

CURRITUCK COUNTY
NORTH CAROLINA
October 1, 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: Chairman Rorer, Commissioners Gilbert, O'Neal, Etheridge, Martin and Petrey. Commissioner Aydlett was absent due to illness.

A) Invocation

B) Pledge of Allegiance

The Reverend David Anderson, Truth Alive Church, was present to give the invocation.

C) Approval of Agenda

Commissioner O'Neal moved to approve with amendment to delete appointment to Ocean Sands Advisory Board. Commissioner Etheridge 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 12-16 Farms and Timberland, Inc.: Request for conditional zoning from Agricultural (A) to Conditional District-Single Family Mainland (CD-SFM) of 55.82 acres in Moyock on the south side of Baxter Lane, Tax Map 9, Parcels 25C, 25D, 25E, 25F, and 25G, Moyock Township.
- B) Consideration and Action:** PB 08-45 Estates at Carova Beach: Request for a preliminary plat extension to replat 20 existing lots into 28 residential lots in Carova Beach, Fruitville Township.

New Business

- A) Consideration of Lease Agreement with College of the Albemarle for the Regional Aviation and Technical Training Center in Maple.**
- B) Recommendation of award of bid for COA Apron**
- C) Consent Agenda:**
1. Approval of \$12,000 equipment for the Knotts Island Fire Department, 6 portable radios with 1 gang charger, 6 speaker mic's and a plug fee.
 2. Approval of ABC Board Travel Policy pursuant to 18B-700(g2) which is the same as the County Travel Policy
 3. Approval of Dominion Power Right of Way Agreement for Maple Commerce Park
 4. Firemen's Relief Fund - Moyock VFD

- 5. Budget Amendments
- 6. Approval of Change Order #1 for \$6,980 for the Currituck Community Park Roads & Infrastructure
- 7. Approval of September 17, 2012 Minutes
- 8. Request DOT to add Trenor Lane in Currituck Woods Subdivision to the State System

- D) Commissioner's Report
- E) County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Budget Amendment

Adjourn

D) Public Comment

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

Chairman Rorer opened the public comment period. There being no comments, he closed the public comment period.

Public Hearings

A) Public Hearing and Action: PB 12-16 Farms and Timberland, Inc.: Request for conditional zoning from Agricultural (A) to Conditional District-Single Family Mainland (CD-SFM) of 55.82 acres in Moyock on the south side of Baxter Lane, Tax Map 9, Parcels 25C, 25D, 25E, 25F, and 25G, Moyock Township.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: October 1, 2012
PB 12-16 Farms & Timberland, Inc.**

ITEM: PB 12-16 Farms & Timberland, Inc. request for conditional zoning from Agricultural (A) to Conditional District-Single Family Mainland (CD-SFM) of 55.82 acres in Moyock on the south side of Baxter Lane.

LOCATION: Moyock: Baxter Lane, Moyock Township.

TAX ID: 0009-000-025C-0000
0009-000-025D-0000
0009-000-025E-0000

0009-000-025F-0000
0009-000-025G-0000

OWNER: Farms & Timberland, Inc.
2225 Spinnaker Circle
Virginia Beach, VA 23451

APPLICANT: Eddie Hyman
Hyman & Robey
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Current Zoning	New Zoning
NORTH:	Low Density Residential/Farmland	A	AG
SOUTH	Woodland/Low Density Residential/open space	LM/R	LI/SFM
EAST:	Low Density Residential/Farmland	R/A	SFM/AG
WEST:	Farmland	A	AG

LAND USE PLAN

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

Areas designated as Rural are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. With respect to residential development, Rural areas allow for a maximum density of 1 unit per 3 acres and would be served by on site well and septic.

The policy emphasis of the Land Use Plan is for the Moyock subarea to properly manage the increased urban level of growth that this area is sure to experience. All four land use classifications are included in the Moyock subarea. The existing environmentally sensitive areas that cannot support higher density and do not have access to services are classified as either Conservation or Rural areas. Residential development densities should be limited to 1-2 units per acre where onsite wastewater is proposed and other county services are limited. In areas where central sewer is proposed or existing, additional services are available and the character of the surround areas supports it, higher densities ranging from 3-4 units per acre could be considered through the use of overlay zones.

The following Land Use Plan policy statement supports the request:

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 Service areas identified on the Future Land Use Plan Map.

