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible

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with the environmental quality and natural amenity-based economy of Currituck County.

- b. Policy HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

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

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends **CONDITIONAL APPROVAL** subject to the following:

1. All tours must be guided from Memorial Day to Labor Day.
2. Tour/Rental vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance. Provided the tours continue to be limited to Corolla Light Owners and Guests, there is adequate parking.

Use	Parking Requirement	Quantity	Parking Total
Horse Tour Rentals	Tour vehicle seating 6-10 persons = 2 space per vehicle	1	2
Employees (Horse tours)	1 space/2 employees	1	1
Total Parking associated with this Use			3

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

IV. PLANNING BOARD RECOMMENDATION:

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

Vice-Chair Gilbert opened the public hearing.

Don Cheek, applicant, was present to answer questions.

There being no comments, Vice Chair Gilbert closed the public hearing.

Commissioner O'Neal moved to approve with staff findings of fact. Commissioner Martin seconded the motion. Motion carried.

B) Consideration and Action: PB 07-10 South Ridge, Planned Unit Development (PUD): Request for a preliminary plat/special use permit extension consisting of 146 single family patio home lots, 5.46 acres of limited business-hotel designation, and 1.75 acre county dedicated community facility site. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

Ben Woody, Planning Director, reviewed the request.

On February 1, 2010, the Board of Commissioners voted to approve the preliminary plat/special use permit for South Ridge. This is a planned unit development consisting of 146 single family patio home lots, 5.46 acres of limited business-hotel

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designation, and 1.75 acre county dedicated community facility site located at 120 Survey Road and adjacent to Eagle Creek subdivision. The preliminary plat approval was due to expire on February 1, 2012. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat expiration date is January 1, 2013.

On September 24, 2012 the developer's attorney, Matthew J. Ragaller, submitted a request for a two year preliminary plat extension of the subdivision citing economic reasons (see attached).

In accordance with the UDO Chapter 10, Section 10.3.4 and Chapter 11 Section 11.10.2, the Board of Commissioners may grant an extension of the preliminary plat one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
 - a. The permit has not yet expired and will expire January 1, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The developer has proceeded with due diligence, however, due to the economy have not been able to proceed as desired.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

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

C) Consideration and Action: PB 06-27 Village Square of Currituck: Request for a preliminary plat extension for a nine lot commercial subdivision located on Caratoke Highway, Crawford Township.

Ben Woody, Planning Director, reviewed the request.

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On November 13, 2007, the Planning Board voted to approve the preliminary plat for Village Square at Currituck. This is a nine lot commercial subdivision located on Caratoke Highway in Currituck. The preliminary plat approval was due to expire on November 13, 2009. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat expiration date is November 13, 2012.

On October 4, 2012 the surveyor, Eddie Hyman, Jr., submitted a request for a two year preliminary plat extension of the subdivision citing economic reasons (see attached).

In accordance with the UDO Chapter 10, Section 10.3.4 and Chapter 11 Section 11.10.2, the Board of Commissioners may grant an extension of the preliminary plat one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
 - a. The permit has not yet expired and will expire November 13, 2012.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The developer has proceeded with due diligence and obtained local, state, and federal permits.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

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

**D) Consideration and Action: PB 05-35 Currituck Fields:
Request for a preliminary plat extension for a 25-lot
residential subdivision located off of North Currituck
Road, Crawford Township.**

Ben Woody, Planning Director, reviewed the request.

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On November 13, 2007, the Planning Board voted to approve the preliminary plat for Village Square at Currituck. This is a nine lot commercial subdivision located on Caratoke Highway in Currituck. The preliminary plat approval was due to expire on November 13, 2009. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat expiration date is November 13, 2012.

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1. The permit has not yet expired.
 - a. The permit has not yet expired and will expire November 13, 2012.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The developer has proceeded with due diligence and obtained local, state, and federal permits.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

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

New Business

A) Board Appointments:

- a. Appointment to Ocean Sands Water & Sewer District Advisory Board

Commissioner O'Neal moved to appoint Terry Anderson. Commissioner Martin seconded the motion. Motion carried.

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B) Consent Agenda:

1. Approval of October 15, 2012 Minutes
2. Budget Amendments
3. ITS Surplus Resolution

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-590000	Capital Outlay	\$ 1,700	
10430-532000	Supplies		\$ 1,700
		\$ 1,700	\$ 1,700

Explanation: Elections (10430) - Transfer funds for additional voting booths.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-532000	Supplies	\$ 8,900	
10510-590000	Capital Outlay	\$ 1,100	
10330-424000	Officer Fees		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: Sheriff (10510) - Increase appropriations for computer software and promotional items for use with students by the Sheriff's department. This will be funded through ordinance violation fees.

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

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Explanation: Southern Outer Banks Water Fund (66868) - To carry forward loan funds for the Southern Outer Banks Water Expansion.

Net Budget Effect: Southern Outer Banks Water Fund (66) - Increased by \$5,577,844.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10515-514800	Fees Paid to Officials	\$ 150	
10515-557100	Software License Fee		\$ 50
10380-482000	Miscellaneous		\$ 100
		<u>\$ 150</u>	<u>\$ 150</u>

Explanation: Jury Commission (10515) - To increase appropriations to certify the Jury listing on the new software.

Net Budget Effect: Operating Fund (10) - Increased by \$100.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10440-590000	Capital Outlay	\$ 1,650	
10440-545000	Contract Services	\$ 2,000	
10350-468000	Sale of Fixed Assets		\$ 3,650
		<u>\$ 3,650</u>	<u>\$ 3,650</u>

Explanation: Finance (10440) - Increase appropriations to replace printer module for check signatures and for listing costs for Gov Deals.

Net Budget Effect: Operating Fund (10) - Increased by \$3,650.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10750-502000	Salary	\$ 4,281	
10750-505000	FICA	\$ 2,430	
10750-506000	Health Insurance	\$ 4,544	

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C) Commissioner's Report

The Board urged all citizens to exercise their right to vote tomorrow.

D) County Manager's Report

Dan Scanlon, County Manager, updated the Board on the Home Owners Insurance rate increase and the public hearing to take place in Raleigh on June 3.

Adjourn

There being no further business, the meeting adjourned