



**BOARD OF COMMISSIONERS  
AGENDA**

**October 20, 2014**

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# REVISED

## Currituck County Board of Commissioners Agenda Historic Currituck County Courthouse

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**Date: Monday, October 20, 2014**

**Time: 7:00 PM**

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### **7:00 pm Call to Order**

- ~~A)~~ Invocation-Reverend Dan Bergey, New Life Church **Rev. Frank Custer, Mt. Zion UMC**
- ~~B)~~ Pledge of Allegiance-Reverend Dan Bergey, New Life Church **Rev. Frank Custer**
- C) Approval of Agenda
- D) Public Comment

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

### **Administrative Reports**

- A) **Mr. Manly West, North Carolina Farm Bureau-Support for Installation of Highway Safety Signage for Farm Equipment**
- B) **Derek Kelly, CenturyLink-Presentation and Discussion of Current Products, Service and Future Expansion Plans**
- C) **Planning Department Presentation and Discussion of Moyock Wastewater and Small Area Plan**

### **Public Hearings**

- A) **Public Hearing and Action:** PB 14-14 CASP, Inc.: Request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM) on property located in Moyock on Inventors Drive which is located on the east side of Caratoke Highway, Tax Map 9, Parcels 26A And 26B, Moyock Township.

- B) **Public Hearing and Action:** PB 14-18 Currituck County: A request to amend the Unified Development Ordinance to clarify and revise miscellaneous sections of the Ordinance. The revisions correct and clarify the identified sections in the UDO as it relates to nonconformities, accessory uses and structures, stormwater management, setback and building height standards, sidewalk standards, minor subdivision definition, public meeting notification requirements, subdivision infrastructure maintenance, private access roads, variance findings of fact, and nonresidential design standards.
  
- C) **Public Hearing and Action:** PB 14-21 Currituck County: A request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to require all new subdivisions and nonresidential development to be connected and serviced by the county water supply system when located within the formulated distance for connection and require performance guarantees when the proposed development exceeds the formulated connection distance.

**New Business**

- A) **Consideration & Action for a 5-year fuel purchasing contract from Eastern Aviation Fuels, Inc**
  
- B) **Board Appointments:**
  - 1. Economic Development Advisory
  
- C) **Consent Agenda:**
  - 1. Approval of Minutes for Regular meeting for October 6, 2014, and Special Meeting/Worksession Minutes, September 25, 2014
  - 2. Budget Amendments
  - 3. Consideration and Ratification of Public Safety 800 MHz System Usage Agreement Between Currituck County and Volunteer Fire Departments
  - 4. Project Ordinance - Connecting Corolla
  - 5. Disposal of Records: Finance Dept and Administration
  - 6. Request for Approval of Permit Officer III Position and Job Description
  
- D) **Commissioner's Report**
- E) **County Manager's Report**

**Closed Session**

According to GS 143-318.11(4) to discuss matters relating to the location or expansion of industries or other businesses-Project Move

**Adjourn**



# CURRITUCK COUNTY FARM BUREAU

TELEPHONE (252) 232-2277 • POST OFFICE BOX 280 • CURRITUCK, NORTH CAROLINA 27929

FAX (252) 232-2211 • 2834 CARATOKE HIGHWAY • CURRITUCK, NORTH CAROLINA 27929

September 15, 2014

Currituck County Commissioners  
153 Courthouse Road, Suite 204  
Currituck, NC 27929

Dear Gentlemen,

Currituck County is a traditional farming community that values its rural communities and what they represent for our county's continuing growing agriculture industry. We, Currituck County Farm Bureau Board of Directors would like to request the support of our County Commissioners implementing the "share the road" sign as well as implementing a regulation for the proper use of the "slow moving vehicle" sign. Many streets and roads with high traffic volume throughout the county would benefit from these signs, making the public aware of the farming equipment use and informing our many visitors how important it is to be alert and share the road. Currituck's farming industry has a great concern for the implementation of NCDOT signs with regards to the public safety of farming equipment on the roads and highways and the public in general. The "slow moving vehicle" sign has been used to mark driveways and other uses for which it was not intended. We feel that if the issues are addressed it will increase the awareness of the community, which will in return decrease the number of accidents involved with farming equipment. Please consider supporting us in creating a safer farming community for our county.

Respectfully,

Roy Harrison, President



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 14-14 CASP, Inc. request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM) on property located in Moyock on Inventors Drive which is located on the east side of Caratoke Highway, PIN 0009000026A0000 and 0009000026B0000, Moyock Township.

## Brief Description of Agenda Item

The applicant is requesting conditional rezoning of 37 acres located in Moyock on Inventors Drive. The proposed development is a conservation subdivision consisting of 74 residential lots. The applicant proposes to connect to the Moyock Central Sewer System and offers the following zoning conditions:

1. Use: conservation subdivision
2. Maximum of 74 homes
3. Minimum lot size of 10,000 square feet
4. Existing trees will be protected and preserved to the greatest degree practicable
5. Buffers to surrounding properties will exceed Currituck County requirements

A community meeting was held on May 15, 2014 at Moyock Library and was not attended by any adjacent property owners.

## Planning Board Recommendation:

Mr. Cooper moved to approve PB 14-14 due to its consistency with the goals, objectives, and policies of the 2006 Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land. Ms. Overstreet seconded the motion and motion carried unanimously.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
DATE: October 20, 2014  
PB 14-14 CASP, Inc.**

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**ITEM:** PB 14-14 CASP, Inc.: a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (C-SFM).

**LOCATION:** Moyock – Inventors Drive, off Caratoke Highway

**TAX ID:** 0009000026A0000  
0009000026B0000

**OWNER:** CASP, Inc.  
PO Box 39  
Moyock, NC 27958

**APPLICANT:** Hidden Acres Currituck, LLC  
PO Box 743  
Moyock, NC 27958

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural/Undeveloped Residential	AG
<b>SOUTH</b>	Assisted Living/Undeveloped Residential	GB
<b>EAST:</b>	Residential Open Space (County Owned)	SFM
<b>WEST:</b>	Fuel Supply Facility/Vacant	GB

**LAND USE PLAN  
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea.

The policy emphasis of the Moyock sub-area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

**MOYOCK SAP:**

The Moyock Small Area Plan classifies the property as Full Service.

Full Service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. In addition, clustered or planned commercial and residential areas with diversity in housing types are preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.

Policies supporting the request include:

**Policy FLU 1** Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

- CURRENT ZONING:** Light Industrial (LI)
- PROPOSED ZONING:** Conditional District - Single Family Mainland (C-SFM)
- CURRENT USE:** Undeveloped
- SIZE OF SITE:** 37+/- acres
- ZONING HISTORY:** Agricultural (A) – 1989 Zoning Map  
Light Manufacturing (LM) - 1999 Zoning Map
- UTILITIES:** County water is available to serve this development. The developer is requesting connection to the Moyock Central Sewer System.
- TRANSPORTATION:** The proposed development has access to Caratoke Highway through an existing unimproved right-of-way. There is an existing rail crossing located at the property's development entrance. The proposed road and rail crossing serving the development will be improved to NCDOT standards.
- FLOOD ZONE:** The proposed development is located in the Shaded X flood zone (500-year).
- WETLANDS:** The county wetland inventory maps indicate the property has wetland characteristic; however, a wetland delineation is not required until submittal of the subdivision.
- SOILS:** The proposed development is located on Roanoke soils, which are considered poorly drained. The development is proposing to manage wastewater through off-site treatment and disposal.
- PLAN REQUEST:** Conservation subdivision with 74 residential lots (2 du/acre) and 14.84 acres of open space (40%).

**PROPOSED ZONING CONDITIONS:**

1. Use: conservation subdivision
2. Maximum of 74 homes
3. Minimum lot size of 10,000 square feet
4. Existing trees will be protected and preserved to the greatest degree practicable
5. Buffers to surrounding properties will exceed Currituck County requirements

**COMMUNITY MEETING:**

A community meeting was held on May 15, 2014 at the Moyock Library. Mark Bissell presented a brief summary of the development proposal, along with a conceptual plan of the development. No adjacent property owners attended the meeting.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

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 TRC **recommends approval** of the proposed request. The conditional rezoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land.

Additional Staff Comments:

Larger lot subdivisions exist to the north and south of the land subject to the application; however, the adjacent lots proposed to the south are not platted and the adjacent lots located to the north are platted but no dwelling units have been constructed. The subject property's retention of the existing perimeter wooded buffer will help promote compatibility with adjoining properties.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of the development agreement as presented with technical review committee recommendation.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
<http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm>

**BOARD OF COMMISSIONS (9-15-14)**

The Board of Commissions continued this request pending additional discussion of the railroad and sewer.

**PLANNING BOARD DISCUSSION (8/12/14)**

Mr. Cooper asked if the Railroad Company has to give permission for them to cross.

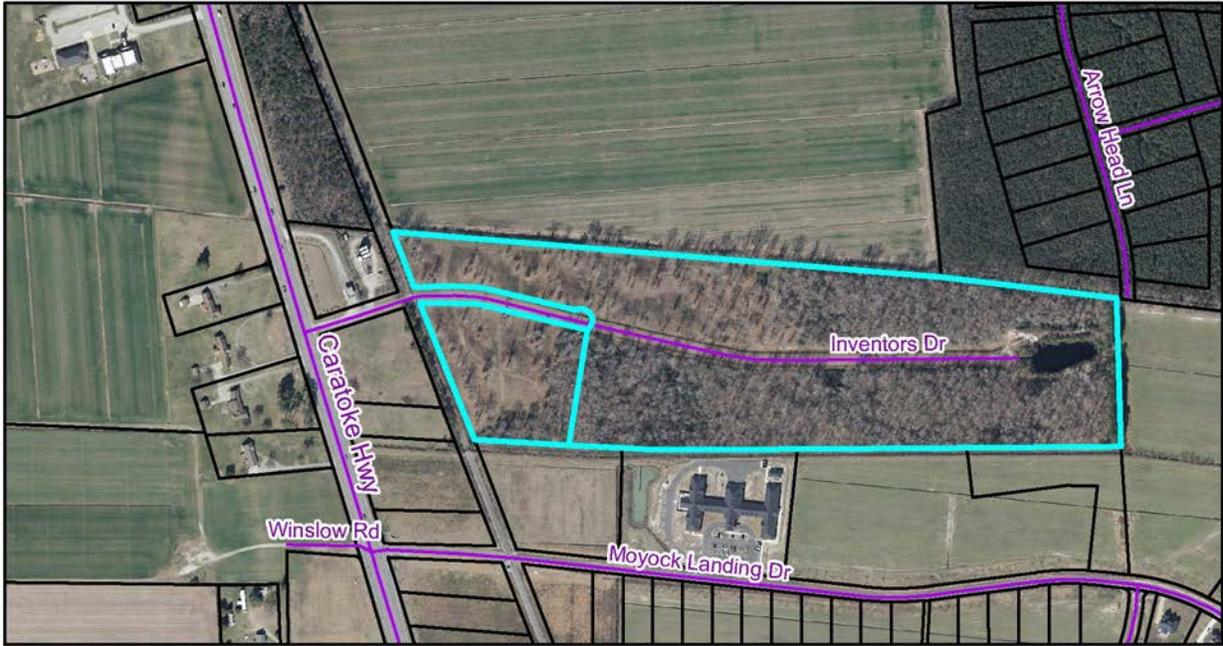
Mr. Woody said liability insurance will have to be paid for this crossing and they will have to have an agreement with the Railroad Company.

Mr. Bissell said there is an existing approved crossing, but not to the Department of Transportation (DOT) standards. They are working with the Railroad Company and the Homeowners Association will maintain it until DOT takes it over. This project will have sidewalks on both sides of the street. Mr. Bissell provided pictures of the future site and provided an overview of the project.

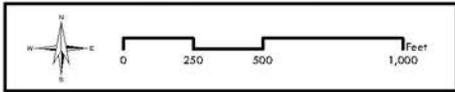
Mr. Clark closed the public hearing.

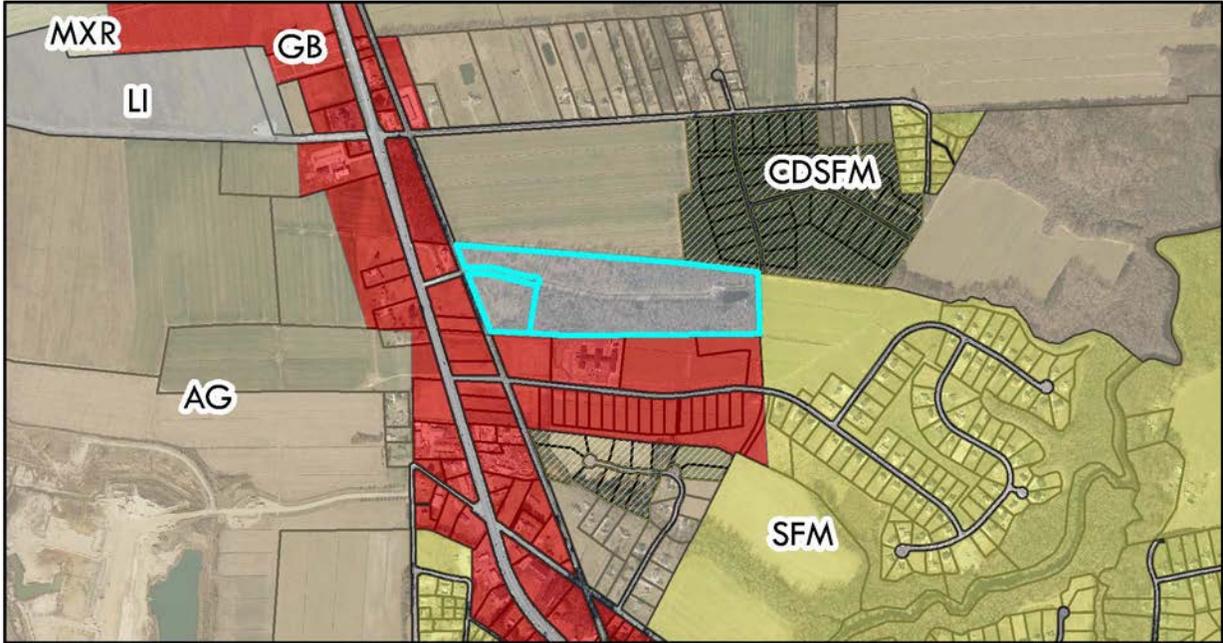
**ACTION**

Mr. Cooper moved to approve PB 14-14 due to its consistency with the goals, objectives, and policies of the 2006 Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land. Ms. Overstreet seconded the motion and motion carried unanimously.

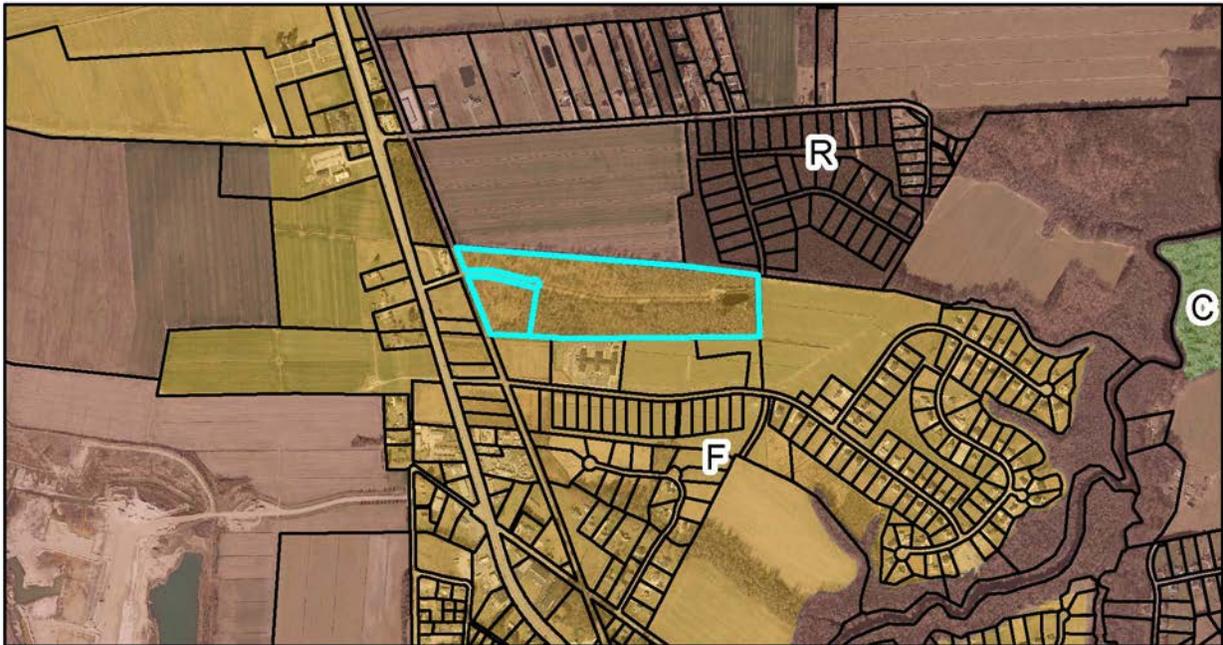
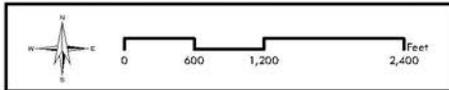


PB 14-14 CASP, Inc.  
Conditional Zoning

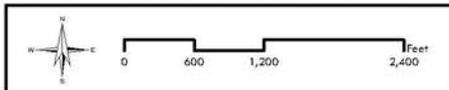




PB 14-14 CASP, Inc.  
Conditional Zoning



PB 14-14 CASP, Inc.  
Conditional Zoning





## Currituck County

Planning and Community Development Department  
Planning and Zoning Division  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
252-232-3055 FAX 252-232-3026

To: Justin Old  
Mark Bissell

From: Planning Staff

Date: July 11, 2014

Subject: PB 14-14 CASP, Inc. - Conditional Rezoning

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The following comments have been received for the July 16, 2014 TRC meeting. Modifications of the request must be submitted by July 22, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

### **Planning, Ben Woody**

Reviewed

1. Title block: conditional zoning not conservation subdivision
2. Label Baxter Estates as an adjacent use type (single family subdivision).
3. Indicate if the existing trees located in open space will remain undisturbed. The UDO requires that heritage trees be protected or replaced.
4. Indicate the general location of pedestrian circulation features.
5. Include any existing utility lines located on and within 50' of the subject property.
6. The county wetland inventory maps and correspondence from Coastal Permit Assistance indicate the property has wetland characteristics. A wetland delineation will be required prior to submission of a preliminary plat.
7. Indicate the farmland compatibility buffer along the northern & eastern property line.
8. development summary
  - a. Include ownership information, site address, and parcel id numbers
  - b. Include existing and proposed zoning classifications
  - c. Include any proposed dimensional standards
  - d. In addition to the average lot area, will there be a lot area minimum?
9. Will the subdivision streets meet NCDOT design standards and are they intended for dedication, or will they remain private?
10. What is the status of the railroad crossing? What is the long-term plan for access and maintenance of the crossing?
11. Staff suggests the applicant modify the proposed uses zoning condition to specify a conservation subdivision is proposed.

12. What is the conservation emphasis of the proposed development and will low impact development features be incorporated into the site design?

**Currituck County Engineer, Eric Weatherly**

**Currituck Soil and Water, Mike Doxey**

Approved

**Currituck County Utilities, Pat Irwin**

No Comment

**Currituck County Fire Marshal, James Mims**

Approval with Corrections

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

1. \*NOTE:CONSULT WITH ERIC WEATHERLY PE (COUNTY ENGINEER) CONCERNING MOYOCK SEWER DISTRICT HOOK UP APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION.

**Currituck County Building Inspections, Spence Castello**

1. Soil engineering may be required at footing inspection.

**Currituck County GIS, Harry Lee**

Reviewed

**Currituck County Parks and Recreation, Jason Weeks**

No comment

**NC State Archaeology, Lawrence Abbot**

No comment

1. No previously recorded archaeological sites noted within the project area. An archaeological survey is not recommended.

**NC Division of Coastal Management, Charlan Owens**

No comment

**US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.



# Conditional Rezoning Application

OFFICIAL USE ONLY:	
Case Number:	_____
Date Filed:	_____
Gate Keeper:	_____
Amount Paid:	_____

### Contact Information

APPLICANT:	Justin Old	PROPERTY OWNER:	
Name:	<u>Quality Homes of Currituck</u>	Name:	<u>CASP, Inc.</u>
Address:	<u>P.O. Box 743</u>	Address:	<u>P.O. Box 39</u>
	<u>Moyock, NC 27958</u>		<u>Moyock, NC 27958</u>
Telephone:	<u>(757) 816-2006</u>	Telephone:	<u>(252) 435-6376</u>
E-Mail Address:	<u>jold@qualityhomesofcurrituck.com</u>	E-Mail Address:	_____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: \_\_\_\_\_

### Property Information

Physical Street Address: Caratoke Hwy

Location: Moyock, NC 27958

Parcel Identification Number(s): 001500000700000, 001500000690000, 001500000670000

Total Parcel(s) Acreage: 37+/-

Existing Land Use of Property: Farmland

### Request

Current Zoning of Property: L I Proposed Zoning District: C-SFM

### Community Meeting

Date Meeting Held: May 15, 2014 Meeting Location: Moyock Library

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

The proposed use of the 37 acre tract will be a community of single-family homes nestled within the existing woodlands. One objective of the development will be to preserve the greatest number of trees practicable through the use of the existing roadway and the connection to the county sewer system, so that clearing for individual septic systems is not necessary. Please refer to attached narrative for additional description of use.