- CURRENT ZONING:** Agricultural (A)
NEW ZONING: Agricultural (AG)
- PROPOSED ZONING:** Conditional District – Single Family Mainland (CD-SFM)
- CURRENT USE:** Woodland
- SIZE OF SITE:** 55.82 Acres
- ZONING HISTORY:** The 1974 Official Zoning Map zoned the property RA-20.
The 1989 Official Zoning Map zoned the property A.
- UTILITIES:** An existing four inch water line along Baxter Road serves this property. The applicant is proposing a six inch waterline extension. Individual on-site septic systems are proposed for the individual lots.
- TRANSPORTATION:** The property is accessed by Baxter Lane, a paved state maintained road.
- FLOOD ZONE:** The property is located in a Shaded X flood zone (500-year floodplain) and AE (BFE 5.4') flood zone.
- WETLANDS:** The US Army Corps of Engineers identified no jurisdictional 404 wetlands or waters on the property (January 15, 2010).
- SOILS:** The Currituck County Soils Map indicates the property contains Roanoke and Augusta soils. The Roanoke soils (approximately 52.4 acres) are not suitable for on-site septic, and the Augusta soils are considered marginal.
- PROPOSED DENSITY:** 0.64 units per acre based on the development site.

PROPOSED ZONING CONDITIONS:

1. The proposed use is a 36-lot single family subdivision having a minimum size of 40,000 square feet and an overall density of 0.64 dwelling units/acre.
2. Site built single family homes.
3. The extension of a 6" water line and arrangements to ensure improvements of the road to the county property.
 - a. OPTION 1: Bring a 6" water line from Moyock Landing Dr. north across the property owned by Currituck County through this tract to make a loop connection with the 4" water line at Baxter Lane.
 - b. OPTION 2: Extend the existing 6" water line from the railroad tracks on Baxter Lane to the site. This option will be a dead end line.

COMMUNITY MEETING:

A community meeting was held July 25, 2012 at 7:00 pm at the Moyock Library. The neighborhood concerns include the unknown maintenance responsibilities of interconnected roads, stormwater impacts, and potential reduced water pressure.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The rezoning request is from Agricultural (A), a district established in the current/old UDO, to Conditional District – Single Family Mainland (CD-SFM), a newly established district of the new UDO. Although the 2006 Land Use Plan classifies the property as Rural, the proposed request could be considered consistent with the policy emphasis for the Moyock subarea based on the following:

1. The property is located adjacent to Full Service classification.
2. The proposed development will provide street interconnection from Baxter Lane to the county property located in Shingle Landing development and the adjacent property located to the east (n/f Jarvis & Dunstan).
3. Utility infrastructure (six inch water line) will be extended to the property and within the proposed development.
4. The property does not contain environmentally sensitive areas (404 wetlands).

Outstanding Staff Concerns/Considerations: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The following staff concerns/considerations could be appropriately addressed through the conditional zoning process:

1. The existing water line along Baxter Road (east of the railroad) is a four inch line and does not meet the minimum utility requirements. Upgrading the existing water line to a six inch line would improve the development potential for properties along Baxter Road, but the upgrade would not loop or interconnect.
2. Currituck County has not authorized or approved a water line extension through open, undeveloped public property. The proposed extension would not be placed within a road right-of-way.
3. The existing vegetation (percentage) within the open space should be retained to reduce the maintenance burden on the association.

The TRC recommends **approval** of the request to rezone 55.82 acres from Agricultural (A) to Conditional District – Single Family Mainland (CD-SFM) provided the outstanding concerns and considerations can be addressed and agreed to by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of PB 12-16 with staff recommendations and due to its consistency with the 2006 Land Use Plan.

Chairman Rorer opened the public hearing.

Eddie Hyman, Engineer, was present to answer questions.

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

Commissioner Martin, moved to approve due to its consistency with the 2006 Land Use Plan and the request is reasonable and in

the public interest and promotes orderly growth and development. Commissioner O'Neal seconded the motion. Motion carried.

**B) Consideration and Action: PB 08-45 Estates at Carova Beach:
Request for a preliminary plat extension to replat 20
existing lots into 28 residential lots in Carova Beach,
Fruitville Township.**

Ben Woody, Planning Director, reviewed the request.

