

CURRITUCK COUNTY
NORTH CAROLINA
March 4, 2013

The Board of Commissioners met at 6:00 p.m. to review proposed UDO definitions relative to salvage yards, junk yards and recycling operations.

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 Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Gilbert, Griggs, and McCord. Commissioner Petrey and Aydlett were absent.

A) Invocation

B) Pledge of Allegiance

The Reverend Bill Masciangelo, Moyock Methodist Church, was present to give the invocation.

C) Approval of Agenda

Commissioner Gilbert moved to approve the agenda by adding to consent agenda a Resolution Supporting H.R. 819 Preserving Access to the Cape Hatteras National Seashore Recreational Area. Commissioner Martin 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.

E) Recognition of Brett Dennison, Eagle Scout

Public Hearings

A) **Public Hearing and Action:** PB 10-11 Wild Horse Estates, LLC: Request for an amended special use permit for a Private Outdoor Recreational Facility. The property is located at 2088 Midnight Pass, Tax Map 99C, Parcel 2, Fruitville Beach Township.

B) **Public Hearing and Action:** PB 12-04 Beckmoore Estates: Request for preliminary plat/special use permit for 12 additional lots in a 13 lot residential subdivision. The property is located in Moyock at the northern terminus of Thayne Drive, Tax Map 22, Parcels 89A and 89B, Moyock Township.

C) **Public Hearing and Action:** PB 12-27 Ballance Estates: Request for a preliminary plat/special use permit for an 8 lot subdivision located on Bell's Island on the north side of Bell's Island Road approximately 325' east of the intersection with Ed Brumsey Lane, Tax Map 58, Parcel 11, Crawford Township.

New Business**A) Consent Agenda:**

1. Budget Amendments
2. Surplus Resolution Communications
3. Approval of February 18, 2013 Minutes
4. Resolution to surplus vehicles
5. Resolution to surplus computers
6. Request by Carova Beach Volunteer Fire Department to use contract funds to purchase a vehicle
7. Resolution Supporting H.R. 819 Preserving Access to the Cape Hatteras National Seashore Recreational Area Act

B) Commissioner's Report**C) 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.

Chairman O'Neal opened the public comment period.

Josh Bass, President of the Chamber, commented on the Business Expo that was held on Saturday and thanked the Board for their support.

There being no further comments, Chairman O'Neal closed the public comment period.

E) Recognition of Brett Dennison, Eagle Scout

The Board presented a plaque to Brett Dennison for his accomplishments as an Eagle Scout.

**RESOLUTION
RECOGNIZING
EAGLE SCOUT BRETT DENNISON**

WHEREAS, the Currituck County Board of Commissioners takes this opportunity to congratulate Brett Dennison for having attained the coveted rank of Eagle Scout, the highest rank in the Boy Scouts of America; and

WHEREAS, Brett is Scout Troop 117's newest Eagle Scout and is in the class of the very few who reach this goal; and

WHEREAS, at the age of 16, Brett has earned 91 out of 129 merit badges which are offered by the Boy Scouts; and

WHEREAS, Brett has chosen to remain in Scouts and assist younger Scouts in acquiring their goals; and

WHEREAS, this is also the culmination of the patriotic concern and devoted efforts of numerous adult Scout leaders and caring parents who have worked with Brett to this end.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners joins with others in the recognition of Brett Dennison for his outstanding accomplishment and wishes him continued success in his life's endeavors

Public Hearings

A) Public Hearing and Action: PB 10-11 Wild Horse Estates, LLC: Request for an amended special use permit for a Private Outdoor Recreational Facility. The property is located at 2088 Midnight Pass, Tax Map 99C, Parcel 2, Fruitville Beach Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**Board of Commissioners
DATE: March 4, 2013
PB 10-11 Wild Horse Estates, LLC**

Note: This request is being reviewed under the previous UDO. The applicant submitted for an amended special use permit prior to January 1, 2013.