Proposed Zoning Condition(s): The use will be a conservation subdivision, with the maximum number of homes to be constructed to be 74 .

The minimum lot size will be 10,000 square feet.

Trees will be protected and preserved to the greatest degree practicable. Buffers to surrounding properties will exceed Currituck Co. requirements, and will be provided approximately as shown on the conceptual development plan.

An application has been duly filed requesting that the property involved with this application be rezoned from: LI Light Industrial to: C-SFM Single Family mainland-Conditional District

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.

[Signature]  
Property Owner (s)

5/15/14  
Date

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

**Dennis W. Hawthorn**  
**Coastal Permit Assistance**  
**407 Angler Way, Kitty Hawk, NC 27949**  
**252-599-1040**

TO : Mark Bissell

DATE: May 26, 2014

On May 23, 2014 the author visited and conducted a preliminary site evaluation at the request of Mark Bissell. The purpose of a preliminary site evaluation is to give some in site as to whether the site, in this case, is likely to be considered (or some portion of) within the wetland jurisdiction of the USACE. The site is located approximately one mile south of the Virginia-North Carolina border on the east side of US 168, directly adjacent to an existing fuel storage facility and railroad line. According to Currituck County GIS records, the property is listed under the ownership of CASP, Inc. The purpose of this visit was to conduct a preliminary wetland delineation of the site. It should be noted that the scope of this investigation was to conduct a "preliminary (wetland) delineation". This means that the scope of this investigation was limited to a small number of soil pit examinations. In this case, three. However, these pit examinations were completed in the same detail methodology as a complete and typical wetland delineation that would be acceptable by the U. S. Army Corps of Engineers (USACE) would have been conducted, just a smaller quantity of soil pits. It was the goal of this investigation to determine if sufficient evidence could be gathered in a "preliminary" fashion that would indicate whether the site would be considered outside of the wetland jurisdiction of the USACE.

The site is undeveloped but is accessible with a gravel drive running through the center of the site from west to east. The first sample pit was located on the north side of the access drive toward the front of the property. The second pit was located near the center of the property on the north side of the access drive. The third pit was located near the easternmost (rear) portion of the property, also on the north side of the access drive. All three pits were located approximately 50 feet off the access drive.

The USACE considers a site to be under its wetland rules jurisdiction if it has soils classified as wetland soils, has site indicators that show evidence that the site has hydrologic indicators (has wet soils a majority of the growing season), and has predominately (more than 50 %) wetland vegetation. Facultative vegetation appears in a wetland by definition at least 50% of the time. Sites with facultative vegetation are considered to meet the wetland vegetation criteria for the USACE jurisdictional rules.

In general, the CASP site vegetation would be classified by the USACE as predominately facultative, which by definition, would meet the criteria of being considered as wetland vegetation, i.e., facultative vegetation has at least a 50% chance of being located in a wetland. The soils on the site are probably classified as Roanoke-Tomotley, which in Currituck County are considered as hydric soils, meaning they are usually located in a wetland. These soils are generally level, poorly drained and consist of a sandy loam with a clayey subsoil. In the case of this site, the first 4 to 6 inches of soil in each pit consists of organic material, with the next one to two feet being a tight clayey subsoil with medium to heavy evidence that water has moved up and down the soil profile within the top 24 inches of the soil profile, including odor and iron deposit evidence. In the first pit, the soil was moist at 30 inches and saturated at 36 inches. In the second pit, soil was dry at 36 inches. In the third pit, soil was moist at 48 inches and saturated at 50 inches.

In summary, wetland vegetation and soils classified as hydric are present on the site. However, it is the opinion of the author based upon data collected at the site that evidence of hydrological indicators is in-conclusive. If this is confirmed by the USACE, the site would be considered outside of wetland jurisdiction of the USACE rules. Since this evaluation only looked at a small test area of an almost 40 acre site, there is probability that wetland pockets could be on the site. It is possible

that all or a portion of the site could be considered outside of USACE wetland jurisdiction. With the data collected thus far, it is my guess that the site has a good probability of being outside of jurisdiction. However, a site visit and official wetland determination approved by the USACE will be required to confirm any findings.

If it is determined by the property owners or management that they wish to move forward with a complete delineation, it is my suggestion that some effort be undertaken to dress the site to be more easily examined by the USACE and others that may investigate the site.

Dennis W. Hawthorn



May 5, 2014

**RE: Community Meeting for Conditional Rezoning Application**

Dear Property Owner:

We would like to invite you and nearby property owners to a community meeting regarding a potential conditional rezoning application. C A S P, Inc. is proposing to rezone approximately 36.5 acres to SFM-Conditional District for a possible residential subdivision. The property is described as tax parcels 0009-000-026A-0000 and 0009-000-026B-0000, located on Inventors Drive in Moyock, NC.

The purpose of the community meeting is to inform you and nearby property owners about this application that will be reviewed under Currituck County's Unified Development Ordinance, and to provide you an opportunity to give comments and express any concerns about the application.

The community meeting will be held on Thursday, May 15<sup>th</sup>, 2014 at 6:00pm, at the Moyock Library.

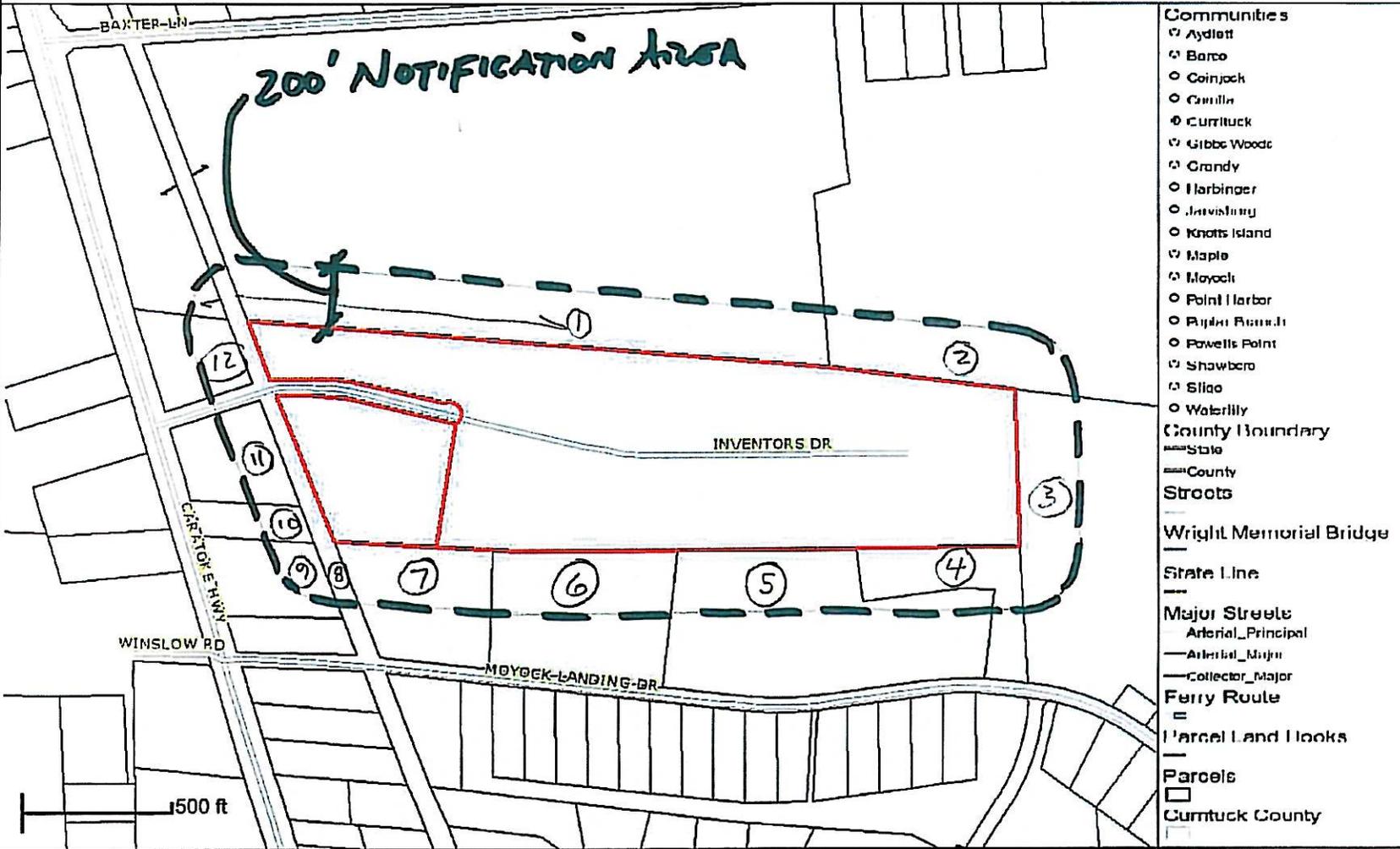
Sincerely,  
Bissell Professional Group  
(Agent for the Applicant)

A handwritten signature in blue ink, appearing to read "Mark S. Bissell", is written over the typed name.

By: Mark S. Bissell

cc: Currituck County Planning and Community Development

# Currituck County GIS Online Mapping



Currituck County GIS  
 (252)232-2034  
[www.co.currituck.nc.us/Geographic-Information-Services.cfm](http://www.co.currituck.nc.us/Geographic-Information-Services.cfm)

This map should be used for general reference purposes only. Currituck County assumes no legal liability for the information shown on this map.

1. Parcel 0009000025A0000  
William J Busby, Anne J Saunders Rev. Trust, Luna J Estate, et. als., c/o Charles T. Busby, 701 Blue Point Dr.,  
Wilmington, NC 28411
  2. Parcel 0009000025G0000  
Farms & Timberland, Inc.  
2225 Spinnaker Circle  
Virginia Beach, VA 23451
  3. Parcel 014J0000OPEN000A  
Currituck County  
P.O. Box 9  
Currituck, NC 27929
  4. Parcel 014J-000-00S3-0000  
CTX, Inc.  
P.O. Box 310  
Moyock, NC 27958
  5. Parcel 0009000029R0000  
CTX, Inc.  
P.O. Box 310  
Moyock, NC 27958
  6. Parcel 0009000029S0000  
MS Currituck, LP  
14390 Clay Terrace Blvd – Suite 205  
Carmel, Indiana 46032
  7. Parcel 0009000029T0000  
CTX, Inc.  
P.O. Box 310  
Moyock, NC 27958
  8. Railroad R/W  
  
**Chesapeake & Albemarle Railroad**  
214 Railroad St. N.  
Ahoskie, NC 27910
  9. Parcel 0009000029F0000  
M. Powell Peters, Trustee  
429 S. Hughes Blvd  
Elizabeth City, NC 27909
- 10, 11 & 12. Parcels 00090000280000, 0009000027A0000, and 0009000027B0000
- Domestic NC, LLC  
400 Freeman Ave.  
Chesapeake, VA 23324

**Also send to:**

**Naval Support Activity Northwest Annex**

4504 Relay Rd. - Bldg. 374  
Chesapeake, VA 23322-4102



# CASP Community Meeting- Outline of Presentation

## A. Housekeeping –

- Please sign-in
- A record of the Community meeting will be provided to Currituck County. (concerns raised/ attempts to address concerns)

## B. What is the Request?

- Conditional Use Rezoning
- Differs from standard re-zoning – zoned to a specific development plan with specific conditions of application that guide the decision and permitting process.

## C. The Process:

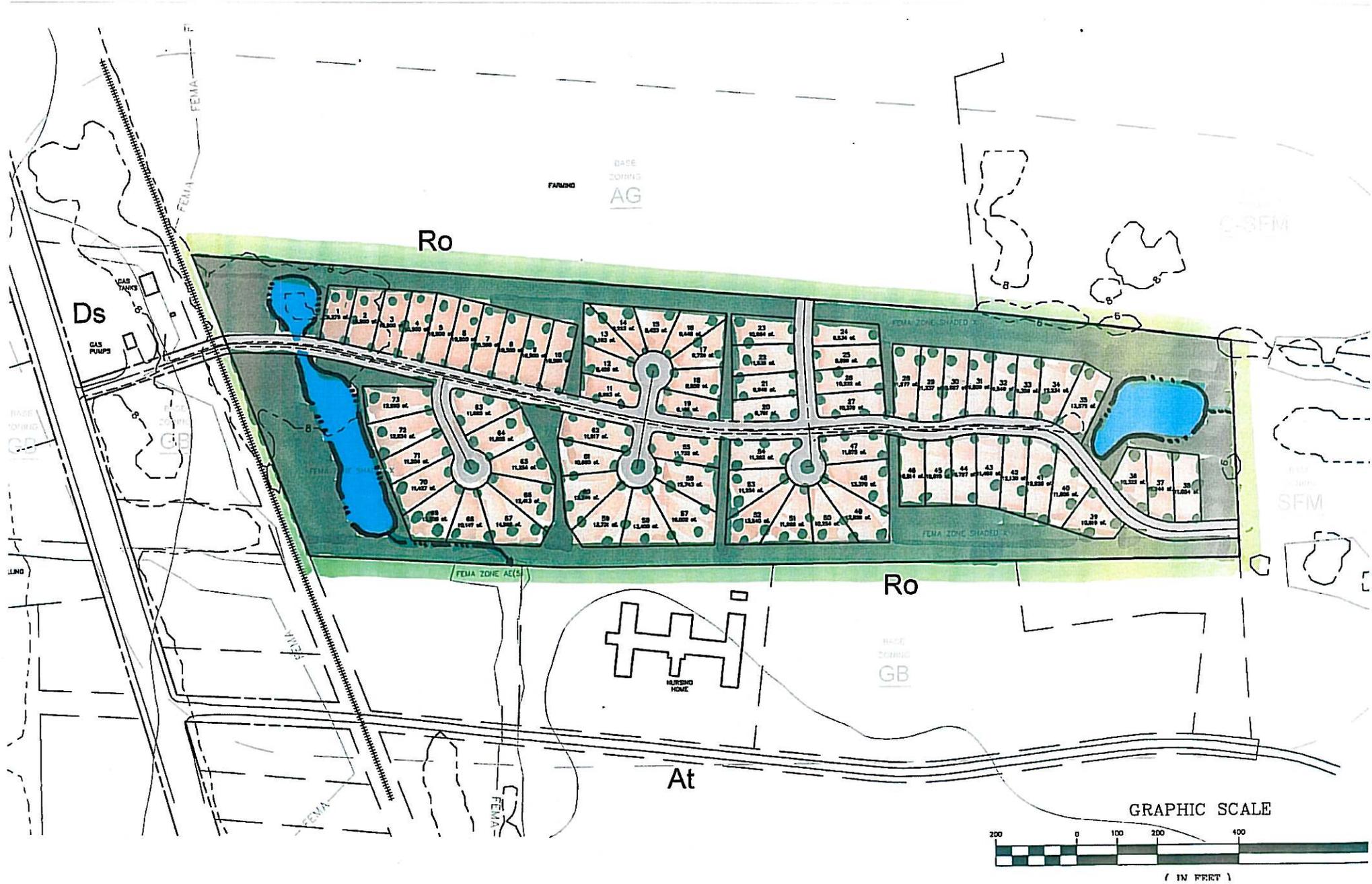
- Pre-application conference
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

That's just the Re-zoning. Then:

- Preliminary Plat application
- Const. drawing application
- Final plat application

## D. The Plan:

- 37 +/- acre wooded tract
- Adjacent land use:
  - i. west is railroad
  - ii. south is Currituck House Asst. living facility and Shingle Landing open space
  - iii. east is county owned property
  - iv. north is Baxter Estates subdivision and farmland.
- One quarter acre wooded lots for single family homes
- Connect to county sewer and save trees
- Wooded community nestled into woodlands



**CASP Property**

**Community Meeting for Conditional Rezoning**

**Thursday, May 15, 2014**

**Scheduled Time/Place: 6:00pm, Moyock Library, Moyock, NC**

**Meeting Began: 6:15pm (waited for late arrivals)/ Meeting Ended: 6:40pm+/-**

**Attendees:** (See attached sign-in sheet)

Fletcher Humphries, Landowner

Justin Old, Developer/Builder

Mark Bissell, Engineer

Comments from the Community	How Addressed
No comments were made and no questions were asked	

**Summary:**

Mark Bissell presented a brief summary of the development proposal, along with a conceptual plan of the development. 100% of those attending the meeting were in favor of the development plan.



Shown with optional dormer



Elevation B shown with optional dormer

# THE ANFIELD

First Floor - 1,493 sq. ft.  
 Second Floor - 927 sq. ft.  
 Total Heated - 2,420 sq. ft.  
 Garage - 528 sq. ft.  
 Opt Dormer - 68 sq. ft.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.





Shown with decorative gable option.



Elevation B

# THE AVINGTON

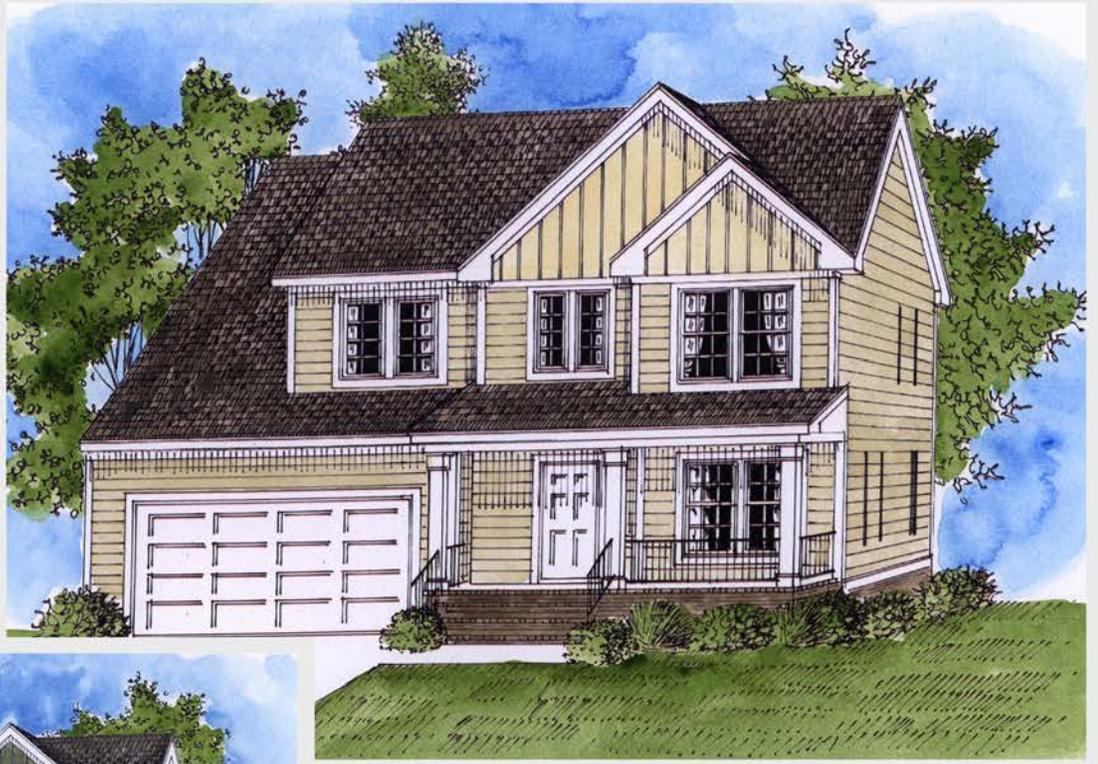
First Floor - 982 sq. ft.  
 Second Floor - 1,262 sq. ft.  
 Total Heated - 2,244 sq. ft.  
 Garage - 440 sq. ft.