On September 8, 2009, the Board of Commissioners voted to approve the preliminary plat/special use permit for Estates at Carova Beach to replat 20 existing lots into 28 residential lots in Carova Beach, Fruitville Township. The preliminary plat/special use permit approval was due to expire on September 8, 2011. 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/special use permit expiration date is January 1, 2013.

On September 20, 2012 the engineer, Mark Bissell, submitted a request for a two year preliminary plat/special use permit extension of the subdivision.

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/special use permit 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 to move this project forward and has all local, state, and federal permits and authorizations to begin construction of the three sections authorized by the special use permit.
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 with the condition that the county can use the open space for any public use. Commissioner Etheridge seconded the motion. Motion carried.

New Business

**A) Consideration of Lease Agreement with College of the
Albemarle for the Regional Aviation and Technical Training
Center in Maple.**

Ike McRee, County Attorney, reviewed the lease agreement.

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

B) Recommendation of award of bid for COA Apron

Commissioner Gilbert moved to award the bid to RPC in the amount of \$375,274. Commissioner Etheridge seconded the motion. Motion carried.

The State will be responsible for 90% of the funding and the county will be responsible for 10%.

C) Consent Agenda:

1. Approval of \$12,000 equipment for the Knotts Island Fire Department, 6 portable radios with 1 gang charger, 6 speaker mic's and a plug fee.
2. Approval of ABC Board Travel Policy pursuant to 18B-700(g2) which is the same as the County Travel Policy
3. Approval of Dominion Power Right of Way Agreement for Maple Commerce Park
4. Firemen's Relief Fund - Moyock VFD
5. Budget Amendments
6. Approval of Change Order #1 for \$6,980 for the Currituck Community Park Roads & Infrastructure
7. Approval of September 17, 2012 Minutes
8. Request DOT to add Trenor Lane in Currituck Woods Subdivision to the State System

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Increase Expense</u>	<u>Decrease Revenue or</u>	<u>Increase Revenue or</u>	<u>Decrease Expense</u>
68888-590000	Capital Outlay	\$	137,826		
68888-561000	Professional Services	\$	5,896		
68888-533200	Lab Test	\$	6,000		
68888-557100	Software License Fee	\$	105		
68330-449900	Miscellaneous Grants			\$	106,813

68330-448800	Walnut Island Sanitary District	\$	30,000
68390-499900	Fund Balance Appropriated	\$	13,014
		<u>\$</u>	<u>149,827</u>
		<u>\$</u>	<u>149,827</u>

Explanation: Walnut Island Sewer Fund (68888) - Increase appropriations for road work and additional operating costs for the sewer district.

Net Budget Effect: Walnut Island Sewer Fund (68) - Increased by \$149,827.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10540-532000	Supplies			\$	700
10540-553000	Dues & Subscriptions	\$	700		
		<u>\$</u>	<u>700</u>	<u>\$</u>	<u>700</u>

Explanation: Inspections (10540) - Transfer funds for certification renewals for inspectors.

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	
10750-502000	Salaries			\$	936
10750-545000	Contracted Services	\$	936		
10760-585001	Donations - Currituck Kids	\$	1,000		
10380-487001	Donations - Currituck Kids			\$	1,000
		<u>\$</u>	<u>1,936</u>	<u>\$</u>	<u>1,936</u>

Explanation: DSS Administration (10750); Public Assistance (10760) - To transfer funds from position vacancy for staff training in Medicaid Transportation and Crisis Intervention programs and to increase budget for Currituck Kids donation to actual received.

Net Budget Effect: Operating Fund (10) - Increased by \$1,000.

Commissioner Gilbert thanked the Moyock citizens for coming out to the Moyock Area Plan meeting.

Chairman Rorer reminded citizens to register to vote by October 12th.

E) County Manager's Report

Dan Scanlon, County Manager, commended the following staff on their Awards that were given to them for excellent work.

Ben Woody, NC Planning Award

Liz Hodges, state award for Communication Center

David Chunn, award for best Well Water Operator

Adjourn

There being no further business, the meeting was adjourned.

Special Meeting

Tourism Development Authority

Budget Amendment

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
15442-545000	Contract Services Appropriated Fund	\$ 1,520	
15390-499900	Balance		\$ 1,520
		<u>\$ 1,520</u>	<u>\$ 1,520</u>

Explanation: Tourism Related Expenditures (15447) - Increase appropriation to budget for lawn care at the Jarvisburg Colored School.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$1,520.

Adjourn

There being no further business, the meeting adjourned.