ITEM: PB10-11 Wild Horse Estates, LLC, Amended Special Use Permit for Private Outdoor Recreational Facility.

LOCATION: Wild Horse Lane – Open Area of Wild Horse Estates II
2088 Midnight Pass, Corolla, NC 27927

TAX ID: 099C-000-0002-0000

ZONING DISTRICT: SFR (Single Family Residential Outer Banks Remote) The RO2 transitioned to SFR with the adoption of the Official Zoning Map with the effective date of January 1, 2013.

PRESENT USE: Special Use Permit - Private Outdoor Recreation Facility

OWNER: Wild Horse Estates, LLC
Jay Bender
PO Box 244
Corolla, NC 27927

APPLICANT: Coastal Explorations
Hadley Twiddy
1118 Corolla Village Road
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Old Zoning	Current Zoning
NORTH:	Residential	RO2	SFR
SOUTH	Residential	RO2	SFR
EAST:	Residential	RO2	SFR
WEST:	Residential	RO2	SFR

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Carova subarea.

I. NARRATIVE OF REQUEST:

1. A special use permit PB10-11 was issued on May 4, 2010 to allow guided kayak and segway tours from 2088 Midnight Pass (Lot 2) in Wild Horse Estates II and on the recorded Conservation & Limited Access Easement of Wild Horse Estates II. A condition of the permit limits tours to those in conjunction with Special Use Permit PB10-08 issued to Tres Beau Ltd for outdoor tour operator.
2. This request is to amend the special use permit to allow Coastal Explorations to operate guided kayak tours from the property subject to Special Use Permit PB12-08.
3. There are no proposed increases to the total number of kayak tours per day.
4. A kayak rack is proposed.

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. Private Outdoor Recreation Facilities are permitted in the Outer Banks Limited Access Residential (RO2) zoning district with a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. As presented, the proposal meets the minimum requirements of the ordinance

4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The site has direct access from Ocean Pearl Road, which is part of the established Carova Service District.
 - b. The proposed use is consistent with the current use of the property.

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 private outdoor recreation facilities are a permitted land use with a special use permit in the Outer Banks Limited Access Residential (RO2) zoning district.
 - b. There is a "Conservation and Limited Use Easement" recorded that allows for this specific use on and across 70-acres of the 140-acre subdivision as well as any easements.
 - c. At most, there will be vehicular traffic of 5 motor vehicles per day associated with this use.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
 - a. The 2006 Land Use Plan classifies this site as Conservation within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:
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 with the environmental quality and natural amenity-based economy of Currituck County.
Policy HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.
 - b. No commercial activity will take place on the property

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

II. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

Existing SUP conditions of **PB10-11** with recommended changes (~~strike through text~~ = delete, **bold & underlined** = add):

~~1. This Special Use Permit is valid only in conjunction with a valid Special Use Permit for Outdoor Tour Operator from the Corolla Light Town Center Property (PB 10-08).~~

Tour activities associated with Tres Beau Ltd. shall be permitted only in conjunction with valid Special Use Permit PB 10-08.

~~2. The Conservation & Limited Use Easement recorded in Deed Book 699 Pages 219-223 states that the easement is shown on the Plat (Plat Cabinet H, Slide 169-173). We are unable to determine from the recorded plats where the easement is located. The Plat should be amended and re-recorded within 30 days from issuance of the Special Use Permit. (note: this condition has been resolved)~~

Tour activities associated with Coastal Explorations shall be permitted only in conjunction with valid Special Use Permit PB 12-08.

~~3. No equipment, kayaks, segways or vehicles shall be stored on site.~~

4. There shall be a maximum of three (3) Kayak Tours and two (2) Segway Tours per day.

5. Kayaks and Segways shall be labeled with decals or paint markings that clearly display the company name.

6. Kayak tours **by Tres Beau Ltd.** shall be limited to one 9-passenger vehicle carrying 8 patrons/trip and a maximum of 4 tandem kayaks plus the guide.