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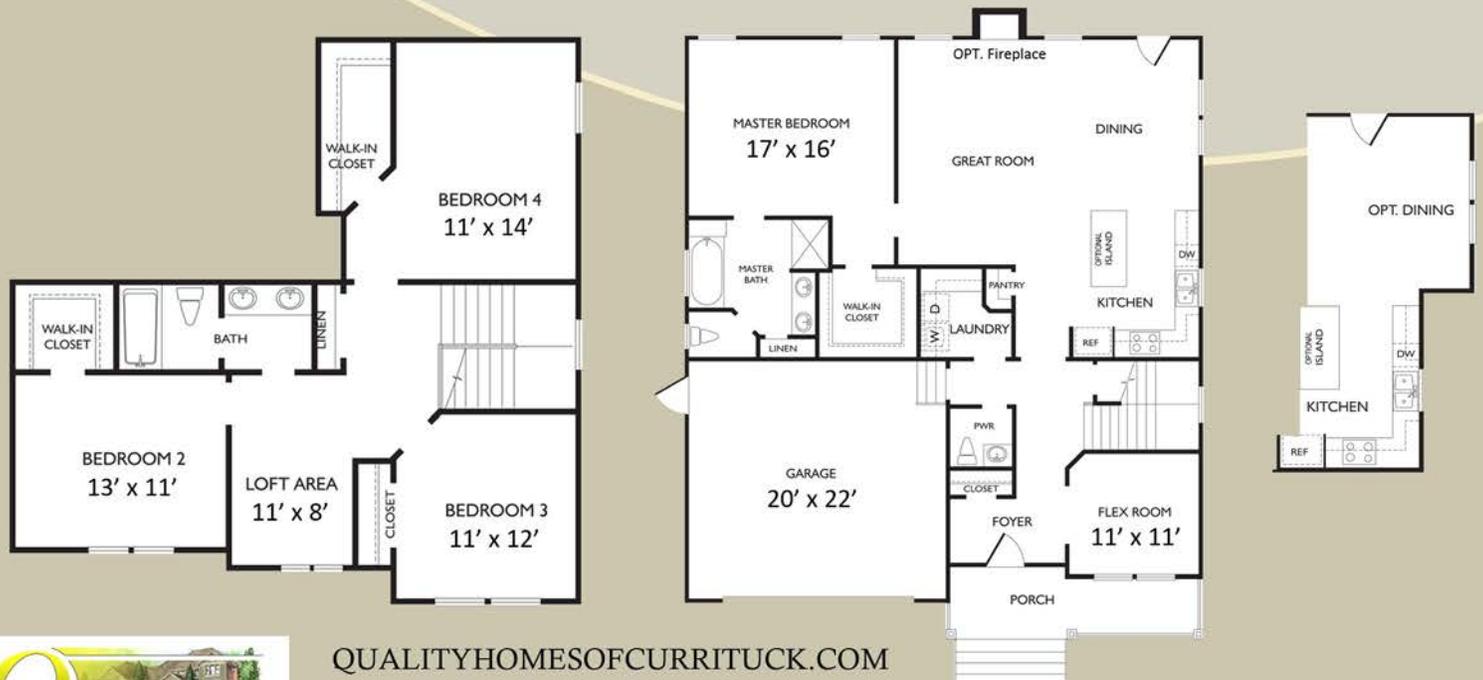
Shown with decorative gable option.



Shown with side load garage, craftsman columns and decorative gables.

# THE BRIGANTINE

First Floor - 1,546 sq. ft.  
 Second Floor - 809 sq. ft.  
 Total Heated - 2,355 sq. ft.  
 Garage - 440 sq. ft.  
 Opt. Dining Room - 55 sq. ft.



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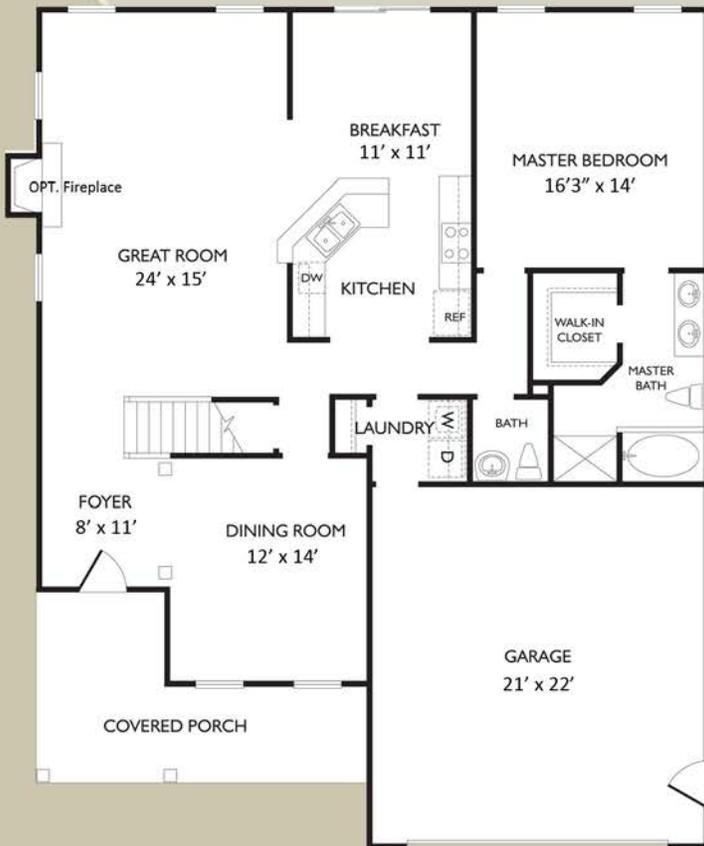
Standard Elevation



Elevation B

# THE MELINA

First floor - 1,494 Sq. Ft.  
 Second Floor - 784 Sq. Ft.  
 Total Heated - 2,278 Sq. Ft.  
 Garage - 462 Sq. Ft.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.







# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 14-18 Housekeeping Amendment 2014: Request to amend miscellaneous sections of the Unified Development Ordinance (UDO).

## Brief Description of Agenda Item

Text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the new Unified Development Ordinance (UDO). The revisions correct and clarify the identified sections in the new UDO as it relates to the following:

- Nonconformities
- Accessory uses & structures
- Stormwater management
- Setback and building height standards
- Sidewalk standards
- Minor subdivision definition
- Public meeting notification requirements
- Subdivision infrastructure maintenance
- Private access roads
- Variance findings of fact
- Nonresidential design standards

### Planning Board Recommendation:

Mr. Cartwright moved to approve PB 14-18 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development, and tabling #14 (Mining standards, including the information required for hydrological studies) for further discussion. Mr. Craddock seconded the motion and motion carried unanimously.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody



## Currituck County

Planning and Community Development Department  
Planning and Zoning Division  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
252-232-3055 FAX 252-232-3026

To: Board of Commissioners  
From: Planning Staff  
Date: September 15, 2014  
Subject: PB 14-18 UDO Housekeeping Amendment 2014

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The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). The revisions correct and clarify the identified sections in the new UDO as it relates to:

Item 1

Allows for the continued use, and minor expansion, of existing warehouse buildings in the General Business zoning district.

Item 2

Clarifies when nonconforming structures must be brought into compliance with today's standards.

Item 3

Clarifies how setback requirements affect nonconforming structures.

Item 4

Allows small accessory structures in existing mobile home parks and on existing camper lots.

Item 5

Modifies the soil type used to determine pre-development runoff design.

Item 6

Clarifies that accessory dwelling units are allowed with a zoning compliance permit.

Item 7

Allows land application of sludge or septic in the Single-Family Isolated (SFI) zoning district with a use permit.

Item 8

Allows for a dune deck or beach access way on vacant oceanfront lots.

Item 9

Clarifies allowable setback encroachments and building height requirements.

Item 10

Reduces setback requirements for industrial zoning districts.

Item 11

Clarifies that minor subdivisions are exempt from sidewalk requirements.

Item 12

Corrects the definitions of minor and family subdivision.

Item 13

Modifies information required for sign notification of public meetings and hearings.

Item 14

Removes requirement that HOA president sign affidavit accepting infrastructure maintenance.

Item 15

Adds detail of alternate design of the private access road.

Item 16

Adds additional finding of fact for approving variance applications.

Item 17

Clarifies applicability of the nonresidential design standards.

The Planning ***recommended approval*** of PB 14-18 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development, and tabling #14 (Mining standards, including the information required for hydrological studies) for further discussion. Motion carried unanimously.

## **PLANNING BOARD DISCUSSION (9/9/14)**

Mr. Schuler provided an overview of each revision.

The Planning Board discussed nonconforming warehouse uses.

Mr. Simpson said Frito-Lay has a warehouse which is located at 139 Fox Knoll Drive. The property was purchased about 10 years ago and they built a warehouse which is 6,400 sq. ft. Mr. Simpson said when the property was purchased he was told he would be allowed to developed 65% of it because Frito-Lay was going to grow. Mr. Simpson said presently they need to make the warehouse 1,200 sq. ft. larger, which would fall under the 25%. The problem he has with this is they will continue to grow, and will not be able to expand under the present Unified Development Ordinance (UDO).

Mr. Schuler said the property owner can request the property be rezoned to light industrial.

Mr. Cartwright asked if #14 (mining standards, including the information required for hydrological studies) be tabled until the next Planning Board meeting so he can talk with some of the miners and engineers.

Mr. Clark closed the public hearing.

### **ACTION**

Mr. Cartwright moved to approve PB 14-18 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development, and tabling #14 (Mining standards, including the information required for hydrological studies) for further discussion. Mr. Craddock seconded the motion and motion carried unanimously.

**HOUSE KEEPING  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 3: Zoning Districts, Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, Chapter 7: Environmental Protection Standards, Chapter 10: Definitions and Measurement to clarify and revise miscellaneous sections of the new Unified Development Ordinance (UDO).

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Section 8.2 Nonconforming Uses is amended by adding the following underlined language and renumbering accordingly:

**8.2.7 Nonconforming Warehouse Uses**

Nonconforming warehouse uses located within the General Business zoning district are not subject to the standards of Section 8.2.8 Discontinuance or Abandonment, and may be expanded by no more than 25% of the floor area as it existed on January 1, 2013, provided all new expansions, including outdoor storage, comply with the provisions of this Ordinance.

**8.2.8 Discontinuance or Abandonment**

A. Unless otherwise expressly stated in this ordinance, a nonconforming use shall not be re-established after discontinuance for a period of 180 consecutive calendar days or more.

**Item 2:** That Section 8.6 Nonconforming Sites is amended by adding the following underlined language and deleting the strikethrough language:

**8.6.2 Applicability**

B. If an application is filed for a building permit for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in Subsection (A) above, ~~and the value of the proposed improvements totals at~~

~~least 25 percent of the assessed value of the existing structure, the~~ application shall be required to address the nonconforming site feature as provided in this section.

**Item 3:** That Section 8.3 Nonconforming Structures is amended by adding the following underlined language and deleting the strikethrough language:

### 8.3.3 Setbacks

Structures that do not meet the minimum setback distances for the district where located may be redeveloped or reconstructed within the same footprint provided all the appropriate permits or development approvals are obtained in conjunction with, or prior to, any demolition of the existing structure; or with reduced minimum setbacks provided:

- A. The land cannot reasonably be developed for the proposed use without a reduction in the minimum setbacks; ~~and~~
- B. The reduction in minimum setbacks are necessitated by the lot's shape or size; ~~and~~
- C. The land may be developed without a significantly-adverse impact on adjacent lands or health and safety of the public; ~~and~~
- D. Financial hardship to the land owner is not the sole reason for the need to reduce minimum setback requirements; and
- E. In cases where minimum setbacks must be reduced, the reduction is the absolute minimum necessary to accommodate the proposed development.

**Item 4:** That Section 8.2 Nonconforming Uses is amended by adding the following underlined language:

### 8.2.5 Nonconforming Manufactured Home Parks

- C. Accessory structures not exceeding 100 square feet may be permitted within a nonconforming manufactured home park

provided they comply with the applicable standards of this Ordinance.

## 8.2.5 Nonconforming Campgrounds

---

### C. Existing Camper Subdivisions

- (3) One accessory structure, not to exceed 100 square feet, may be permitted on a camper lot provided it complies with the dimensional standards of this section.

**Item 5:** That Section 7.3 Stormwater Management is amended by adding the following underlined language and deleting the strikethrough language:

## 7.3.4 Stormwater Management Standards

---

### B. Stormwater Detention Requirements

- (2) Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site. ~~with Type A hydrologic soils.~~
- (3) All other development subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-

development conditions from a wooded site. ~~with Type A hydrologic soils.~~

### 7.3.5 Alternative Stormwater Plans

#### B. Allowable Deviations

##### (2) Reduced Stormwater Detention Requirements

Development subject to the standards in Section 7.3.34.B may reduce the design capacity of required stormwater management devices provided:

- (b) An Alternative Downstream Drainage Capacity Analysis demonstrates the ~~downstrates~~ the downstream drainage capacity exceeds the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site. ~~with a Type A hydrologic soils.~~

**Items 6 & 7:** That Table 4.3.2.E: Table of Common Accessory Uses is amended by adding the underlined language and deleting the strikethrough language:

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES																	
<ul style="list-style-type: none"> <li>• P = Permitted by-right    Z= Zoning Compliance Permit    U = Use Permit</li> <li>MP = Allowed with master plan    blank cell = Prohibited</li> </ul>																	
ACCESSORY USE TYPE	ZONING DISTRICT															ADDITIONAL REQ. (4.3.-----)	
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O

**TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES**

- P = Permitted by-right    Z= Zoning Compliance Permit    U = Use Permit  
MP = Allowed with master plan    blank cell = Prohibited

ACCESSORY USE TYPE	ZONING DISTRICT															ADDITIONAL REQ. (4.3.-----)	
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
Accessory Dwelling Unit		Z	Z+ U	Z+ U	Z+ U	Z+ U	Z	Z	Z	P	P			MP	MP	MP	3.A
Land Application of Sludge or Septage		U				U							U				3.0

**Item 8:** That Section 4.3 Accessory Use Standards is amended by adding the following underlined language:

### 4.32 General Standards and Limitations

#### C. Approval of Accessory Uses and Structures

- (1) Except for piers, docks, boat houses, boat lifts, dune decks or beach access ways, a single storage shed (for the upkeep of a lot), ponds or borrow pits, and community agriculture, no accessory use shall be located on a lot prior to development of an associated principal use.

**Item 9:** That Section 10.3 Rules of Measurement is amended by adding the following underlined language, deleting the strikethrough language, and updating Figure 10.3.6, Height Measurement as shown:

### 10.3.4 Required Setbacks

#### C. Allowable Setback Encroachments

- (1) **Building and Site Features**
  - (b) ~~Uncovered Porches, decks, patios, steps, sidewalks, and similar at-grade site features that do not impede the flow of stormwater may encroach into a required setback by up to:~~ may encroach into a required setback provided they are uncovered, do not extend above the first habitable floor of the building, and do not impede the flow of

stormwater. These site features may encroach into a required setback by up to:

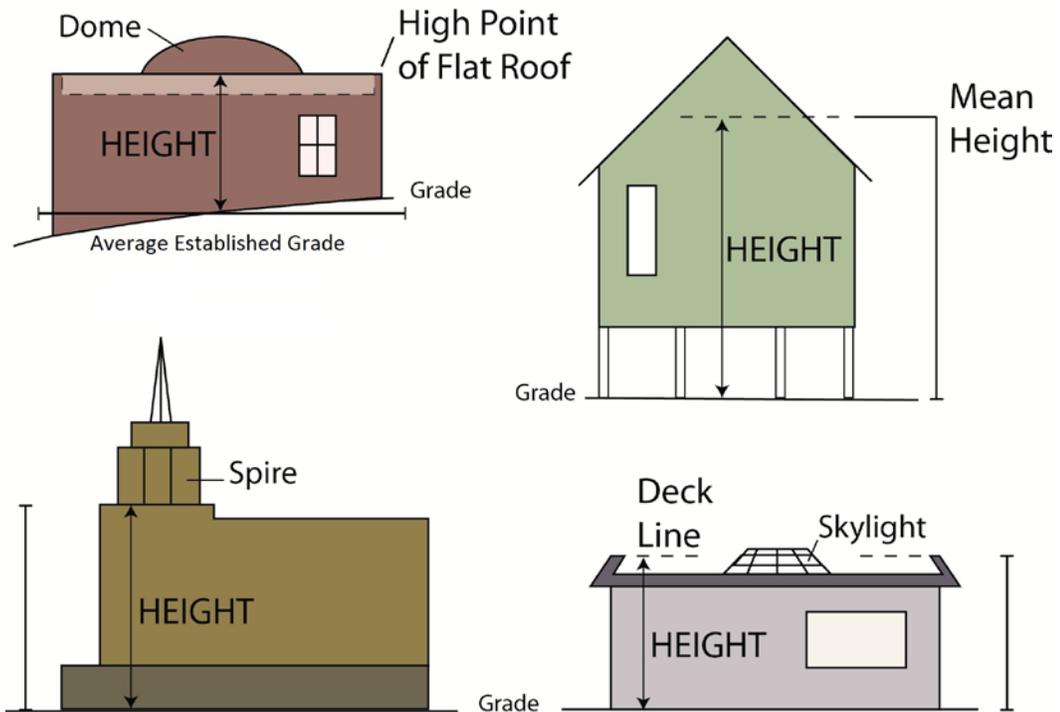
- (i) Three feet for impervious site features; or
- (ii) Five feet for pervious site features.

## 10.3.6 Height

### A. Definitions/Measurement

#### (1) Building Height

The vertical distance measured from the average established grade at the corner of a front of a building adjoining the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs (see Figure 10.3.6, Height Measurement).



**(2) Building Story**

The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. ~~Typically, story height in a residential structure is nine feet per story, and story height in a non-residential structure is twelve feet per story.~~ Building stories shall comply with all the applicable standards from the North Carolina State Building Code.

**B. Height Requirements**

~~(2) No building shall contain more than three habitable stories.~~

**Item 10:** That Section 3.5.8.F and Section 3.5.9.F, Dimensional Standards of the Light Industrial (LI) District and Heavy Industrial (HI) District is amended by deleting the strikethrough language and renumbering accordingly:

F. DIMENSIONAL STANDARDS					
Max. Gross Density (du/ac)	N/A	●	Min. Major Arterial Street Setback (ft) [4]	50	●
Max. FAR (%)	0.40	●	Min. Side Setback (ft) {5}	15	●
Min. Lot Area (sf ft)	60,000	●	Min. Rear Setback (ft) {5}	25	●
Max. Lot Area (acres)	N/A	●	Min. Agricultural Setback (ft) [6]	50	●
Min. Lot Width, Interior Lot (ft)	125 [1]	●	Min. Accessory Use Setback (ft)	20	●
Min. Lot Width, Corner Lot (ft)	135	●	Min. Driveway/Parking Setback (ft)	10	●
Max. Lot Depth (ft)	[2]	●	Min. Fill Setback from all Lot Lines (ft)	10	●
Max. Lot Coverage (%)	65	●	Min. Wetland/Riparian Buffer (ft) [6]	50	●
Min. Front Setback (ft)	20	●	Max. Building Height (ft) [7]	35	●
Min. Corner Side Setback (ft) [3]	20	●	Min. Spacing Between Principal Buildings (ft)	10	●
[1] All lots shall maintain a minimum street frontage of 35 feet			[6] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater		
[2] Lot depth shall not exceed four times the lot width			[7] Some site features are exempted from height limits		
[3] Driveways shall provide access from street with less traffic					
[4] Metal siding is prohibited on building facades facing major arterial streets					
[5] <del>Setback is doubled when abutting a residential district</del>					

**Item 11:** That Section 5.6 Community Form Standards is amended by adding the following underlined language:

## 5.6.2 Applicability

### E. Exemptions

- (3) In addition to exemptions listed in (2) above, subdivisions of five or fewer lots shall be exempted from Section 5.6.10, Sidewalks and Pedestrian Circulation.

## 5.6.10 Sidewalks and Pedestrian Circulation

### A. Location

Sidewalks shall be required on both sides of all streets, except:

- (1) In the AG and SFR districts, and in subdivisions of five or fewer lots (where no sidewalks are required);

**Item 12:** That Section 10.5 Definitions is amended by adding the following underlined language and deleting the strikethrough language:

### SUBDIVISION, FAMILY

A subdivision where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., child, grandchild) and the division of lots may occur at a rate not greater than one lot per year up to a maximum of five lots.

### SUBDIVISION, MINOR

The division of land into five or fewer lots that does not constitute a no review subdivision. when:

- a. ~~the subdivision does not constitute a no review subdivision; and~~  
b. ~~the subdivision fronts an existing NCDOT-maintained public street or private access street.~~

**Item 13:** That Section 2.3 Standard Procedures is amended by adding the following underlined language and deleting the strikethrough language:

### 2.3.3 Community Meeting

---

#### D. Procedure

If a community meeting is held by the applicant, it shall comply with the following procedures:

##### (2) Notice Content

- (c) ~~The notices shall state~~ identify the date, time, and place of the meeting and applicant contact information ~~general nature of the development proposal.~~

### 2.3.6 Public Hearing Scheduling and Public Notification

---

#### B. Public Notification

All development applications shall comply with the North Carolina General Statutes, the provisions listed in Table 2.3.6.B, Public Hearing Notification Timing Requirements, the provisions of this section, and the other provisions of this Ordinance with regard to public notification.

##### (4) Posted Notice Requirements

Except for community meetings, when the provisions of this Ordinance require that notice be posted by the applicant on the land subject to the application, posted notice shall be made by the Planning Director, and shall comply with the following:

- (b) The content and form of the notice shall comply with ~~subsection 2.3.6.B.5, Notice Content,~~ and the North Carolina General Statutes.

##### (5) Notice Content

All notices for public hearings ~~provided, unless expressly noted otherwise, whether done~~ by mail (mail notice); or publication (publishing in a newspaper or general circulation in the county), ~~or posting~~ shall:

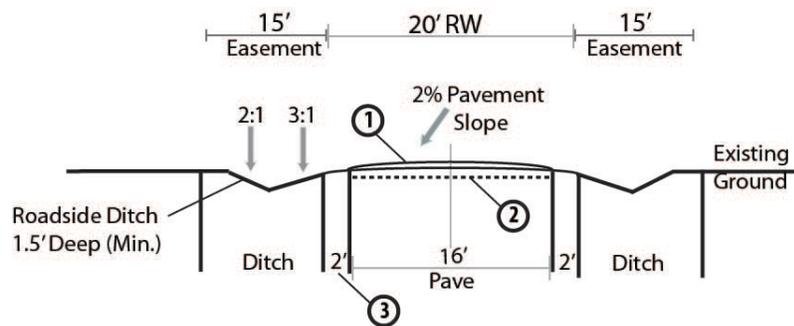
- (a) Identify the date, time, and place of the public hearing;
- (b) Describe the land involved by street address or by its relationship to a fronting street and the nearest cross street (if applicable), and its size (except posted notice);
- (c) Describe the nature and scope of the proposed development or action; and
- (d) State that substantial changes in the proposal may be made following the public hearing.

**Item 14:** That Section 6.1.4 Homeowners or Property Owners Association Requirements is amended by deleting the strikethrough language:

**F. Transfer of Maintenance Responsibility**

- (3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:
  - ~~(b) — The subdivider provides an affidavit or resolution signed by the association president that accepts maintenance responsibility for the subdivision; and~~

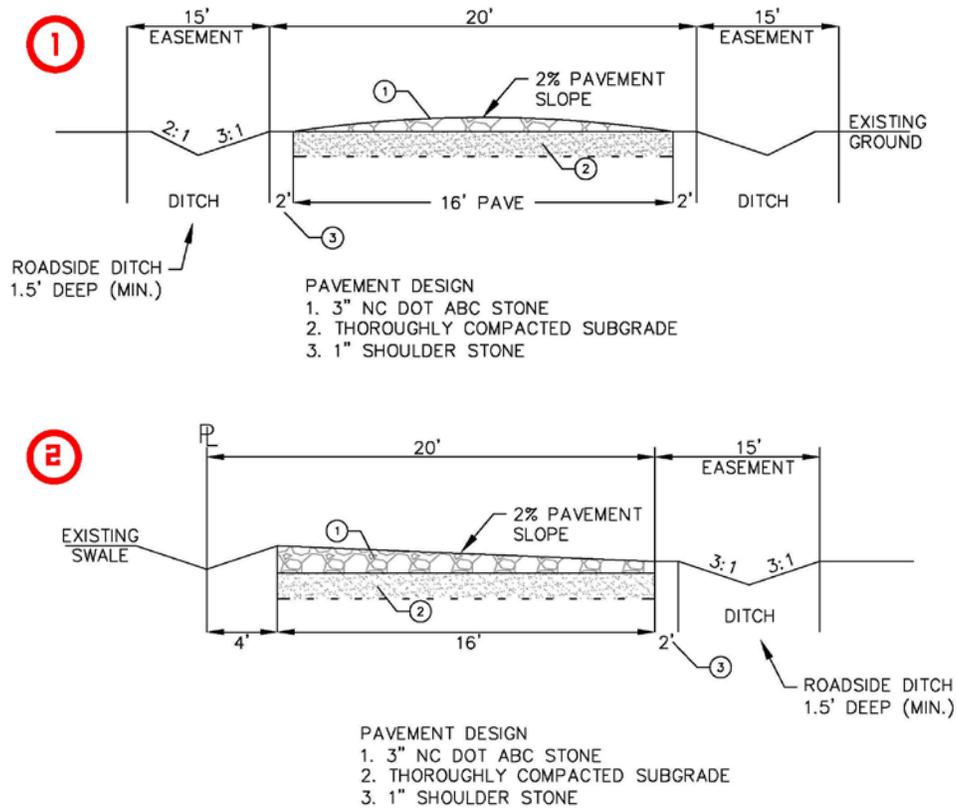
**Item 15:** That Figure 6.2.1.B: Private Access Street Standards is amended by deleting the following figure:



- Pavement Design**
- ① 3" NC DOT ABC Stone
  - ② Thoroughly Compacted Subgrade
  - ③ 1" Shoulder Stone

And replacing it with the following figure:

**Figure 6.2.1.B: Private Access Street Standards**



**Item 16:** That Section 2.4.14 Variance is amended by adding the following language:

**D. Variance Review Standards**

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

- (1) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;

- (2) The hardship relates to the applicant’s land, such as location, size, or topography, rather than personal circumstances;
- (3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
- (4) The hardship is not the result of the applicant’s own actions; ~~and~~
- (5) The variance will not authorize the initiation of a nonconforming use of land; and
- (6) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

**Item 17:** That Section 5.8 Nonresidential Design Standards is amended by adding the following language and deleting the strikethrough language:

## **5.8.2 Applicability**

---

### **A. General**

- (1) Unless exempted in accordance with Section 5.8.2.D, Exemptions, the standards in this section apply to all new ~~nonresidential and mixed-use~~ development located within the GB, LB, CC, VC, and MXR zoning districts.

### **D. Exemptions**

~~Industrial~~ Residential, Institutional, and Agricultural development, development subject to the standards in Section 5.7, Multi-Family Design Standards, and development subject to the standards in Section 5.9, Shopping Center Design Standards, shall be exempted from the standards of this section.

### **E. Community Compatibility Standards**

~~Nonresidential~~ Commercial, industrial, mixed-use, and multi-family development located adjacent to single-family detached development shall also be subject to the community compatibility standards in Section 5.10.

### 5.8.3 Nonresidential Design Standards

---

All ~~commercial, office, and mixed-use~~ development subject to this section shall comply with the following standards:

**Item 18:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 19:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_

ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 14-21 Currituck County: A request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to require all new subdivisions and nonresidential development to be connected and serviced by the county water supply system when located within the formulated distance for connection and require performance guarantees when the proposed development exceeds the formulated connection distance.

## Brief Description of Agenda Item

The enclosed text amendment initiated by the Currituck County Board of Commissioners is intended to amend the county's recently adopted water supply standards text amendment. The Board adopted an ordinance at their August 4, 2014 meeting that requires all new subdivisions and multifamily development to connect to the county water supply system (excluding family subdivisions and lots in the Fruitville and Moyock–Gibbs Woods Townships). This ordinance was adopted with an effective date of March 1, 2015.

The enclosed revision to the mandatory connection ordinance will restore the connection formula that was included in the original water supply ordinance. The connection formula creates a proportional connection requirement based on total number of lots and proximity to the county water system. If a development is not required to connect under the formula requirement, a cash deposit is required to cover the proportional cost of the future connection to the county water supply system.

Planning Board Meeting 9.9.14

The Planning Board recommended approval of the text amendment as presented.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody



## Currituck County

Planning and Community Development Department  
Planning and Zoning Division  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
252-232-3055 FAX 252-232-3026

To: Board of Commissioners  
From: Planning Staff  
Date: October 6, 2014  
Subject: PB 14-21 Water Supply Standards Text Amendment

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The enclosed text amendment initiated by the Currituck County Board of Commissioners is intended to amend the county's recently adopted water supply standards text amendment. The Board adopted an ordinance at their August 4, 2014 meeting that requires all new subdivisions and multifamily development to connect to the county water supply system (excluding family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships). This ordinance was adopted with an effective date of March 1, 2015.

The enclosed revision to the mandatory connection ordinance will restore the connection formula that was included in the original water supply ordinance. The connection formula creates a proportional connection requirement based on total number of lots and proximity to the county water system. If a development is not required to connect under the formula requirement, a cash deposit is required to cover the proportional cost of the future connection to the county water supply system.

The purpose of the amendment is to establish a policy for potable water main extensions and connections that provides customers with a safe, high quality and reliable water supply while adequately maintaining existing infrastructure and services. Additionally it is the intent of this proposed ordinance to:

- Ensure water main extensions occur in a manner that support sound fiscal management and economic growth while protecting the county's rural character;
- Support development with sufficient potable water and fire suppression infrastructure capacity to serve existing customers while sustaining the ability to serve projected future growth;
- Ensure the costs of infrastructure, facilities and services related to the demand created by new growth and development is borne, in equal proportion, by those creating the additional demand; and
- Encourage development in targeted growth areas, adequately served by existing or planned infrastructure, consistent with the Land Use Plan.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; because it continues to focus water service in existing developed areas and in nearby targeted growth areas (POLICY WS3); and results in a logical and orderly development pattern.

The Planning Board *recommended approval* of the text amendment as presented.

**PLANNING BOARD DISCUSSION (9-9-14)**

Ms. Glave provided an overview of the memo to the Planning Board.

Mr. Clark closed the public hearing.

**ACTION**

Mr. Clark moved to approve PB 14-21 as presented, to remove the requirement that all new developments must connect to county water, replacing that language with the current formula in the Unified Development Ordinance (UDO) based on the distance that new development is to an existing county waterline, and an effective date of March 1, 2015. Mr. Craddock seconded the motion and motion carried unanimously.

**PB 14-21**  
**UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to require all new subdivisions and multi-family development to be connected and serviced by the county water supply system.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

**D. Water Supply Standards**

**(1) Water Supply System Required**

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.
- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships, all new subdivisions and ~~multi-family~~ nonresidential development shall be connected and serviced by the county water supply system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit.  

Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).
- (d) In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.
- (e) Where the distance to the closest existing county water main exceeds the formula in (c) above the developer shall submit a performance guarantee in the form of a cash deposit for future

water improvements in an amount equal to 115 percent of the estimated full cost of completing the required improvements, including the costs of materials and labor. Improvements include, but are not limited to, the water main (required extension distance), laterals, service lines, meter boxes, yokes, and fire hydrants.

- (f) The maximum connection distance for nonresidential uses shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (c) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day.

Example: a proposed nonresidential use is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 residential units ( $7,500/250 = 30$ ), and the use shall connect if it is located 1,400 feet or less from an existing water main ( $10 \text{ units} \times 100 + (20 \text{ units} \times 20)$ ).

- (g) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

**(2) Connection to County Water Supply System**

- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system.
- (b) The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity. In no instance shall a water main serving a fire hydrant be less than eight inches in diameter.
- (c) Water mains shall be installed within street right-of-ways or dedicated utility easements.
- (d) The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans.

- (e) If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build out.
- (f) Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate.
- (g) The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains.
- (h) The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.

**(3) Connection Fees**

All connection fees shall be paid for each lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 3:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 Board of Commissioners' Chairman  
 Attest:

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Clerk to the Board

DATE ADOPTED: \_\_\_\_\_

MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_

SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

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PLANNING BOARD DATE: \_\_\_\_\_

PLANNING BOARD RECOMMENDATION: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

AMENDMENT NUMBER: \_\_\_\_\_



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Consideration & Action for a 5-year fuel purchasing contract from Eastern Aviation Fuels, Inc

## Brief Description of Agenda Item

The Currituck County Regional Airport currently purchases 100-LL Jet A and AvGas from Eastern Aviation Fuels, Inc without any contractual agreement. The County has been a customer of Eastern Aviation for approximately 25 years and generally maintains a strong relationship with its billing, sales and delivery staff. We are pleased with their service.

In 2008, the Airport entered into a contract to lease a fuel truck from Eastern Aviation to service the growing number of charter and private jet traffic, as fueling from the pumps can be difficult if not impossible due to the size of the aircraft but also limitations on the pumps and hoses. In 2011, this fuel truck lease payment amount was reduced at Currituck County's request. It is noted that the County's contract for the fuel truck with Eastern Aviation is responsible for general wear and tear items for the truck, but not major replacements like tanks, engines, axles, etc.

In 2013, the County again approached Eastern Aviation, requesting that the truck be provided to the County free of charge, but without the full burden of ownership maintenance costs. The County is made this request based on several years of increased JetA fuel sales from the truck and continued benefit to Eastern Aviation from these increased sales. Eastern Aviation sales representative Eddie Baab provided the County with a proposal to obtain the truck for an annual cost of \$100, in exchange for a 5-year commitment to purchase JetA and AvGas from Eastern Aviation.

The fuel contract Board of Commissioners today states that the County will purchase all JetA and AvGas fuels from Eastern Aviation Fuels, Inc for a period of five years. The contract does not specify fuel pricing as it is incredibly volatile. In exchange for this 5-year commitment to purchase exclusively from Eastern Aviation, the fuel truck contract will be reduced to \$100 annually from \$7,200 annually.

Airport and Economic Development staff are recommending that the Board of Commissioners approve this contract.

Board Action Requested

Action

Person Submitting Agenda Item

Peter Bishop, Director of Economic Development (if required)

Presenter of Agenda Item

Peter Bishop, if required

**STATE OF NORTH CAROLINA**

**COUNTY OF CURRITUCK**

**AVIATION FUELS CONTRACT**

THIS AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between EASTERN AVIATION FUELS, INC. of New Bern, North Carolina, hereinafter called "Seller" and the County of Currituck, North Carolina, hereinafter called "Buyer" as follows:

1. Seller agrees to sell and deliver, and Buyer agrees to purchase, receive and pay for from Seller, Buyer's entire requirements of aviation fuels for use or resale at the Currituck County Regional Airport, at or near Currituck, N.C.

2. TERM: This contract shall remain in force for a period of Five (5) years beginning on the \_\_\_\_ day of \_\_\_\_\_, 2014, until terminated by either party upon notice in writing given at least sixty days before the end of any such five (5) year period.

3. DELIVERIES: The aviation fuels sold and purchased hereunder shall be the regular grade or grades of aviation fuels as currently supplied by EASTERN AVIATION FUELS, INC. and deliveries to Buyer hereunder shall be by tank truck at the place of business of Buyer at said Airport in approximately even quantities in such amounts (not less than I.C.C. minimum delivery at any one time) and at such times during business hours as Buyer may direct. It is understood that Seller's obligation hereunder is limited to such grade or grades of aviation fuels as are distributed by Seller, at the time and place of delivery hereunder.

4. PRICING: Buyer agrees to pay for the aviation fuels covered by this contract at Seller's posted dealer price. As herein used, the words "Seller's posted dealer price" mean the price posted and displayed at the time of delivery, at Seller's office at location shown in paragraph 13 hereafter.

5. TERMS: , Buyer agrees to pay for all such aviation fuels via EFT (Electronic Funds Transfer) 10 days from invoice date. Seller reserves the right to withdraw these terms and demand certified cash payments on delivery without assigning any cause for such action. The failure or refusal of Buyer to comply with the requirements which the Seller may impose hereunder as to payment shall entitle the Seller to suspend delivery pending such failure or refusal or to terminate this agreement forthwith. The suspension or termination of this agreement because of the failure of Buyer to perform any of the agreements herein contained shall not in any way prejudice Seller's other rights hereunder.

6. TAXES, FEES, AND AIRPORT CHARGES: Any tax or other charge imposed by any governmental authority or other agency upon the commodity herein sold, or on the production, sale, transportation, or delivery thereof, or any feature thereof or of this agreement, existing at the time of delivery thereunder, shall be added to the price hereunder and paid by Buyer.

7. FAILURE TO PERFORM: If Seller's supplier should at any time during the life of this contract discontinue the marketing of any or all grades of aviation fuels in Buyer's territory, Seller shall be relieved of all obligation to sell or deliver such discontinued grade or grades to Buyer and Buyer shall be at liberty to purchase such discontinued grade or grades from other sources.

8. CONDITIONS: All orders hereunder will be filled with reasonable promptness, but it is mutually agreed that Seller shall not be obligated to furnish goods hereunder, nor be liable in damages for failure to do so, in the event acts of God, strikes, difficulties with its workers, lockouts, fires, foreign or domestic governmental authority, war conditions in this and any foreign country, accident, delays by railway or other methods of transportation, or other causes beyond its control, shall render it impossible for Seller to do.

9. TRADEMARKS: Seller grants to Buyer a nonexclusive, non-transferable right to use the "Shell Aviation" brand or licensed trademark in connection with the sale of Aviation Fuel at Buyer's FBO. Buyer will conform to the branding rules of usage set forth by Seller. Nonconformance to these rules will result in the de-branding of the Buyer's FBO.

10. HEALTH, SAFETY & ENVIRONMENTAL ("HS&E") COMPLIANCE:

(a) Product Handling - Buyer shall exercise extreme caution in the storing, handling, and dispensing of Aviation Fuel, including daily inspection of all storage and dispensing equipment to prevent or eliminate contamination in any form, including commingling with other fuels. Buyer shall, immediately notify Seller of any instance of Aviation Fuel contamination or commingling with other fuels.

(b) Environmental Compliance - Buyer shall observe any and all federal, state, and municipal laws, ordinances, rules and regulations, user permits, and the like pertaining to the composition, handling, storage and dispensing of Aviation Fuel purchased hereunder including, without limitation, any and all laws, ordinances, rules and regulations pertaining to the volatility or vapor pressure of Aviation Fuel and the storage of same in aboveground or underground storage tanks. Buyer shall comply with any reasonable program instituted by Seller to assure compliance with any such laws, ordinances, rules and regulations.

11. INSURANCE TO BE MAINTAINED BY BUYER: Buyer shall purchase and maintain at Buyer's expense the following insurance coverage in order to be a branded Shell

Aviation FBO:

(a) Commercial General Liability Insurance, including premises and operations as well as products/completed operations liability for aviation products and refueling operations with minimum limits of five hundred thousand dollars (\$500,000) without restrictive per person sub-limits for bodily injury and/or property damage.

(b) Name both Shell Aviation, d.b.a. Shell Oil Products Company U.S., LLC and Eastern Aviation Fuels, Inc., as additional insured parties with respect to liability arising from Buyers aviation operations. Operations including refueling, de-fueling and/or lubrication of aircraft.

Excess Aviation Refueling Liability Insurance in the amount of 50 million dollars (\$50,000,000) will be provided Buyer free of charge provided Buyer secures and maintains said underlying insurance.

In the event Buyer is able to secure said insurance, only with \$100,000 per-person sub-limits for bodily injury Buyer will be permitted to be a branded Shell Aviation FBO, but will not be eligible for the 50 million excess liability insurance program.

Buyer may elect not to participate in the Excess Aviation refueling Liability Insurance program, but will be required to maintain insurance meeting the above criteria to be a branded Shell Aviation FBO.

12. **NOTICES:** Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by certified or registered mail, return receipt requested:

13. **INCENTIVES:** With the signing of this contract, Eastern Aviation Fuels agrees to lease to Currituck County its current Refueler or replacement at the rate of \$100.00 per year for the term of the contract.

**SELLER: EASTERN AVIATION FUELS, INC.**  
Post Office Box 12327  
New Bern, North Carolina 28561

**BUYER: COUNTY OF CURRITUCK, NORTH CAROLINA**  
Attention: Ike McRee, County Attorney  
153 Courthouse Road, Suite 204  
Currituck, NC 27929

14. **MERGER:** There is no arrangement, agreement or understanding, by or between

the contracting parties expressed or implied in any manner relating to the subject matters hereof nor herein specifically stated, and this Agreement shall not be altered or amended except in writing signed by both Buyer and Seller.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**EASTERN AVIATION FUELS, INC.**

By: \_\_\_\_\_  
Robert L. Stallings, III, President

WITNESS: \_\_\_\_\_

**COUNTY OF CURRITUCK, NORTH CAROLINA**

By: \_\_\_\_\_

WITNESS: \_\_\_\_\_



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Board Appointments-Economic Development Advisory Board

## Brief Description of Agenda Item

Possible appointment of Economic Development Advisory Board members to some or all of remaining four vacancies requiring Board consent.

## Board Action Requested

Action

## Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

## Presenter of Agenda Item

Chairman-Board Consent

ECONOMIC DEVELOPMENT ADVISORY BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Martha Burns	District 1		Vance Aydlett	3/17/14	1st March 2016
Ray Griggs	District 2		David Griggs	3/17/14	1st March 2016
Al Marzetti	District 3		Butch Petrey	4/7/14	1st March 2016
Greg Laput	District 4		Paul Beaumont	4/7/14-by McCord	1st March 2016
Rose Thompson	District 5		Marion Gilbert	3/17/14	1st March 2015
Barbara Courtney	At-Large		Paul Martin	3/17/14	1st March 2015
Sam Miller	At-Large		Paul O'Neal	3/17/14	1st March 2015
**					1st March 2016
**					1st March 2016
**					1st March 2015
**					1st March 2015

\*\*Four vacancies to be filled. Note two terms will expire in March, 2015  
Please denote term expiration dates for each appointee.