7. **Kayak tours by Coastal Explorations shall be limited to one 8-passenger vehicle carrying 7 patrons/trip and a maximum of 8 kayaks.**

~~7.8.~~ Segway tours shall be limited to one 6-passenger vehicle carrying 5 patrons/trip plus the guide.

~~8.9.~~ Tour Vehicles and Segways shall not be operated outside of the easement boundaries.

~~9.~~ **10.** Kayak tour participants shall not enter upon private property along the canals or the Currituck Sound.

~~10.~~ **11.** Tours shall operate during daylight hours only.

~~11.~~ **12.** 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 State and Federal Laws.

~~12.13.~~ **All** commercial transactions shall occur at the respective tour company's storefront. ~~Corolla Storefront in the Corolla Light Town Center.~~

~~13.14.~~ Tour patrons have access to restrooms at the respective tour company's storefront. ~~Corolla Light Town Center Storefront.~~

~~14.15.~~ Anchored waste receptacles shall be provided on-site.

~~15.16.~~ Tour operations and launch site shall occur from Lot 2.

III. PLANNING BOARD RECOMMENDATION:

Mr. Cooper moved to approve PB 10-11 as presented with staff findings and the request being in compliance with the Unified Development Ordinance. Mr. Cartwright seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Gilbert moved to approve with findings of fact and staff recommendations. Commissioner Martin seconded the motion. Motion carried.

B) Public Hearing and Action: PB 12-04 Beckmoore Estates: Request for preliminary plat/special use permit for 12 additional lots in a 13 lot residential subdivision. The property is located in Moyock at the northern terminus of Thayne Drive, Tax Map 22, Parcels 89A and 89B, Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: March 4, 2013
PB 12-04 Beckmoore Estates

Note: *This request is being reviewed under the previous UDO. The applicant submitted for sketch plan and preliminary plat/SUP approval prior to January 1, 2013.*

ITEM: PB 12-04 Beckmoore Estates, Preliminary Plat/Special Use Permit for 12 additional lots in a 13-lot residential subdivision.

LOCATION: Moyock: northern terminus of Thayne Drive, Moyock Township.

TAX ID: 0022-000-089A-0000 (Lot 1 – recombination)
0022-000-089B-0000

ZONING DISTRICT: CD-SFM 11-15 (Conditional District – Single Family Mainland) The CD-R transitioned to CD-SFM with the adoption of the Official Zoning Map with the effective date of January 1, 2013.

PRESENT USE: Farmland

OWNER: Beckmoore Development, LLC
Robert Shawn Moore
1253 Tulls Creek Road
Moyock, NC 27958

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Old Zoning	Current Zoning
NORTH:	Active farmland	A	AG
SOUTH	Low density residential	A	AG
EAST:	Low density residential	A	AG
WEST:	Active farmland	R/PUD Overlay	SFM/PUD Overlay

LAND USE PLAN

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

SIZE OF SITE: 20.13 acres (total tract)

NUMBER OF UNITS: 12 Residential lots
13 Total lots within the subdivision

PROJECT DENSITY: .65 units per acre

OPEN SPACE: 4.03 acres required open space (20% of the total tract)
4.03 acres provided open space

UTILITIES: The individual lots will be served by county water and on-site septic systems.

I. NARRATIVE OF REQUEST:

1. The conditional zoning was approved by the Board of Commissioners on January 17, 2012 and established the following zoning conditions:
 - a. A drainage analysis of the development site will be provided to the county at the time of preliminary plat submittal. The drainage analysis will investigate methods in which the site's stormwater design will reduce the stormwater discharge from the site during peak storm events. The design features or methods will include:
 1. Use of perimeter lot swales/ditches or ponds to capture stormwater leaving the lots and provide additional storage;
 2. Diversion of some stormwater to the ditch along the western property line;
 3. Techniques to control and reduce the velocity of discharge.
 - b. Open space may be relocated within the development for purposes of stormwater management.