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Approval of Minutes

## Brief Description of Agenda Item

Approval of minutes for Regular meeting of the Board of Commissioners, October 6, 2014.  
Approval of minutes for Special Meeting, Work Session, held September 25, 2014.

## Board Action Requested

Action

## Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

## Presenter of Agenda Item

Consent Agenda



## **CURRITUCK COUNTY NORTH CAROLINA**

September 25, 2014

### **Special Meeting-Work Session Minutes**

Board of Commissioners

The Currituck County Board of Commissioners held a Special Meeting of the Board at 1 PM in the Conference Room of the Historic Courthouse. The purpose of the Special Meeting was to hold a Work Session to discuss issues related to a Wastewater Connection Policy.

The following Board members were present: Chairman O'Neal, Vice-Chairman Martin and Commissioners Aydlett, Griggs, Petrey and Beaumont. Commissioner Gilbert was unable to attend. Staff included County Manager Dan Scanlon, County Attorney Ike McRee, County Engineer Eric Weatherly and Planning Director Ben Woody.

Mr. Woody began with an overview of the recent growth in the Moyock area, and stated today's goal is for the Planning Department to receive direction on how to move forward with regard to density and development. The different Land Use categories were reviewed and percentages of each category present in Currituck County and Moyock.

Mr. Woody talked of "Rural Character", and began an interactive power point with which the Commissioners were able to vote on their perceptions of what "rural character" is to them. Mr. Woody moved into a discussion of density, showing subdivision plats with equal density but different lot sizes and open-space designs, and asked the Board members to vote on which represented their view of appropriate development.

County Manager Dan Scanlon spoke a bit on the effects density and design can have on County services, summarizing that more road miles equal a higher cost per unit to provide services.

Mr. Woody reviewed the density calculations based on the current land use plan as being the number of dwellings per acre. He reviewed zoning tools, situations that can affect allowable density, and suggested alternatives and modifications the County could adopt.

Stormwater was discussed relevant to drainage and development. Central sewer's possible effects on density and whether or not a subdivision might realize more lots when considering soil requirements with sewer hookup were debated.

A discussion began on residential and business growth and how zoning tools are used to manage growth, along with discussion on development of a uniform policy for sewer hookup. Use of wetlands in density calculations was addressed by Vice-Chairman Martin, and Chairman O' Neal discussed the need for consistency, finding out what the public wants, and adopting appropriate changes.

Mr. Scanlon explained developers are questioning whether projects will be approved, even though the rules have been followed, and said there is no flexibility to change them the night of the meeting.

Chairman O'Neal suggested letting the election play out before sending staff to work out a plan that might change based on election results, and wants to hear from constituents and the new Commissioners before moving forward.

Commissioners decided to put the tabled transition plan discussion on the second meeting in November.

Chairman O'Neal and Commissioner Beaumont both excused themselves from the Work Session at 3 PM.

Vice Chairman Martin introduced Troy Moser and offered him an opportunity to speak to discuss the permitting and issues regarding his shooting club. Mr. Moser said he is operating within the use that is permitted. Discussion of the Unified Development Ordinance and what constitutes an Outdoor Shooting Range along with personal vs. private use ensued. It was determined that the range can be used for personal use until a permit is issued allowing other uses.

With there being no further business Commissioner Petrey moved to adjourn and was seconded by Commissioner Griggs. The motion carried unanimously.



**CURRITUCK COUNTY  
NORTH CAROLINA**

October 6, 2014  
Minutes  
Meeting of the Board of Commissioners

The Board of Commissioners met in the Historic Courthouse Conference Room at 6:00 PM for a Work Session presented by the Inspections Department. Building Inspector Bill News gave a powerpoint presentation explaining Soil Engineering and a new map that was developed which denoted the different types of soils within the County, which can be used as a tool to determine whether soil engineering will be required. The goal is to determine requirements before the footers are dug, which will save time and money for both homeowners and contractors. Mr. News said the map is available for viewing on the County website.

The Board of Commissioners met at 7:00 PM for a regularly scheduled meeting in the Board Meeting Room of the Historic Courthouse with the following members present: Board Chairman Paul O'Neal, Vice-Chair Paul Martin, and Commissioners Gilbert, Petrey and Griggs. Staff included County Manager Dan Scanlon, County Attorney Ike McRee and Planning Director Ben Woody.

Chairman O'Neal called the meeting to order at 7 PM, announced the earlier Work Session and recognized the absence of Commissioner Beaumont and Commissioner Aydlett.

**A) Invocation**

Reverend Brian Wingo of Pilmoor United Methodist Church gave the invocation.

**B) Pledge of Allegiance**

Reverend Brian Wingo also led the Pledge of Allegiance.

**C) Approval of Agenda**

Commissioner Martin moved to approve the agenda. Commissioner Gilbert seconded and the motion carried unanimously.

**Approved Agenda**

**Work Session**

6 PM Soil Engineering

**7:00 pm Call to Order**

A) Invocation-Reverend Brian Wingo, Pilmoor United Methodist Church

- B) Pledge of Allegiance- Rev. Brian Wingo, Pilmoor United Methodist Church
- C) Approval of Agenda
- D) Public Comment

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

### **Administrative Reports**

- A) **Representative Bob Steinburg, NC State House of Representatives- Legislative Update**

### **Public Hearings**

- A) **Public Hearing and Action: PB 14-15 Saddlebrook Estates** PB 14-15 Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.
- B) **Public Hearing and Action: PB 04-48 Indian Ridge Estates** PB 04-48 Indian Ridge Estates, Phase 2: Request for a preliminary plat/amended use permit for five additional lots in an existing conservation subdivision located in Shawboro on the south side of Shawboro Road, Tax Map 34, Parcel 24J, Crawford Township.
- C) **Public Hearing and Action: PB 14-20 Shingle Landing Townhomes** PB 14-20 Shingle Landing Townhomes: Request a conditional rezoning of 4.03 acres from General Business (GB) to Conditional District – Mixed Residential (C-MXR) on property located in Moyock on the north side of Moyock Landing Drive, Tax Map 9, Parcel 029T, Moyock Township.

### **New Business**

- A) **Deed of Easement for Through the Fence Operations by Brady Landing, Maple**
- B) **Resolution Authorizing Upset Bid Process-Garage/Workshop located at 167 Maple Road, Maple**
- C) **Airports Block Grant-Fuel System Improvements and Upgrades**
- D) **Board Appointments:**
  - 1. Whalehead Trust, Library, and Tourism Advisory Board
- E) **Consent Agenda:**
  - 1. Approval of Minutes for September 15, 2014
  - 2. Budget Amendments
  - 3. CDBG Monthly Status Report
  - 4. Letter in Support of the Appointment of Janet Rose to the Marine Fisheries Commission
  - 5. Community Rating System-Annual Recertification
  - 6. Resolution of Intent to Consider Permanent Closure of a Portion of Coral Lane, Walnut Island Subdivision, Block 2, Section 7
  - 7. Ordinance for Condemnation of Property: 135 Alberta Street, Jarvisburg
  - 8. Resolution Opposing the Proposed Changes to the Rule Defining "Waters of the US"

- F) **Commissioner's Report**
- G) **County Manager's Report**

Adjourn

#### **D) Public Comment**

Chairman O'Neal opened the public comment period.

Mary Etheridge, Shawboro, spoke of the litigation she and her family have been in with the County since 2011, and stated the North Carolina Court of Appeals decision said the County was wrong. Ms. Etheridge said Commissioners won't take the blame and feel the County owes her nothing. She said they have had lengthy discussions in the past about the Land Use Plan and meeting the requirements, and the use being compatible with the surroundings. She questions how a junkyard got approved since it did not meet any of the County requirements.

Chairman O'Neal asked Ike McRee, the County Attorney, to speak to Ms. Etheridge's comments. Mr. McRee stated the determination by the Court of Appeals was that it was illegal spot zoning but decided the County did not exceed its legal authority or abuse its discretion, and awarded no attorney fees to the Etheridges. Appeals also affirmed the ruling. Mr. McRee stated the property is used as a recycling center, and the Land Use Plan is a guide that is flexible and supports modifications. He stated the County will abide by the Court's decision, reverting the land back to Agricultural zoning and no monies owed.

James Wheeler, Moyock, spoke of a proposed 75 lot sub-division in Moyock. Mr. Wheeler said he is concerned about the number of lots, the quarter acre lot size, and the school being already overcrowded. He believes small lots lead to cheaper homes and lower prices, drawing in young families with children. Mr. Wheeler said adding more homes to the Wastewater may also pose problems, but his main argument against development is the school overcrowding.

With no one else wanting to speak, Chairman O'Neal closed the Public Comment period.

#### **Administrative Reports**

##### **A) Representative Bob Steinburg, NC State House of Representatives- Legislative Update**

Chairman O'Neal introduced NC State Representative Bob Steinburg, who presented an overview of accomplishments during this year's legislative session of the General Assembly. Mr. Steinburg spoke of tax reform legislation, and the legislature's move towards eliminating State income tax and reducing corporate tax rates for business. He addressed area highway transportation, and spoke of Governor McCrory's Transportation Initiative, it's inclusion of rural areas, and addressed our summer traffic issues. He announced a public meeting to be held in Currituck County in December, where citizen comments will help leaders gain insight as to the issues residents deal with during the summer months and how they might be resolved. Mr. Steinburg said a major fix is needed, and said he is confident the Mid-Currituck bridge will be built, although it is still many years away. He discussed the success of the NC State Pension Plan, and said Treasurer Janet Cole was recently awarded as the best investor in the country.

Mr. Steinburg addressed education, stating that Common Core will be revised. He said more money is now being spent on education in spite of the decrease in Federal funding, and spoke of increases in teacher pay in an effort to reduce the turnover of new teachers. North Carolina moved from 46<sup>th</sup> to 32<sup>nd</sup> in teacher pay, and every teacher received a raise, he said.

Mr. Steinburg addressed state regulations, restructuring of debt and unemployment, and said our system did not offer incentives to work. He talked of the effort of leaders in Raleigh to be good stewards of citizens' tax dollars. Other legislation included the abolishment of the death tax and implementation of voter ID laws.

Commissioner Petrey thanked Representative Steinburg for his assistance with keeping out Ferry System toll-free.

Commissioner Martin asked about the plans to change the grading scale in schools from a 7 point to a 10 point scale. Mr. Steinburg said that nothing at this point is set in stone with regard to the education curriculum, as development is in process. He stated he advocates for credit history classes, and believes all children should learn American history. Commissioner Martin agreed as a former History teacher.

Commissioner Griggs spoke of summer traffic, particularly in lower Currituck, and the fact that residents are held hostage, businesses can't open, and its impact on economic development in the area. He addressed safety issues and impact on emergency response times and suggested a diminished quality of life for residents. Commissioner Griggs noted the situation worsens each year and thanked Mr. Steinburg for anything he might be able to do in Raleigh to help. Representative Steinburg referred to a recent meeting with Secretary of Transportation Tata where many ideas were discussed. He said the Secretary knows something needs to be done, and that our citizens and investment need to be protected.

Chairman O'Neal said the traffic counts are being taken now, as opposed to in the summer when traffic is at its peak. Representative Steinburg agreed the counts should take place in summer.

Chairman O'Neal thanked Representative Steinburg for coming to speak, and for all of his efforts in Raleigh for the benefit of Currituck County.

## **Public Hearings**

- A) **Public Hearing and Action: PB 14-15 Saddlebrook Estates** PB 14-15  
Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.

All parties were sworn in, and Planning Director Ben Woody reviewed the reasons for tabling of the request at the last meeting, those being a request for installation of an 8 inch waterline in lieu of a 6 inch line, and concerns about the community water system and water quality. Mr. Woody said that well testing had been performed since the last meeting and reviewed the case:

CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: October 6, 2014  
PB 14-15 Saddlebrook Estates

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**ITEM:** PB 14-15 Saddlebrook Estates request for preliminary plat – use permit approval for a 28 residential lot conservation subdivision.

**LOCATION:** Moyock – South Mills Road, Moyock Township.

**TAX ID:** 0006-000-01N-0000

**ZONING DISTRICT:** Agricultural (AG)

**PRESENT USE:** Active Farmland/Wetlands

**APPLICANT/  
OWNER:** Saddlebrook Estates LLC  
Justin Old  
422A Caratoke Highway, Suite 2  
Moyock, NC 27958

**ENGINEER:** Bissell Professional Group  
P.O. Box 1068  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Low density residential	AG
<b>SOUTH</b>	Farmland	AG
<b>EAST:</b>	Low density residential/Farmland	AG
<b>WEST:</b>	Farmland	AG

**LAND USE PLAN**

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

**SIZE OF SITE:** 56.73 acres

**NUMBER OF UNITS:** 28 lots

**PROJECT DENSITY:** 0.49 units per acre

**RECREATION AND  
PARK AREA**

**DEDICATION:** The required recreation and park area dedication for the proposed development is .714 acres. The Technical Review Committee determined that the land dedication meets the criteria in Section 6.5.4 of the UDO; therefore, a payment in lieu of the dedication in the amount of \$3,616 shall be collected based on the land's assessed value.

**UTILITIES:** The proposed development will be served by a community water system and individual on-site wastewater.

**I. NARRATIVE OF REQUEST:**

1. The applicant is requesting preliminary plat approval and a use permit for a 28 residential lot conservation subdivision off of South Mills Road in Moyock.
2. A conservation subdivision provides additional development flexibility to build on smaller lots when additional open space set-asides are provided. The development is designed and located in a way that protects agricultural activities or natural and historic features on

the site. The developer plans to conserve 61.35% of the property. The majority of the conserved land is wetlands.

3. All 28 lots will be serviced by a community well located at the northern portion of the open space along South Mills Road. A community water service area will consist of these 28 lots plus a proposed 20 lot subdivision to be known as Backwoods Reserve across the street from this proposal.
4. No lot will have a direct connection to South Mills Road. All lots will connect to an interior street.
5. Road interconnectivity is being provided to the property to the east.
6. Similar subdivisions, Crown Point Estates, Quail Pointe, and Duck Ridge, are located near this proposal.

## II. QUESTION(S) BEFORE THE BOARD:

### **Use Permit Criteria and Staff Findings:**

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP 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 UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. The use will not endanger the public health or safety.

#### **Suggested Findings:**

- a. The subdivision should have little to no negative impact on public health or safety.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

#### **Suggested Findings:**

- a. The minimum lot size for the proposed development is 28,500 square feet, and is consistent with residential densities in the surrounding area.
  - b. The development should not injure the value of adjoining or abutting lands and be in harmony with the area.
  3. The use will be in conformity with the Land Use Plan or other officially adopted plan.
- #### **Suggested Findings:**
- a. The UDO indicates that a Type II conservation subdivision is allowed in the AG zoning district with a use permit.

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. 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. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. Clustered housing developments will need to be encouraged. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

**POLICY ES2:** NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.

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 Map.

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

The 2014 Moyock Small Area Plan also classifies this site as Rural. The policy emphasis of the Moyock Small Area Plan is to provide for low density, scattered residential, institutional, agricultural, or other traditional rural uses such as small scale farm operations. Residential densities in this designation are low at less than one unit per acre. Access to public water, fire protection, and emergency services is limited but available. The proposed use is in keeping with the policies of the Moyock Small Area Plan, some of which are:

POLICY IS 4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

POLICY CC 1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

4. 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 28 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 and the findings of fact, the Technical Review Committee recommends approval as noted:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method. (Fire Marshal)
2. At construction drawing submittal, the developer may be asked to install a larger water main along South Mills Road to support future growth of the county water system. The 6" main is being installed to support the community water system to be shared by Saddlebrook Estates and Backwoods Reserve Subdivision. (Planning)
3. There is an existing 40' drainage easement along the southern property line that contains a significant drainage ditch for Crown Point Estates. There must be a 25' working area between the ditch and the start of the required farmland buffer. Tree planting alignment may need to be altered to accommodate the work area. (Soil Conservation)

#### **IV. PLANNING BOARD RECOMMENDATION:**

Mr. Craddock moved to approve PB 14-15 due to its consistency with the 2006 Land Use Plan and consistent with the goals, objectives, and policies of the Moyock Small Area Plan, and in the public interest and promotes orderly growth and development with the following condition:

- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

Mr. Cartwright seconded the motion and motion carried unanimously.

#### **BOARD OF COMMISSIONERS (9/15/14)**

The board tabled the request so additional information from the applicant regarding water quality of the community water system.

#### **PLANNING BOARD DISCUSSION (8/12/14)**

Mr. Bissell provided an updated map which showed the conservation and development land in the subdivision. In the open space area there will be two stormwater ponds. There is an existing easement that provides drainage from Crown Point Estates into the open space. The 40' drainage easement in Crown Point will actually be within the 50' farmland buffer. The blue area in the northwest corner of the map shows the water supply wells. The community water system will go there and the state has approved it. Onsite septic systems have been approved by the health department for all the lots.

Mr. Cooper asked what the well depth is.

Mr. Bissell said around 115 feet.

Mr. Cooper asked if the drainage system will have a combination of stormwater ponds and drainage to the wetlands; or is there a main outlet leaving the property.

Mr. Bissell said there is a main outlet running along the southern property line; and the northern half of the subdivision will drain to the stormwater ponds.

Mr. Clark asked if there is any flooding that takes place on the property now.

Mr. Bissell said a couple of lots.

Mr. Craddock said that drainage would go towards the street and towards both ends of the subdivision, the east and west end, in order to get into the retention ponds.

Mr. Bissell said that is correct.

Mr. Garrett said he does not have a problem with the subdivision, but has questions about a privately owned water plant which will be controlled by the Homeowners Association. Once the plant is controlled by the Homeowners Association, does the county have the ability to force them to maintain the plant which is costly to run yearly? Mr. Garrett asked what the recovery rate on the wells is. Mr. Garrett suggested maybe a bond be required to maintain the water plant twenty years out. Mr. Garrett understood that the outlet road going across the drainage ditch was going to the Walston farm and not east. Mr. Garrett can't believe the water quality is so good that it does not require filtration.

Mr. Woody said when a developer proposes a community water system before the final plat is recorded they have to establish a water district. A water district is a political boundary which encompasses the users. The water district gives the Board of Commissioners the authority to tax these users to make necessary repairs if needed.

Mr. Cooper asked if the state is involved in any way.

Mr. Woody said this system will need to be permitted through the state.

Mr. Bissell said the state will regulate it and monthly reports to the state will be required. The state requires a water system management plan; which will have a financial plan with the operating costs, due structure, and reserves that will be required.

Mr. Garrett asked what the price range of the homes will be.

Mr. Bissell said he does not have this information.

Mr. Kennedy said he lives directly across from the subdivision in Crown Point. Mr. Kennedy is concerned that the subdivision will decrease property values, stormwater drainage, set aside land for the future widening of South Mills Road, size of lots, and not in harmony with the surrounding area.

Mr. Hanson said he is the HOA President for Crown Point representing the homeowners. Mr. Hanson said Hyman and Robey just did a survey for them and the easement which runs through the middle of the property is not on the southside of the ditch, but on the northside. This drainage ditch does go into the Guinea Mill water shed, it does not go into the marsh area, which the association does pay taxes. Mr. Hanson said access to the easement, you will see where the houses are built along this ditch and they will need access. There is a culvert where the ditch meets South Mills Road, just east of the main access to the Crown Point subdivision, this culvert needs to stay because this is how they maintain the drain. The maintenance of this drain needs to be a shared responsible. Mr. Hanson talked about the density and it would impact the value of their property. Every home in Crown Point has a filtration system because of the high levels of iron in the water. Mr. Hanson said their biggest concerns are the drainage and easement.

Mr. Elliott supports what Mr. Hanson said.

Ms. Black said she is there to represent the Rosa Walston Estate. Ms. Black said there needs to be a back-up system on South Mills Road in terms of water rate. Ms. Black said she is not confident there is enough water to supply these developments ten or fifteen years out. She does not want to raise taxes.

Mr. Bissell said they did two test wells and the water samples were suitable without filtration. The drainage design has been reviewed by the county engineering staff and Mike Doxey and approved. The drainage plan is complying with the new county stormwater rules. Mr. Bissell said they have provided a 40' strip of land between the road and lots for future road widening. The house range will be between \$200,000 to \$300,000.

Mr. Craddock said the recorded easement that runs along the southside of the property and northside of the ditch, would the developer allow the other subdivisions that have a right to this easement be allowed to enter from Derby Drive.

Mr. Bissell said yes.

Mr. Cartwright said with the new county stormwater rules in affect you are getting a better product, than when Crown Point was done.

Mr. Hanson asked since Crown Point and the new subdivision will be sharing the ditch, what will be in place for maintaining it between the two subdivisions.

Mr. Woody said that since the new subdivision is draining into the ditch, they do have an obligation to provide maintenance.

Mr. Bissell said this can be worked out.

Mr. Cartwright asked what the typical depth of a well in Currituck is.

Ms. Glave said 30' to 45'.

Mr. Craddock said when an appraisal takes place on a piece of real estate and you have a home that is on three acres, 2,500 or 3,500 sq. ft., brick home; the appraiser will not be looking at a home that may exist across the street that is 1,800 to 2,000 sq. ft. on a half-acre lot. This would not be a good comparable. Therefore, these properties will not affect your property values negatively because you have a different type of property.

Mr. Cooper said in regards to the existing 40' drainage easement there are trees buffer in there. Is this part of the requirement?

Ms. Glave said it is an ordinance requirement.

Mr. Woody said given the information that has been received regarding the easement and Crown Points rights this needs to be reviewed by staff.

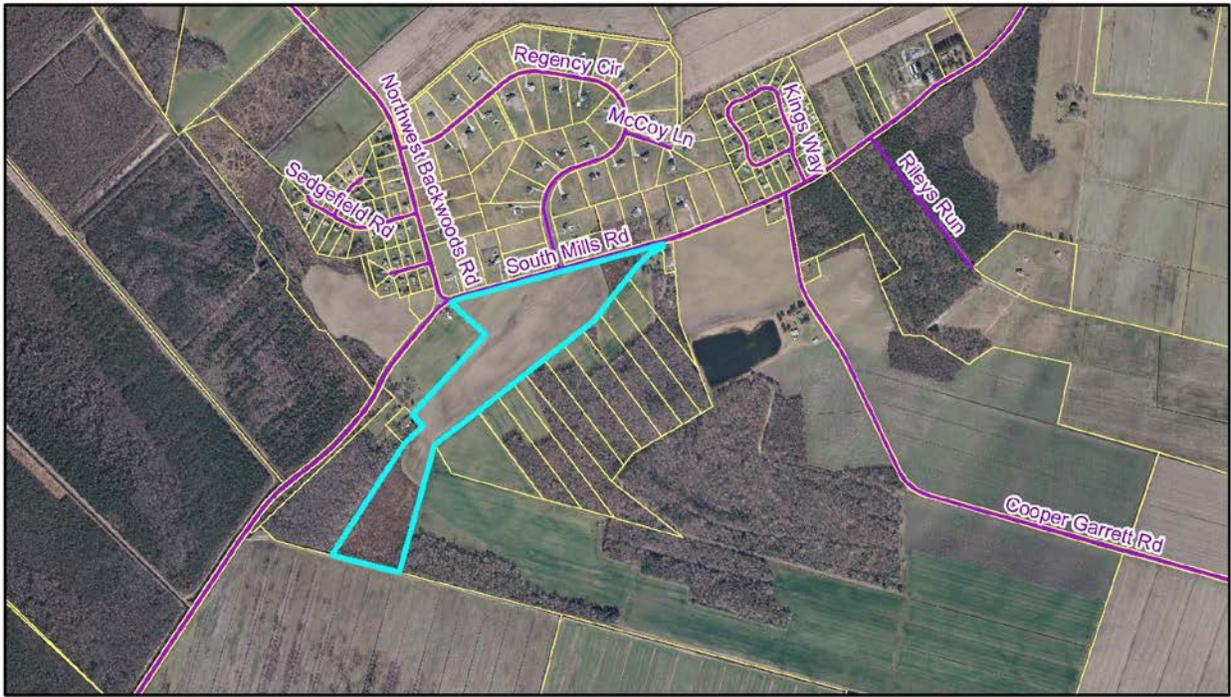
Mr. Clark closed the public hearing.

#### **ACTION**

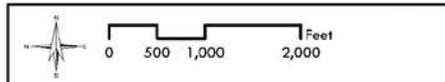
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- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

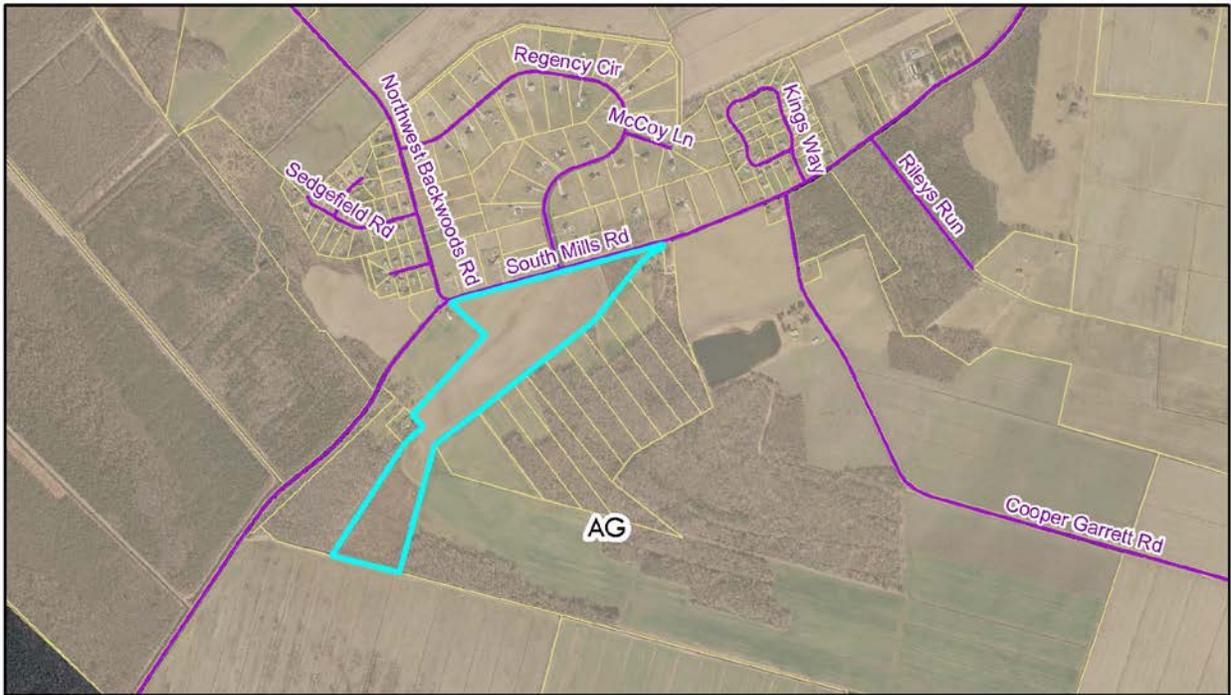
Mr. Cartwright seconded the motion and motion carried unanimously.



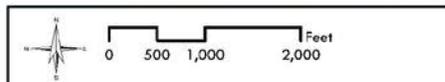
PB 14-15 Saddlebrook Estates  
 Preliminary Plat - Use Permit  
 2012 Aerial Photography



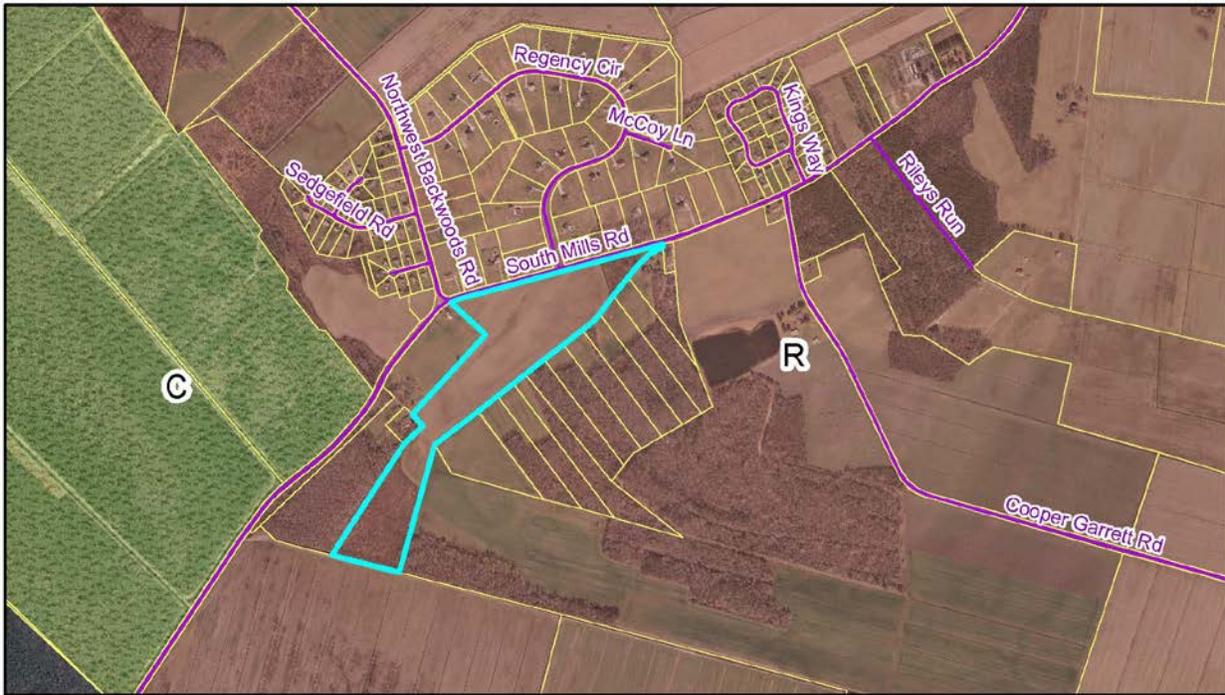
Currituck County  
 Planning and  
 Community Development



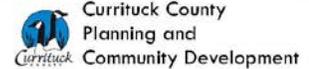
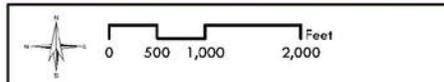
PB 14-15 Saddlebrook Estates  
 Preliminary Plat - Use Permit  
 Zoning



Currituck County  
 Planning and  
 Community Development



PB 14-15 Saddlebrook Estates  
 Preliminary Plat - Use Permit  
 Land Use Classification



**MEMORANDUM**

**To:** Mark Bissell  
 Saddlebrook Estates, LLC  
 Margaret Garrett

**From:** Tammy Glave, Planner II

**Date:** July 10, 2014

**Re:** Saddlebrook Estates, Preliminary Plat/Use Permit, TRC Comments

The following comments have been received for the July 16, 2014 Technical Review Committee meeting. Modifications of the request must be submitted by July 21, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

**Planning, (Tammy Glave, 252-232-6025)**

Approved with comments:

1. Provide Army Corp verification letter/signed map. (Administrative Manual) (Mark notified on July 3<sup>rd</sup> of Incomplete application – if not received by July 15<sup>th</sup>, will be pulled from July 16<sup>th</sup> TRC Agenda)
2. Call out the preliminary plat as a conservation subdivision.
3. Show utility easements on each lot. Can be shown on typical lot detail. (Administrative Manual)
4. Zoning conditions do not apply to this development (see first note #5).
5. There are two “Note 5s” on the preliminary plat.

6. Label the typical lot detail as the minimum dimensional standards and call out minimum lot size.
7. Please make sure client is aware that all new utilities must be underground (UDO Section 6.2.3)
8. The county does not wish to accept the dedicated portion of land for parkland; therefore, the fee-in-lieu must be paid. Fee-in-lieu is \$3,616. (Total tax value \$287,300/56.73 acres = \$5,064 per acre x .714 (28 lots x .0255) = \$3,616)
9. No more than 24" of fill for septic system. (UDO Section 7.3.3)
10. Title development area map as such and clearly delineate the difference between primary conservation areas and secondary conservation areas. (UDO Sections 6.4.3 and 6.4.5)
11. Title conservation and development plan as such. (6.4.3)
12. For future reference, the Moyock Small Area Plan mentions that NCDOT recommends South Mills Road be widened to a four lane major thoroughfare, with paved shoulders in the Currituck County Transportation Improvements Plan.

**Currituck County Building Inspections (Spence Castello, 252-232-6020)**

Approved without comment.

**Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6035/Currituck Soil and Water (Mike Doxey, 252-232-3360)**

Approved without comment.

**Currituck County Fire and Emergency Management (James Mims, 252-232-6641)**

Reviewed with comment:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

**Currituck County GIS (Harry Lee, 252-232-4039)**

Denied/Resubmit:

1. Cannot use the street name Appaloosa Dr (Appaloosa already reserved by another subdivision)
2. Briarcliffe Ln OK  
Canterbury Ct OK  
Derby Dr OK
3. Applicant can call GIS to determine a usable street name. Please resubmit plat with approved street name. Addresses will be assigned by GIS after resubmittal.

**Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)**

Approved with comment:

1. Suggest fee-in-lieu of parkland dedication.

**Currituck County Utilities (Pat Irwin, 252-232-6061)**

Approved without comment.

**Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)**

Approved with comment:

1. Please consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot that makes up this proposed subdivision.

**NC Department of Transportation (Brent Bass, 252-331-4737)**

Reviewed with comment:

1. From a DOT standpoint there is nothing “unsafe” about either two subdivisions. Both are 90 degree entrances to the road and are 200 FT or more from any intersection. Regarding turn lanes and traffic analysis, both subdivisions have a low number of lots, so it would not be required. I understand the public viewpoint of South Mills Rd. but even if you add the two subdivisions together the lot number is still not enough to warrant a traffic impact analysis.

**NC Division of Coastal Management (Charlan Owens, 252-264-3901)**

Reviewed without comment.

**NC State Archeology (Lawrence Abbott, 919-807-6554)**

Reviewed with comment:

1. One site, 31CK53, is located in the southeast corner of the development. This site has been determined ineligible for inclusion on the National Register of Historic Places. No further work is recommended. An archaeological survey is not recommended.

Upon completion of the case summary by Mr. Woody, Chairman O’Neal opened the public hearing.

Mr. Mark Bissell, Kitty Hawk, reported on the water testing that was performed and the positive initial results. Further testing will be performed as the project moves forward. He explained the requirements are much more strenuous for community wells than individual residential ones, and feels they will be in good shape based on current results. The developer has agreed to the installation of the 8 inch water line, he said.

Commissioner Gilbert asked how the reserve fund is collected. Mr. Bissell explained the County will develop a service district with taxing authority to create the fund.

Vernon Garrett of Moyock questioned the maintenance responsibility for common space and asked about the types of foundations proposed for the homes. He also requested that the bi-laws include the fact that two active farms and a timber area adjacent to the tract. Mr. Woody explained those are both allowable uses of land, reiterated the buffering requirement, as well as notations on the plat regarding the adjacent farm use. Mr. Garrett asked about price points for the homes. Mr. Woody said the applicant would have to answer that question.

Chairman O’Neal commented that the County is trying to encourage low maintenance open space areas, suggesting tree planting rather than grass, due to the high cost of mowing and maintenance for associations.

Jeff Hanson, Moyock, and President of the Crown Point Homeowner Association, spoke of a ditch maintenance agreement between regarding cleaning and an easement. As a resident, he said he has concerns about maintaining the “rural” atmosphere, in addition to drainage and the lot sizes being a quarter acre, as opposed to the three acre lot sizes in Crown Point.

Chairman O’Neal questioned Mr. Woody about the density of the subdivision, and was told that the density and acreage is in keeping with the rural designation.

Denise Kennedy of Moyock reviewed sections of the UDO and Moyock Small Area Plan proving what she believes is a lack of compatibility with the surrounding area, there is no road buffering, and no community meeting was held with residents of her subdivision. She also requested that nearby homeowners with private wells be notified when the community well is tested so they can determine whether or not their own wells will be stressed. She stated she believes the new subdivision will affect the home prices in Crown Point and believes there will be trouble with drainage.

Chairman O'Neal asked Mr. Woody to respond to Ms. Kennedy's comments. Mr. Woody said the road buffer requirement she referenced was for a major arterial, which this subdivision does not front. He said a community meeting is required only for fifty or more lots and the density is less than one unit per acre and meets the Small Area Plan requirements.

Mr. Bissell spoke again, stating no objection to homeowner notification prior to well-testing. He said stormwater can be controlled with ponds, and reiterated that according to their calculations the area will hold more water after development than before, actually relieving the burden on the drainage ditches. Mr. Woody said maintenance is required and the residents will be taxed as part of the Guinea Watershed. Ms. Kennedy argued the land use was improper, as it has no farming or agricultural use established. Mr. Woody explained farm use is not a requirement, but can be used as a tool for farmers who wish to subdivide their land.

With no one else wishing to speak, Chairman O'Neal closed the public hearing.

Commissioner Petrey moved to approve PB 14-15 with staff findings and recommendations, in addition to including a buffer on South Mills Road, well test notifications to neighboring residents, the installation of an 8 inch waterline and an outline of the ditch maintenance agreement between Saddlebrook and Crown Point subdivisions.

Commissioner Martin seconded and the motion carried unanimously.

**B) Public Hearing and Action: PB 04-48 Indian Ridge Estates** PB 04-48 Indian Ridge Estates, Phase 2: Request for a preliminary plat/amended use permit for five additional lots in an existing conservation subdivision located in Shawboro on the south side of Shawboro Road, Tax Map 34, Parcel 24J, Crawford Township.

Parties were sworn in for testimony, and Ben Woody reviewed the case analysis with the Board, for the addition of five final lots in Phase 2 of the subdivision. Mr. Woody explained the project began in 2004 but ran into issues with hydrology and soils.

CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: October 6, 2014  
PB 04-48 Indian Ridge Estates, Phase 2

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**Note:** *Since this phase of the subdivision has use permit approval under the previous UDO, it must comply with the standards of that ordinance.*

**ITEM:** PB 04-48 Indian Ridge Estates request for preliminary plat/amended use permit approval for a 5 lot residential conservation subdivision.

**LOCATION:** Shawboro – Algonquin Trail within Indian Ridge Estates, Crawford Township.

**TAX ID:** 0034-000-024J-0000

**ZONING DISTRICT:** Agricultural (AG)

**PRESENT USE:** Vacant

**OWNER:** James H Ferebee Jr  
PO Box 110  
Shawboro NC 27973

**APPLICANT:** Hyman & Robey  
PO Box 339  
Camden NC 27921

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Low Density Residential	AG
<b>SOUTH</b>	Low Density Residential/Active Farmland	AG
<b>EAST:</b>	Low Density Residential	AG
<b>WEST:</b>	Active Farmland	AG

**LAND USE PLAN**

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

**SIZE OF SITE:** 3.80 acres this phase; 248.50 acres for entire subdivision.

**NUMBER OF UNITS:** 5 lots this phase; 34 lots for entire subdivision.

**PROJECT DENSITY:** .14 units per acre

**RECREATION AND  
PARK AREA**

**DEDICATION:** Not required under previous UDO (active recreation installed with Phase I)

**UTILITIES:** The proposed development will be served by the county water system and individual on-site wastewater.

**V. NARRATIVE OF REQUEST:**

1. The applicant is requesting preliminary plat/amended use permit approval for an additional five lots in an existing residential conservation subdivision off of Shawboro Road in Shawboro.
2. These five lots received sketch plan/use permit approval on August 2, 2004.
3. Because of soil conditions, these five lots were removed from the final plat approval for Phase 1 to allow time to address septic issues.
4. A conservation subdivision provides additional development flexibility to build on smaller lots when additional open space set-asides are provided. The development is designed and located in a way that protects agricultural activities or natural and historic features on the site. The developer conserved approximately 47% of the property. The majority of the conserved land remains in active farmland.

**VI. QUESTION(S) BEFORE THE BOARD:**

**Use Permit Criteria and Staff Findings:**

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP 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 UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. *The use will not endanger the public health or safety.*  
Based on the suggested finding provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.  
**Suggested Findings:**
  - a. The use will adhere to county health and safety standards and will not endanger the public health or safety.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.  
Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

**Suggested Findings:**

- c. The minimum lot size for the proposed development is 30,501 square feet, and is consistent with the lot sizes and residential densities in the surrounding area.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan.  
Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.  
**Suggested Findings:**
  - b. The UDO indicates that a conservation subdivision is allowed in the AG zoning district.

The 2006 Land Use Plan classifies this site as Rural within the Shawboro-Crawford subarea. The policy emphasis of the Land Use Plan is for the Shawboro-Crawford subarea to encourage the preservation of agriculture and open space whenever possible. Residential development should bear some direct relationship to agricultural activity so as to minimize land use conflicts between farm operations and nearby residents. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.

POLICY AG1: ACTIVE AGRICULTURAL LANDS having a high productive potential, and especially those removed from infrastructure and services, should be conserved for continued agricultural use.

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 sector shall be encouraged.

4. 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).

Based on the suggested findings, staff has determined it is probably true that the 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.

**Suggested Findings:**

- a. The proposed development will have the following impact on schools:
  - i. Elementary: 1 student
  - ii. Middle: 0 student
  - iii. High: 0 student

**VII. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance and the findings of fact, the Technical Review Committee recommends approval as presented.