- c. 13-lot residential subdivision.
 - d. Minimum lot size shall be 40,000 square feet.
 - e. 60 foot buffer provided along the eastern boundary.
 - f. Street interconnection will be provided to adjacent properties to the north and west.
 - g. Stick built single family dwellings will be constructed on the lots.
2. The property owner is requesting preliminary plat/special use permit approval of 12 residential lots within a 13-lot subdivision with an overall project density of .65 units per acre.
 3. The sketch plan and preliminary plat/SUP were heard by the Technical Review Committee on January 16, 2013. The sketch plan was approved January 31, 2013.
 4. The open space improvements for the required open space will include reforestation, five foot mulch walking path, benches, and foot bridges. The maintenance of the open space including the detention basin will be the responsibility of the homeowner association.

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 low density residential subdivision 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 subdivision is allowed in the R zoning district with a special use permit.

- b. The proposed subdivision is consistent with the approved conditional rezoning (CD-R-11-15)
 - c. The proposed residential subdivision is similar in density with the surrounding community.
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 Full Services within the Moyock subarea. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. The policy emphasis for the Moyock area includes residential development densities at medium to high depending on available services. In areas with on-site wastewater development densities should be limited to 1 to 2 units per acre. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one to one and one half units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements indicated as Full Service Areas on the Future Land Use Map, rather than “leapfrogging” to locations in the midst of farmland and greenspace identified as Rural and Conservation areas on the Future land Use Map.

Policy HN8: To protect the County’s tax base and to ensure the long-term viability of the County’s neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to NCDOT acceptance standards.

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 proposed 12 residential 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 conditional approval subject to the following plan corrections:

1. Street interconnectivity to adjacent properties shall be paved to the property line of the property being developed.

IV. PLANNING BOARD RECOMMENDATION:

Mr. Cartwright moved to approve PB 12-04 as presented with staff findings. Mr. Cooper seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (2-12-13)

Ms. Wilson asked if staff was satisfied that only 13 trees are proposed in the four acre area of the open space.

Ms. Voliva stated the applicant has come back and additional trees will be added.

Mr. Hyman stated the stormwater features are more aggressive than what is required because of the flooding downstream.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 12-04 as presented with staff findings. Mr. Cooper seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Martin moved to approve with findings of fact and staff recommendations. Commissioner Gilbert seconded the motion. Motion carried.

C) Public Hearing and Action: PB 12-27 Ballance Estates: Request for a preliminary plat/special use permit for an 8 lot subdivision located on Bell's Island on the north side of Bell's Island Road approximately 325' east of the intersection with Ed Brumsey Lane, Tax Map 58, Parcel 11, 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: March 4, 2013
PB 12-27 Ballance Estates

Note: *This request is being reviewed under the previous UDO. The applicant submitted for sketch plan and preliminary plat/SUP approval prior to January 1, 2013.*

ITEM: PB 12-27 Ballance Estates, Preliminary Plat/Special Use Permit for an 8-lot subdivision.

LOCATION: Bells Island: North side of Bells Island Road approximately 325' east of the intersection with Ed Brumsey Lane, Crawford Township.

TAX ID: 0058-000-0011-0000

ZONING DISTRICT: R (Residential) – R transitioned to SFM (Single Family Mainland) with the adoption of the new Official Zoning Map with the effective date of January 1, 2013.