**VIII. PLANNING BOARD RECOMMENDATION:**

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

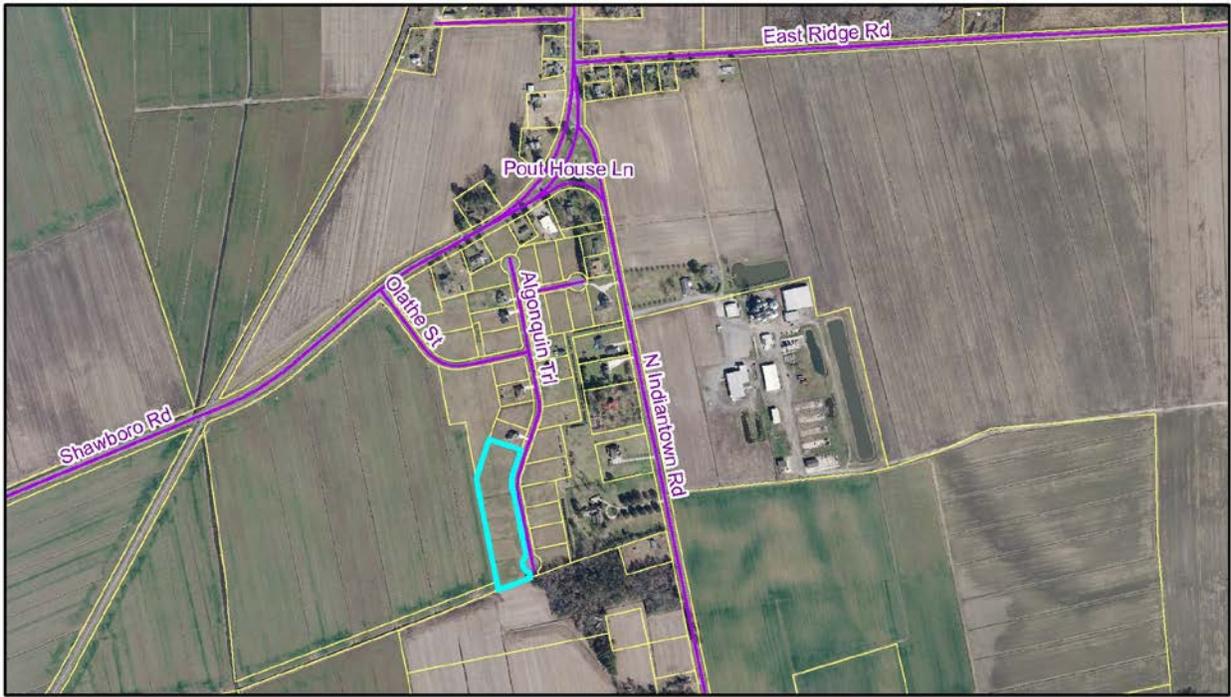
**PLANNING BOARD DISCUSSION (9/9/14)**

Mr. Hyman provided a brief overview of the request.

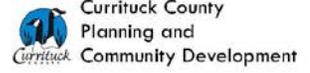
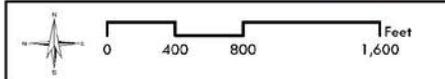
Mr. Clark closed the public hearing.

**ACTION**

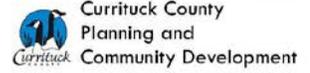
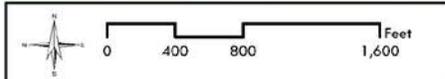
Mr. Bell moved to approve PB 04-48 with the findings of fact and Technical Review Committee recommendations included in the case analysis. Mr. Cartwright seconded the motion and motion carried unanimously.

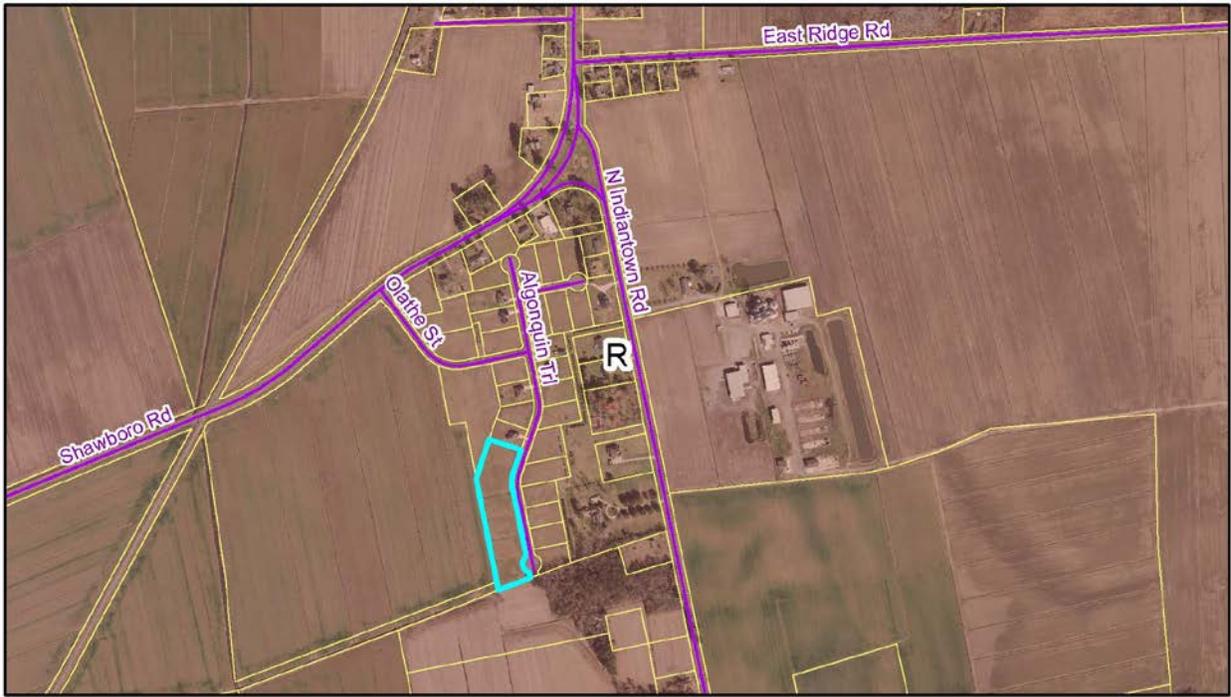


PB 04-48 Indian Ridge Estates  
 Preliminary Plat  
 Aerial Photography

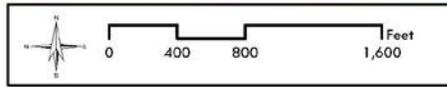


PB 04-48 Indian Ridge Estates  
 Preliminary Plat  
 Zoning





PB 04-48 Indian Ridge Estates  
 Preliminary Plat  
 LUC



Currituck County  
 Planning and  
 Community Development



## MEMORANDUM

**To:** Doug Abbot, Hyman & Robey  
Jimmy Ferebee

**From:** Tammy Glave, Planner II

**Date:** August 14, 2014,

**Re:** Indian Ridge Estates, Phase 2, Preliminary Plat, TRC Comments

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The following comments have been received for the August 20, 2014 Technical Review Committee meeting. Modifications of the request must be submitted by August 25, 2014 in order to remain on the September 9, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

### **Planning, (Tammy Glave, 252-232-6025)**

Approved with comments:

13. This property and surrounding property is zoned AG.
14. Native Pine or Cedar trees called out for the street trees are not an acceptable species.  
For a complete list of allowable street trees, please refer to the Administrative Manual.

### **Currituck County Building Inspections (Spence Castello, 252-232-6020)**

Approved with comment:

1. Soil test may be required.

### **Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6035/Currituck Soil and Water (Mike Doxey, 252-232-3360)**

Approved without comment.

### **Currituck County Fire and Emergency Management (James Mims, 252-232-6641)**

Approved without comment.

### **Currituck County GIS (Harry Lee, 252-232-4039)**

Reviewed with comment:

1. Address Assignemnt:
  - Lot 30 = 118 Algonquin Trl
  - Lot 29 = 120 Algonquin Trl
  - Lot 28 = 122 Algonquin Trl
  - Lot 27 = 124 Algonquin Trl
  - Lot 26 = 126 Algonquin Trl

### **Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)**

Reviewed without comment.

### **Currituck County Utilities (Pat Irwin, 252-232-6061)**

Approved without comment.

### **Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)**

Reviewed with comment:

1. Consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot which makes up this subdivision.

**NC Division of Coastal Management (Charlan Owens, 252-264-3901)**

Reviewed without comment.

**NC State Archeology (Lawrence Abbott, 919-807-6554)**

Reviewed with comment:

1. There are no previously recorded archaeological sites within the project area. An archaeological survey is not recommended.

Chairman O'Neal opened the Public Hearing.

Mr. Eddie Hyman of Hyman and Robey, Camden, explained the soil and hydrology issues were resolved with new ditching requirements and both reconfiguring and reducing the number of lots from six to five. Vice Chairman Martin asked if soil engineering would be required. Mr. Hyman said the lots are now well drained, and the larger size allows for full septic and full repair areas. Soil structure for footings appears fine, but will still be tested as usual.

Chairman O'Neal closed the Public Hearing. Commissioner Petrey moved to approve PB 04-48 with staff findings and recommendations included in the analysis. The motion was seconded by Commissioner Petrey and carried unanimously.

- C) Public Hearing and Action: PB 14-20 Shingle Landing Townhomes** PB 14-20 Shingle Landing Townhomes: Request a conditional rezoning of 4.03 acres from General Business (GB) to Conditional District – Mixed Residential (C-MXR) on property located in Moyock on the north side of Moyock Landing Drive, Tax Map 9, Parcel 029T, Moyock Township.

Planning Director Ben Woody reviewed the case with the Board. He explained the request for rezoning from General Business, and stated the GB zoning does allow for a residential component, but not for multi-family, which is why the request is being made.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
October 6, 2014  
PB 14-20 Shingle Landing Townhomes**

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<b>ITEM:</b>	PB 14-20 Shingle Landing Townhomes: a conditional rezoning of 4.03 acres from General Business (GB) to Conditional District – Mixed Residential (C-MXR).
<b>LOCATION:</b>	Moyock – Moyock Landing Drive, Moyock Township.
<b>TAX ID:</b>	0009-000-029T-0000
<b>OWNER:</b>	CTX, Inc., PO Box 310 Moyock, NC 27958

**APPLICANT:** Jerry Old and Don Williams  
PO Box 44  
Currituck, NC 27929

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Undeveloped	LI
<b>SOUTH</b>	Low density residential	GB
<b>EAST:</b>	Assisted living	GB
<b>WEST:</b>	Railroad/Undeveloped	GB

**LAND USE PLAN CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea.

The policy emphasis of the Moyock sub-area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

**MOYOCK SAP:**

The Moyock Small Area Plan classifies the property as Full Service.

The full service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. In addition, clustered or planned commercial and residential areas with diversity in housing types are preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.

Policies supporting the request include:

**Policy FLU 1** Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

**CURRENT ZONING:** General Business (GB)

**PROPOSED ZONING:** Conditional District – Mixed Residential (C-MXR)

**CURRENT USE:** Undeveloped

**SIZE OF SITE:** 4.03 acres

**ZONING HISTORY:** Agricultural (A) – 1989 Zoning Map  
General Business (GB) – Rezoned 2/6/2006

- UTILITIES:** County water is available to serve this development. The developer is requesting connection to the Moyock central sewer system.
- TRANSPORTATION:** The proposed development is served by Moyock Landing Drive which is publicly dedicated and currently maintained by the developer and the Shingle Landing HOA. Moyock Landing Drive contains an existing railroad crossing.
- FLOOD ZONE:** The proposed development is predominately located in the Shaded X flood zone (500-year floodplain) and AE (100-year floodplain).
- WETLANDS:** The county wetland inventory maps indicate the property does not contain wetland characteristics. The wetland inventory maps do not provide any assurances of the existence or non-existence of wetlands on the property.
- SOILS:** The proposed development is located on Roanoke soils, which are considered poorly drained. The development is proposing to manage wastewater through off-site treatment and disposal.

**PROPOSED ZONING CONDITIONS:**

1. Maximum density of four units per acre utilizing sustainability bonus units to be served with public sewage.
2. Existing wooded areas to be retained except where minor stormwater drainage is required.

**COMMUNITY MEETING:**

A community meeting was held on July 14, 2014 at the Moyock Library. Mel Hopkins summarized the proposed project. Generally, the property owners in attendance did not approve of the development suggesting that a development of the proposed nature will lower home values.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

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 TRC recommends approval of the proposed request. The conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Moyock Small Area Plan, and is the appropriate zoning district for the proposed land use.

**Additional Staff Comments:**

The county has limited areas of multi-family development and it is important that site design and building elevation maintain residential character to ensure compatibility with the community. With the limited building elevations (photos) submitted, it is unclear if the proposed design will be considered compatible with the community. Staff recommends the dwelling units located along Moyock Landing Drive be designed and located so that a residential character is preserved.

The proposed development will be accessed by a public street that is maintained privately. Until such time as NCDOT assumes maintenance of the road, the proposed development should be included in road maintenance.

The proposed development site is adjacent to the railroad right-of-way to the west, the assisted living to the east, open space to the south, and undeveloped land to the north that is proposed as a conservation subdivision with a development density of 2 du/acre. The proposed development densities are in keeping with the LUP. Although the applicant submitted building elevations (photos) for quad-plex style homes, CTX will most likely develop duplex and triplex style homes. Significant deviations to building elevations and conceptual development plans will be considered as an amendment to the conditional rezoning and will require board approval.

**PLANNING BOARD RECOMMENDATION:**

Mr. Wright moved to approve PB 14-20 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development, additional staff comments, and the following condition:

- The units share exterior architectural design elements with the Shingle Landing subdivision.
- Mr. Bell seconded the motion and motion carried unanimously.

**PLANNING BOARD DISCUSSION (9/9/14)**

Ms. Overstreet asked if the proposed development will be one or two stories.

Ms. Voliva stated originally they were proposing one story, but now they are looking at doing both.

Mr. Craddock asked if it was known if it would be a condo or townhome scenario.

Ms. Voliva stated it could be either one, but most likely townhomes.

Mr. Clark asked if it was a guarantee that the Department of Transportation (DOT) will take over the road.

Ms. Voliva said there has been a request for DOT to assume maintenance of the roads in the Shingle Landing subdivision. An assessment of the roads has been done by DOT and a punch list was given to the developer, which many have been completed, but there are still some outstanding items. One is the railroad crossing which requires approval from multiple railroad agencies.

Mr. Hopkins said he would answer any questions the board may have.

Mr. Wright asked about drainage.

Mr. Hopkins said the property is very flat and the drainage will be directed to the west.

Mr. Old said Moyock is a good area for this concept; and if this type of development is something the Planning Board and Board of Commissioners would approve.

Mr. Craddock asked if it will be townhomes or condos, and if they will be rentals or for sale.

Mr. Old said at this time he did not know because a lot of things need to be work out. The first is if the county would allow this type of development.

Mr. Hopkins said the building elevations (photos) for quad-plex style homes, but most likely will develop duplex and triplex style homes.

Mr. Craddock said all visible façades from the roadway should maintain the character of the community.

Mr. Old said he will work with the county on how to design them to make them aesthetically pleasing.

Mr. Crocker said he is a resident of the Shingle Landing subdivision. When they bought their home they were promised a walking trail, which they never got. They have a black top road which was never finished and is in terrible condition. They were supposed to have a Homeowners Association, but this never came through. Mr. Crocker is concerned that this request is not in harmony with the surrounding area, will decrease property values, drainage issues, water pressure issues, sewer issues, safety and traffic issues, and will affect the quality of life.

Ms. Voliva said the county water department has been out to check the water pressure a few years ago in this area. Generally water pressure does decrease in a cul-de-sac. Single Landing subdivision does have a Homeowners Association (HOA) which was recorded, but did not initiate an active association in the beginning, meaning they didn't mandate meetings or dues. Although they mandated membership it never really functioned.

Mr. Crocker said he is concerned that the HOA for Shingle Landing did not have an active one so this request may not have an active HOA either.

The Planning Board discussed the HOA for Shingle Landing subdivision.

Mr. Craddock said this project would not affect property values because it is a totally different kind of property.

Mr. Clark closed the public hearing.

Mr. Wright asked how it would be worded for architectural standards or details similar to the existing community.

Ms. Voliva said it could be added into the motion, but would need to be agreed upon by the developer. Ms. Voliva said the goal for staff is to make sure the exterior appearance from Moyock Landing Drive would look like a single family dwelling.

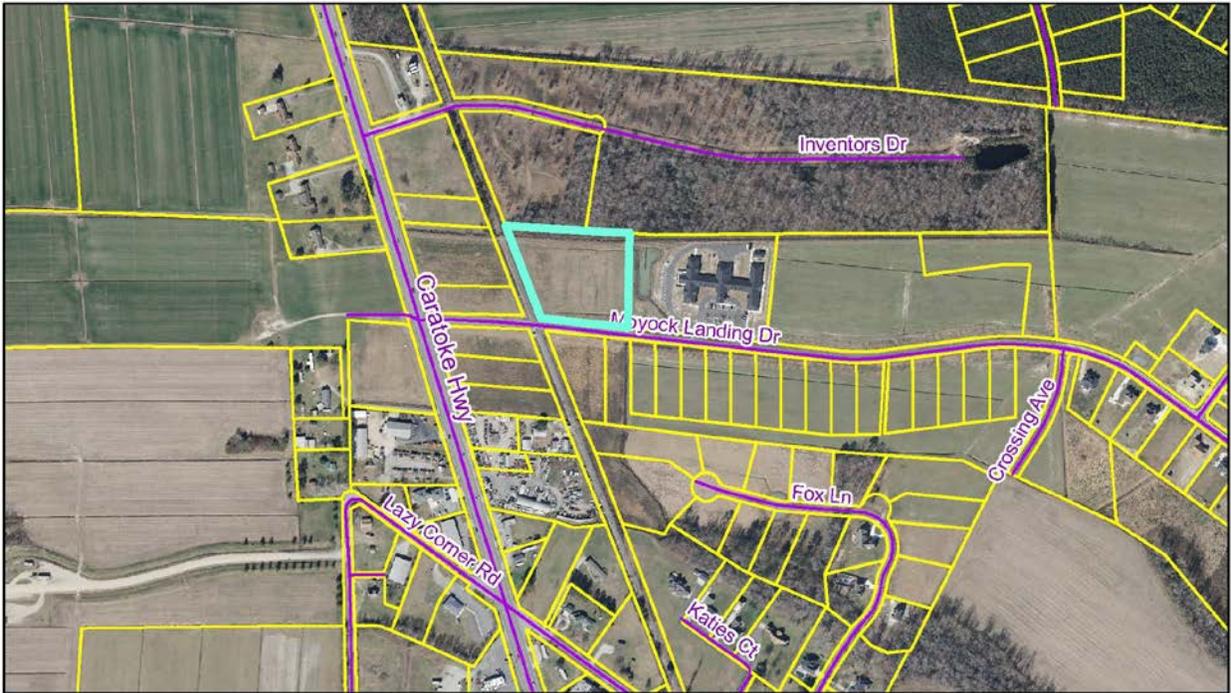
Mr. Old said he would agree to this request.

## **ACTION**

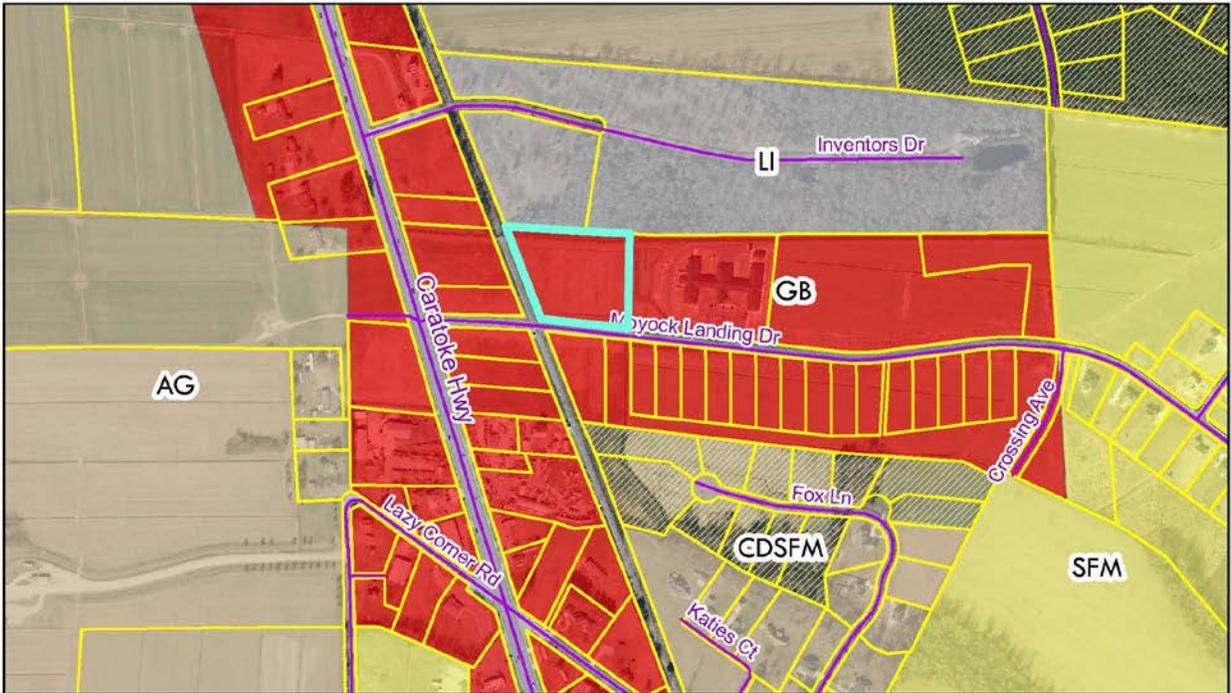
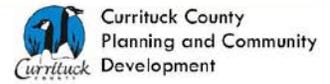
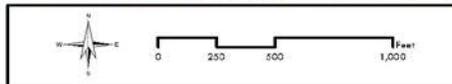
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- The units share exterior architectural design elements with the Shingle Landing subdivision.