PRESENT USE: Active Farmland

OWNER: Lynn Green
Charlene Darden
Patricia Ballance
Victoria Russell
Olie Ballance
Victor Ballance
Richard Ballance
Teresa Martin
Ronnie Ballance

c/o Lynn Green
2693 Lake Cahoon Rd
Suffolk VA 23434

APPLICANT: Hyman & Robey
Doug Abbott
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning	New Zoning District
NORTH:	Active Farmland	R	SFM
SOUTH:	Low density residential	RA	SFM
EAST:	Active Farmland	R	SFM
WEST:	Low density residential	R	SFM

LAND USE PLAN

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

SIZE OF SITE: 12.81 acres

NUMBER OF UNITS: 8 Residential Lots

PROJECT DENSITY: .63 units per acre

OPEN SPACE: Open space is not required for subdivisions of 20 lots or less. No open space is provided under this plan.

UTILITIES: The individual lots will be served by county water and on-site septic systems.

I. NARRATIVE OF REQUEST:

1. The property owners are requesting preliminary plat/special use permit approval of an 8 lot residential subdivision with an overall project density of .63 units per acre.
2. The sketch plan and preliminary plat/SUP were heard by the Technical Review Committee on January 16, 2013. Sketch Plan approval is pending because of lot width-to-depth and access issues that are being addressed in this review.
3. The applicant is requesting to exceed the 4:1 lot width to depth ratio.

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:

1. 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 *does not meet the minimum requirements of the ordinance.*
 - i. The lot depth-to-width ratio of 4:1 is being exceeded for lots 5-8. (UDO Section 2.6.3.G). The UDO allows the board to vary this requirement if it finds that the physical dimensions of the tract provide no other practical alternative. Staff offers the following alternatives:
 1. Reconfigure the lots and create open space.
 2. Install a street into the property and have the lots access that new street.
 3. Reduce the subdivision to seven lots and reconfigure the remaining lots.

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

Suggested Findings:

- a. As presented, *staff has concerns about public safety.*
 1. Staff is concerned about the driveway cuts along the sharp curves of this section of Bell's Island Road and the safety of the public accessing this road. At minimum, the applicant should consider shared driveways for lots 4 and 5 (aligning with Doxey Creek Road) and lots 6 and 7. Since lot 8 is at the beginning of another sharp curve, driveway placement should be set at the safest location.
 2. Staff has contacted NCDOT for comment, but has not yet received a formal response. NCDOT has questioned the possibility of gaining access from Ed Brumsey Lane for each of the lots. Since the lane is an unpaved private right-of-way, it would have to be improved to minimum state standards and receive permission to access the right-of-way.

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:

- d. The UDO indicates that a subdivision is allowed in the R zoning district with a special use permit.
- e. The proposed residential subdivision is similar in density with the surrounding community.

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 Full Services within the Courthouse subarea. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. The policy emphasis of this plan is for the Courthouse area to continue to grow as a small community center. In areas where on-site wastewater is proposed, development density should be limited to 1-2 units per acre. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the

development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one to one and one half units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

Policy HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to NCDOT acceptance standards.

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 proposed 8 lot residential 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 conditional approval subject to the following plan corrections:

Currituck County Planning Division

1. The lot depth-to-width ratio of 4:1 is being exceeded for lots 5-8. (UDO Section 2.6.3.G). The UDO allows the board to vary this requirement if it finds that the physical dimensions of the tract provide no other practical alternative. Staff offers the following alternatives:
 - a. Reconfigure the lots and create open space.
 - b. Install a street into the property and have the lots access that new street.
 - c. Reduce the subdivision to seven lots and reconfigure the remaining lots.
2. Staff is concerned about the driveway cuts along the sharp curves of this section of Bell's Island Road and the safety of the public accessing this road. At minimum, the applicant should consider shared driveways for lots 4 and 5 (aligning with Doxey Creek Road) and lots 6 and 7. Since lot 8 is at the beginning of another sharp curve, driveway placement should be set at the safest location. Staff has contacted NCDOT for comment and in turn they've asked if access from Ed Brumsey Lane has been considered for all the lots. Ed Brumsey Lane is a private, unpaved right-of-way. Staff requests that NCDOT formal comment be received prior to the Board of Commissioners public hearing.

3. Lots 1, 2, and 4 have been classified as unsuitable for a septic system by Albemarle Regional Health Services. The lots must be classified as provisionally suitable to suitable to meet the minimum requirements of the ordinance. A letter from Albemarle Regional Health Services stating that the lots will be (not may be) provisionally suitable with certain improvements is acceptable.

NC State Archeology

1. The project location is deemed a high probability area for significant archaeological resources. Prior to initiation of any ground disturbing activities within the project area, the permittee shall arrange for an archaeological survey and assessment of the entire project area (12.81 acres). The purpose of the survey will be to locate archaeological sites within the project area and assess them in terms of the National Register of Historic Places (NRHP). If any site is determined to be eligible for the NRHP the permittee shall determine whether the site will be adversely affected by the project activities; and, if so, develop and implement an appropriate mitigation plan.

IV. PLANNING BOARD RECOMMENDATION:

Mr. Cartwright moved to approve PB 12-27 with staff findings and the following recommendations:

- Contingent the Board of Commissioners grant the variance for the lot depth-to-width ratio of 4:1;
- Lots 5, 6, 7, and 8 have the alternative driveways that Mr. Hyman provided instead of shared driveways; and
- A non vegetative buffer starting at the cemetery to the curve.

Mr. Cooper seconded the motion. Ayes: Mr. Cooper, Ms. Bell, Ms. Newbern, Mr. Bell, Mr. Cartwright, Mr. Wright, Ms. Wilson, and Mr. Craddock. Nays: Mr. Clark.

PLANNING BOARD DISCUSSION (2-12-13)

Mr. Cartwright asked how well did shared driveways work in the past.

Ms. Glave stated they are required on Tulls Creek Road, Caratoke Highway, Popular Branch Road, and NC 12.

Mr. Cartwright asked if Ed Brumsey Lane was improved to NCDOT standards, could it still remain a private road.

Ms. Glave stated yes.

Mr. Cooper asked if the Board of Commissioners would be able to amend the lot depth-to-width ratio of 4:1 based on the physical characteristics of the property.

Ms. Glave stated yes.

Mr. Craddock stated there is a total of 14 driveways that start at Hwy. 168 and go through the 2nd curve. Adding 8 separate driveways would make a serious safety issue through these curves with a speed limit of 35 mph. Mr. Craddock stated some consideration should be given to using Ed Brumsey Lane as the driveway side or a central street through this property would alleviate having 7 additional driveways on the road and make it a lot safer.

Mr. Howard stated he is representing the Ballance family. Mr. Howard stated they are trying to stay away from an open space subdivision because the developer would be required to have a homeowners association. Mr. Howard stated they have put cuts in front of the driveways across the road to make it more conforming and safer. Mr. Howard stated the family would like to see single ownership homes go on this property and stay away from a homeowners association.

The Planning Board discussed extensively shared driveways, one central street through the property, using Ed Brumsey Lane as the driveway side, one shared driveway for lots 4-8, slope of the property, variance for lot depth-to-width ratio of 4:1; non vegetative buffer, topography of property; and drainage.

Mr. Craddock asked if anything would be done to the existing cemetery.

Mr. Howard stated they do not own it and nothing would be done to it. It is an active cemetery.

Mr. Clark stated lots 1, 2, and 4 have been classified as unsuitable for septic systems by Albemarle Regional Health Services. Mr. Clark asked what improvements will be made to make these lots suitable.

Mr. Howard stated the lots will have to be built up and fill brought in.

Mr. Craddock stated there is a decline in the lots from east to west.

Mr. Hyman stated they will dig swales and the fill dirt will go to these lots.

Mr. Clark asked if there is any flooding on this property during heavy rains.

Mr. Howard stated not to his knowledge.

Mr. Craddock asked if any consideration has been given to redesigning the subdivision so the lots are running east to west instead of north to south.

Mr. Hyman stated they did look at a lot of different options.

Mr. Wright asked if this was based more on topography or affordability.

Mr. Hyman stated if they did it that way it would increase the number of lots, but the construction costs, water line, the trade off wasn't that good.

Mr. Craddock stated the trade off is safety vs. cost.

Mr. Hyman stated they do not want to create anything that is not safe. Mr. Hyman stated they are still waiting to hear from NCDOT.

Mr. Cooper asked if staff knew the footage on the separation requirement for the roads that required shared driveways.

Ms Glave said it was a matrix that included such things as the speed limit of the road, etc.

Mr. Howard stated the Board of Commissioners granted a variance for Grandy Woods.

Mr. Hyman stated they could have a non vegetative buffer on the lots and require the houses to be setback more.

Mr. Wright stated that staff has provided three alternatives to the ratio of 4:1; would the applicant consider any of them?

Mr. Hyman stated the owners want to keep the eight lots and not have a homeowners association.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 12-27 with staff findings and the following recommendations:

- Contingent the Board of Commissioners grant the variance for the lot depth-to-width ratio of 4:1;
- Lots 5, 6, 7, and 8 have the alternative driveways that Mr. Hyman provided instead of shared driveways; and
- A non vegetative buffer starting at the cemetery to the curve.

Mr. Cooper seconded the motion. Ayes: Mr. Cooper, Ms. Bell, Ms. Newbern, Mr. Bell, Mr. Cartwright, Mr. Wright, Ms. Wilson, and Mr. Craddock. Nays: Mr. Clark.

Chairman O'Neal opened the public hearing.

C.A. Howard, representing the Ballance family, discussed the configuration of the lots and preference not to have a HOA.

Robert Lewis, Bells Island, expressed concerns that this will encourage low income housing.

Carolyn Harris, Bells Island, concerned with driveways on the curve and drainage issues.

Ed Brumsey, Bells Island, questioned the type of development and drainage issues this development will cause to his property.

Chairman O'Neal asked staff to review the drainage rules for development.

Commissioner Martin stated that he has a real concern with the drainage.

David Henley, Bells Island, expressed concerns with drainage and safety at the curve.

Barbara Henley, also expressed concerns with driveways at the curve.

Carol Zellner, Bells Island, expressed concerns with safety and drainage issues.

C.A. Howard, stated that the houses will be stick built and there will be a study for artifacts.

Eddie Hyman, Engineer, stated that they are doing a study on Phase 1 and drainage maintenance will be addressed.

Commissioner Martin stated his concerns with the road and traffic.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner McCord moved to continue to further discuss issues that have been expressed by the residents, such as drainage and road safety. Commissioner Gilbert seconded the motion. Motion carried.

New Business

A) Consent Agenda:

1. Budget Amendments
2. Surplus Resolution Communications
3. Approval of February 18, 2013 Minutes
4. Resolution to surplus vehicles
5. Resolution to surplus computers
6. Request by Carova Beach Volunteer Fire Department to use contract funds to purchase a vehicle
7. Resolution Supporting H.R. 819 Preserving Access to the Cape Hatteras National Seashore Recreational Area Act

Commissioner Martin moved to approve. Commissioner Gilbert 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
52530-590000	Capital Outlay	\$ 12,601	
52530-533900	Supplies		\$ 12,601
		\$ 12,601	\$ 12,601

Explanation: *DPR1 Grant (52530)* - Transfer funds from supplies to capital outlay to reclassify purchases approved by the DPR1 Grant to equip the medical bus.

Net Budget Effect: Multi-year Grant Fund (52) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-516400	Equipment Maintenance	\$ 800	
10550-535000	Credit Card Maint	\$ 8,000	
10350-467100	Aviation Fuel Sales		\$ 8,000
10550-532000	Supplies		\$ 800
		\$ 8,800	\$ 8,800

Explanation: *Airport (10550)* - Transfer funds for maintenance on tractor and increase appropriations for increased gas sales due to rising cost of fuel.

Net Budget Effect: Operating Fund (10) - Increased by \$8,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12541-545000	Contract Services Appropriated Fund	\$ 30,000	
12390-499900	Balance		\$ 30,000

\$	30,000	\$	30,000
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Explanation: *Fire Services (12541)* - Increase appropriations for a comprehensive overview of the Fire Services system.

Net Budget Effect: Operating Fund (10) - Increased by \$8,000.

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 4th, 2013 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sent to our local landfill or recycling center:

- 1.Mitrak-Serial#447hny0144-model#144jj3106c-asset#2076
- 2.Mitrak-Serial#447hny0143-model#144jj3106c-asset#2074
- 3.Wordnet Digital Voice Recorder-Serial#rr14352-01-01s43asset#4208
- 4.Polaroid ID4 System-asset#2501
- 5.Serial#731690 -model#dpu411043-asset#2335
- 6.200' Tower at high school- asset tag#614
- 7.WYSE terminal, dell monitor asset tag#2574
- 8.Remote Audio Unit, serial# 005821, assettag#4209
- 9.Powerware ferrups UPS, serial#Ey403fj010
10. Polaroid Imaging digital camera and printer, assetTag#5663

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 4, 2013 authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of as follows:

Asset#	Description	Serial#
TO BE SOLD ON GOV DEALS		
7110	1968 Kaiser Truck	022525156

5728 2004 Dodge Intrepid 2B3HD46V04H606855

TO BE TRANSFERRED TO COROLLA VFD FOR OCEAN RESCUE

6271 2006 Nissan Titan 1N6BA07B16N546649

6909 2009 Nissan Titan 1N6AA07CX9N302815

The above vehicles are in fair to poor condition, and have been stripped of all markings and emergency equipment prior to decommissioning.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 4, 2013, authorized the following, pursuant to GS 160A and 270(b), that the computers listed below be given to outgoing commissioners Rorer and Etheridge.

Asset Tag	Description	Serial Number
6965	Laptop computer issued to Etheridge	CL88QH1
6968	Laptop computer issued to Rorer	DL88QH1
6931	Laptop computer issued to Petrey	5WHBTG1

R E S O L U T I O N SUPPORTING H.R. 819 PRESERVING ACCESS TO THE CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT

WHEREAS, H.R. 819 introduced by Congressman Walter Jones (NC-3) to preserve access to the Cape Hatteras National Seashore Recreational Area, reintroduces a previous bill that passed the House of Representatives in the last Congress but failed it make it out of Senate committee; and

WHEREAS, H.R. 819 would restore balance and common sense to Park Service management by overturning a final rule implemented by the National Park Service in mid-February 2012, as well as the 2008 U.S. District court approved Consent Decree, both of which excessively restrict human access to the Recreational Area; and

WHEREAS, H.R. 819 would assure taxpayers the right to access the recreational areas they own by reinstating the Park Service's 2007 Interim Management Strategy, which was backed up by a 113-page Biological Opinion issued by the U.S. Fish and Wildlife Service

finding that species of concern, including piping plover and sea turtles, would not be jeopardized; and

WHEREAS, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and

WHEREAS, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and the foundation of the area's economic base upon which thousands of families depend for their livelihood; and

NOW THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with the promises made in the enabling legislation and supports H.R. 819 as effective legislation that would balance resource management with recreational access for Currituck County and Dare County's residents and visitors.

B) Commissioner's Report

Chairman O'Neal stated that Commissioner Aydlett was with the family of the Knotts Island Fire Chief that passed away while fighting a fire. Our prayers go to his family. He also stated that Commissioner Petrey thanked everyone for all their thoughts and prayers during his surgery.

Commissioner Gilbert stated that the Moyock Small Area Committee will meet on March 11th.

Chairman O'Neal stated that he does not support the bill that would allow School Boards to start school earlier instead of later.

C) County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.