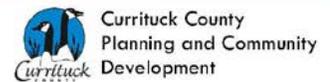
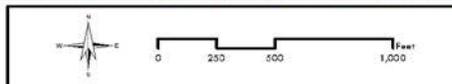
Mr. Bell seconded the motion and motion carried unanimously.

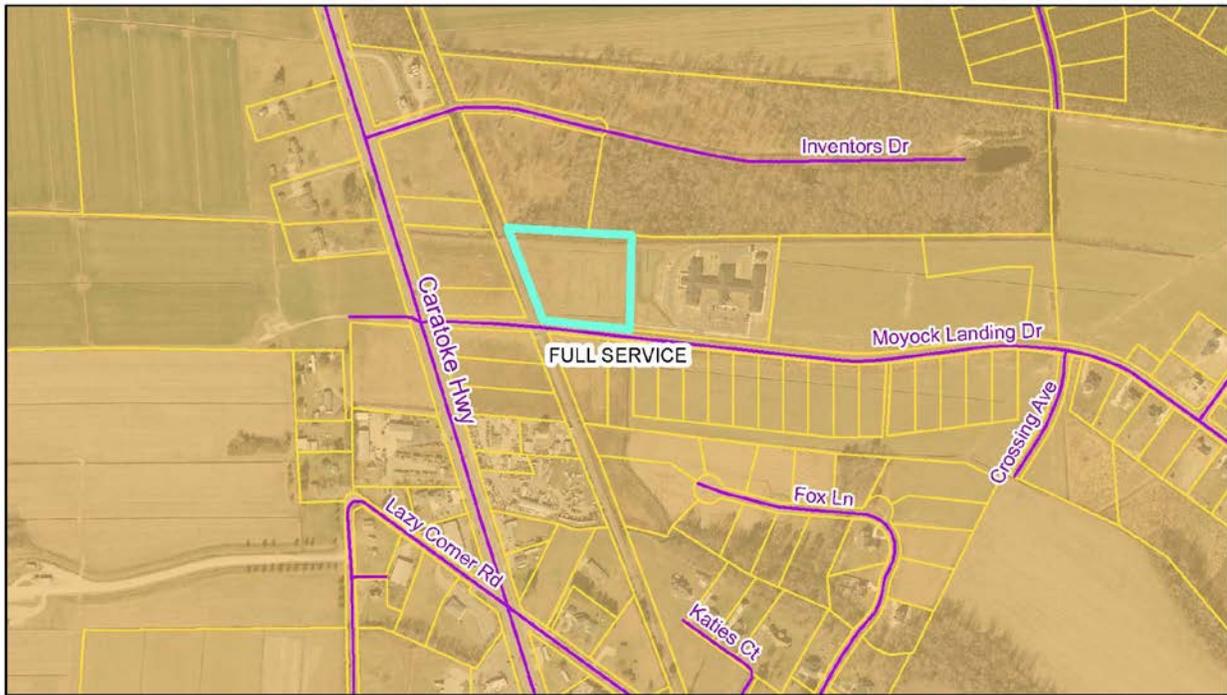


PB 14-20  
 CTX, Inc.  
 Aerial

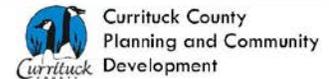
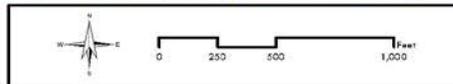


PB 14-20  
 CTX, Inc.  
 Zoning Map





PB 14-20  
CTX, Inc.  
Moyock SAP FLU Map



To: Jerry Old, CTX, Inc.  
Don Williams, CTX, Inc.  
Mel Hopkins Engineering, LLC

From: Donna Voliva, Senior Planner

Date: August 13, 2014

Subject: PB 14-20 Shingle Landing Townhomes Conditional Rezoning TRC Comments

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The following comments have been received for the TRC meeting on August 20, 2014 regarding the conditional rezoning of Shingle Landing Townhomes. In order for this project to remain on the September 9, 2014 Planning Board agenda the TRC comments must be addressed. TRC comments are valid for six months from the date of the TRC meeting.

**Planning, Donna Voliva**

Reviewed

1. The area indicated as active open space (southern 1.50 acres) is part of Shingle Landing Phase 2 open space and reserve utility open space. The recorded final plat for Shingle Landing, Phase 2 indicates this area as open space with 0.92 acres dedicated for reserve utility open space.
2. The development plan appears to indicate 4 units per acre which will require sustainability development practices. Please identify which practices will be utilized and incorporate into the proposed zoning conditions.
3. The proposed parking spaces are illustrated at 90 degree angles and will require a 24' drive aisle for one way traffic.
4. All parking spaces shall be a minimum of 10 feet in width.

5. Provide handicapped parking spaces and identify accessible units and routes. Pedestrian crosswalks shall be provided at the entrance and to the active open space located in the center of the project.
6. Please identify all common areas/elements and open space.
7. Please identify the major drainage way and drainage easements.
8. Please correct the zoning of the n/f CASP Inc. property to LI.
9. Please provide building elevations that reflect the design of the development.
10. The development and buildings shall be designed to meet the design standards of the UDO (building design, landscaping, lighting, sustainability, etc.).
11. Please provide property dimensions for the southern and western portions of the lot.
12. Staff suggests the units located along Moyock Landing Drive to have facades facing the street. Also units shall be located to accommodate patios and maintain setbacks and stormwater improvements.
13. Will the proposed development include exterior lighting, fences, or walls?
14. Will the proposed development include a community mailbox?
15. Include all required landscaping (site, screening, streetscape, etc.)

**Currituck County Parks and Recreation, Jason Weeks**

No comment

**Currituck County Engineer, Eric Weatherly**  
**Currituck Soil and Water, Mike Doxey**

Approved

**Currituck County Utilities, Pat Irwin**

Approved

1. Separate taps will be required for each unit.

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

1. PLEASE CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION.

**Currituck County GIS, Harry Lee**

Reviewed

**Currituck County Fire Marshal, James Mims**

Approved

1. Approval is for conditional rezoning only.
2. It appears that in the site configuration as given that this will have commercial requirements as a residential classification rather than residential one and two family dwelling. I note no construction design with a needed fire flow above the available will be approved.

**Currituck County Building Inspections, Spence Castello**

Approval with corrections

1. ACCESSIBLE ROUTE REQUIRED TO ACTIVE OPEN SPACE.
2. ACCESSIBLE UNITS REQUIRED IN ACCORDANCE WITH CHAPTER 11 NC BUILDING CODE AND ICC A 117.1
3. ACCESSIBLE PARKING REQUIRED AT ACCESSIBLE UNITS.
4. SOIL TEST MAY BE REQUIRED.

**NC State Archaeology, Lawrence Abbot**

No comment

1. No previously recorded archaeological sites noted in the project area. An archaeological survey is not recommended.

**NC Division of Coastal Management, Charlan Owens**

No Comment

**US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

After completion of the case review, Commissioner Martin asked if the units would be sold. Mr. Woody said he didn't know, but it was possible they could be rental units. Commissioner Petrey voiced his concerns for the Moyock area density and lot sizes and reiterated his opinion that a minimum of 20,000 square feet should be implemented. He said 540 homes are in the pipeline for the Moyock area.

Commissioner Griggs referred to the rendering of the plat and stated they appear to represent starter homes for young families due to the inclusion of a playground in the rendering. Mr. Woody agreed that it appears that way. Commissioner Griggs was concerned with the location of the playground and needing to cross the main drive for access. Mr. Woody did not disagree and said amenities can be redesigned. Commissioner Griggs addressed the compatibility of the housing style and its similarity to existing area homes, and addressed the layout causes the rear of some units to face the main road. He asked the Chairman if it was proper to request the builder come back with answers to some of these concerns, and Chairman O'Neal said it was acceptable.

Chairman O'Neal then opened the Public Hearing.

Roxanne Crocker, Shingle Landing, Moyock, spoke of the rural atmosphere present when she purchased her home. She does not believe that 16 units on four acres suggests a rural look, and compares the look now to mixed residential. There are still issues within the road and railroad in the subdivision and she asked the Board to wait for a resolution before allowing more building. She asked the Board to require ownership of the units and not allow for a rental community. Ms. Crocker feels the units are incompatible with the existing homes.

Mel Hopkins of York County, Virginia, and project engineer, addressed Commissioner Grigg's concerns, explaining the target group would be young professionals in addition to families. He also said the playground was a focal point and a central locale for play and relaxation.

Commissioner Martin asked if they would be rental properties. Mr. Jerry Old of Moyock answered they were experimenting and continuing to research and review area needs. He is aware of a need for rental properties in the area, but would proceed as required by the Board.

With no additional comments, Chairman O'Neal closed the public hearing.

Commissioner Petrey moved to deny PB 14-20 due to its inconsistency with the Land Use Plan and its inconsistent density. Commissioner Gilbert seconded and the motion carried unanimously.

Commissioner Gilbert asked Mr. Woody if he could update Ms. Crocker on where we were with the Department of Transportation and railroad issue she spoke of. Mr. Woody said things were progressing between the two entities involved, and one of two documents have been signed, and will pass on any new information.

### **New Business**

#### **A) Deed of Easement for Through the Fence Operations by Brady Landing, Maple**

County Attorney Ike McRee reviewed the easement allowing residents direct access to the airport from the subdivision, and explained new FAA requirements required a new easement between the County and the Property Owners Association. The easement has been approved by the FAA. Commissioner Gilbert believed the gate was maintained by the airport, but Mr. McRee explained it was always the Owners Association. The new agreement makes it clear the Property Owners Association is the responsible party. Attorney McRee asked for approval for the County Manager to execute the authorization.

Commissioner Gilbert moved to approve and was seconded by Commissioner Martin. The motion carried unanimously.

#### **B) Resolution Authorizing Upset Bid Process-Garage/Workshop located at 167 Maple Road, Maple**

Attorney McRee reviewed a bid of \$1,000 received by the County for the purchase and relocation of a workshop and garage owned by the County. He explained the bidding process and publication requirements. Commissioner Gilbert asked if there was any liability assumed by the County, particularly due to the fact that the building was to be relocated. Mr. McRee said he would ensure no County liability within the Bill of Sale.

Commissioner Martin moved to approve the Upset Bid Resolution. Commissioner Gilbert seconded and the motion carried unanimously.

#### **C) Airports Block Grant-Fuel System Improvements and Upgrades**

Economic Development Director Peter Bishop explained the fuel farm project and the grant money would be used to replace old fuel pumps and lines, with the County matching ten percent. Mr. Bishop said the project will improve fueling speed and safety, and can be completed within thirty days from start date. Commissioner Petrey asked about the possibility of new hangars. Mr. Bishop said we do have a waiting list however hangars are a very expensive proposition. He stated additional tie downs will probably be the next capital project.

Commissioner Gilbert stated she had the opportunity to sit down with employee Russ Haddad at the airport and was impressed with the 90-day action plan he had put together. She asked about the military and naval operations at the airport and questioned as to whether they were buying fuel. Peter said they do typically buy fuel, but not always. Mr. Bishop noted the military

has been doing a much better job of notifying the airport if they planned on using the facility for training purposes.

Commissioner Martin moved to approve and Commissioner Gilbert seconded. The motion carried unanimously.

Chairman O'Neal mentioned that Secretary Decker had been impressed with the facility and the operation, and thanked all involved for their hard work.

**D) Board Appointments:**

1. Library Board, Whalehead Trust, Tourism Advisory Board

Chairman O'Neal announced nominees previously named by Commissioner Beaumont, who was not in attendance. Keith Dix was appointed to the Library Board and Daniel Pennington was appointed to the Tourism Advisory Board. Both nominees were approved by the Board.

Commissioner Griggs wished to carry his Advisory appointment to the next meeting.

**E) Consent Agenda:**

1. Approval of Minutes for September 15, 2014
2. Budget Amendments
3. CDBG Monthly Status Report
4. Letter in Support of the Appointment of Janet Rose to the Marine Fisheries Commission
5. Community Rating System-Annual Recertification
6. Resolution of Intent to Consider Permanent Closure of a Portion of Coral Lane, Walnut Island Subdivision, Block 2, Section 7
7. Ordinance for Condemnation of Property: 135 Alberta Street, Jarvisburg
8. Resolution Opposing the Proposed Changes to the Rule Defining "Waters of the US"

Commissioner Gilbert moved to approve the Consent Agenda. Commissioner Martin seconded and the motion carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-502000	Salaries - Regular	\$ 11,111	
10795-505000	FICA	\$ 850	
10795-506001	Unemployment Insurance	\$ 111	
10795-506000	Health Insurance	\$ 1,254	
10795-507000	Retirement	\$ 1,379	

10540-502000	Salaries - Regular	\$	11,111
10540-505000	FICA	\$	850
10540-506001	Unemployment Insurance	\$	111
10540-506000	Health Insurance	\$	1,254
10540-507000	Retirement	\$	1,379
		<u>\$</u>	<u>14,705</u>
		<u>\$</u>	<u>14,705</u>

**Explanation:** Recreation (10795); Building Inspections (10540) - Transfer budgeted funds available from lapsed salaries from Inspections to Recreation to pay out vacation for retiring Parks & Recreation employee and to bring in a replacement for training prior to retirement date of December 31, 2014.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
61818-516000	Repairs and Maintenance	\$	10,000		
61818-590000	Capital Outlay				10,000.00
		<u>\$</u>	<u>10,000</u>	<u>\$</u>	<u>10,000</u>

**Explanation:** Mainland Water (61818) - Transfer budget funds to clean the Currituck elevated storage tank.

**Net Budget Effect:** Mainland Water Fund (61) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	

66868-516200	Vehicle Maintenance	\$	2,000		
66868-545000	Contracted Services			\$	2,000

<u>\$</u>	<u>2,000</u>	<u>\$</u>	<u>2,000</u>
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**Explanation:** Southern Outer Banks Water (66868) - Transfer funds for vehicle maintenance and tires.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10460-502000	Salaries	\$	3,698		
10460-503500	Temporary Salaries	\$	985		
10460-505000	FICA	\$	358		
10460-506001	Unemployment	\$	10		
10460-507000	LGC Retirement	\$	460		
10460-592000	Courthouse Projects			\$	5,511
		<u>\$</u>	<u>5,511</u>	<u>\$</u>	<u>5,511</u>

**Explanation:** Public Works (10460) - Transfer budgeted funds to payout vacation for retiree scheduled to retire on 10/31/2014 and to hire replacement prior to the November election to help with precinct set-up.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12543-545000	Contract Srevices	\$	15,000		
	Personal Protective				
12543-536103	Equipment			\$	5,000
12543-514503	Travel/Training/Education			\$	5,000



**WHEREAS**, the proposed changes do not include the provision of federal funds to offset the additional costs to local governments and, thus, would divert resources from other essential public services; and

**WHEREAS**, the United States Congress has written a letter to the EPA and Corps requesting that the proposed changes to the rule be withdrawn until further analysis can be completed; and

**WHEREAS**, the National Association of Counties has produced a policy brief on this issue and has encouraged local governments to publicly make comments concerning the proposed changes to the rule ; and

**WHEREAS**, the U.S. Conference of Mayors has publicly opposed legislation to expand federal jurisdiction under the Act if it is not accompanied by federal funding.

**NOW THEREFORE, BE IT RESOLVED**, that Currituck County opposes legislation or changes that would further expand federal jurisdiction under the Act; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors, in its “Resolution to Ensure that Municipal Concerns are Addressed in Clean Water Act Regulations”, including the definition of "Waters of the U.S.," requested certain provisions be made if any changes to the rule were made and the Currituck County Board of Commissioners agrees that any changes to the rule should include the following provisions, which are sincere concerns for local governments:

- Separate municipal storm sewers will continue to be regulated and permitted under Section 402 of the Act and will not be considered Waters of the U.S.; and
- Water delivery, reuse, and reclamation systems and facilities will not be considered Waters of the U.S.; and
- Ditches, streams and other drainage features that protect and ensure the operation of public infrastructure will not be considered Waters of the U.S.; and
- Wastewater treatment systems and all associate infrastructure will not be considered Waters of the U.S.; and
- Any proposal to regulate waters within a floodplain, riparian, or any other general area must include a specific definition, including the specific boundaries, of the floodplain, riparian, or other area subject to the rule; and
- The rule must include sufficient clarity and specificity to better inform regulators and permittees, and to minimize the potential for litigation.

**BE IT FURTHER RESOLVED**, in opposition to the proposed change to the rule defining "Waters of the U.S.," the Currituck County Board of Commissioners encourages citizens to write letters to the EPA, E-mail the EPA, or post comments to the Federal eRulemaking Portal, in the manner described below:

Letters, including the original and three copies, may be sent to:

Water Docket, Environmental Protection Agency Mail Code 2822T  
1200 Pennsylvania Avenue NW Washington, DC 20460  
Attention: Docket ID No. EPA-HQ-OW-2011-0880

E-mails may be sent to: [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Please include EPA-HQ-OW-2011-0880 in the subject line of the message.

Comments may be posted online at: [www.regulations.gov](http://www.regulations.gov).  
Simply follow the instructions for submitting comments.

**BE IT FURTHER RESOLVED**, that the Currituck County Board of Commissioners encourages other local governments to pass similar resolutions.

Adopted this 6<sup>th</sup> day of October, 2014.

#### **F) Commissioner's Report**

Commissioner Gilbert announced Animal Lovers Assistance League Bark in the Park at Currituck BBQ on Saturday 11 AM till 2 PM. She also announced the Currituck SPCA was in need of supplies, including kitty litter, bowls, and pellets.

#### **G) County Manager's Report -**

No Report.

#### **Adjourn**

With there being no further business, Commissioner Petrey moved to adjourn, with a second by Commissioner Martin. The motion carried unanimously and the meeting was adjourned.

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of October 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-532001	Supplies Sewer	\$ 7,000	
60808-557100	Software License Fee	\$ 211	
60808-590001	Capital Outlay - Sewer	\$ 28,726	
60808-532000	Supplies - Water		\$ 2,500
60808-516001	Repairs & Maintenance - Sewer		\$ 15,000
60808-514500	Training & Education		\$ 2,000
60808-588000	Contingency		\$ 16,437
		<u>\$ 35,937</u>	<u>\$ 35,937</u>

**Explanation:** Ocean Sands Water & Sewer District (60808) - Transfer funds for pump replacement and unanticipated supplies for repairs.

**Net Budget Effect:** Ocean Sands Water & Sewer District (60) - No change.

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Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of October 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10775-503000	Salaries - Part time	\$ 1,448	
10775-505000	FICA	\$ 111	
10775-506001	Unemployment Insurance	\$ 15	
10775-507000	Retirement	\$ 180	
10775-545000	Contract Services - Nutrition		\$ 1,754
		<u>\$ 1,754</u>	<u>\$ 1,754</u>

**Explanation:** Senior Center (10775) - Transfer funds to hire replacement position for the Knotts Island Senior Center.

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

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Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of October 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
14460-545000	Contract Services	\$ 74,000	
14390-499900	Fund Balance Appropriated		\$ 74,000
		\$ 74,000	\$ 74,000

**Explanation:** Carova Beach Service District (14460) - Increase appropriations to carry forward fund balance from last fiscal year for road improvements in the Carova Beach Service District.

**Net Budget Effect:** Carova Beach Service District (14) - Increased by \$74,000.

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\_\_\_\_\_  
Clerk to the Board



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Consideration and Ratification of Public Safety 800 MHz System Usage Agreement Between Currituck County and Volunteer Fire Departments

## Brief Description of Agenda Item

Attached for ratification is an agreement between the county and each volunteer fire department for the volunteer fire department access to and use of the county's 800 MHz radio communication system. Because the 800 MHz system and equipment is owned by the county it is necessary for ISO ratings that an agreement assuring use of the 800 MHz system and equipment is in place with each volunteer fire department.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ike McRee, County Attorney

## Presenter of Agenda Item

Ike McRee, County Attorney

# **Public Safety 800 MHz System Usage Agreement**

**An Agreement Permitting the Use of the County of Currituck 800 MHz Radio System by the Crawford Township Volunteer Fire Department, Inc. for Public Safety and Public Service Radio Communication.**

This Agreement is entered into as of the date of the last signature hereto ("Effective Date") between the County of Currituck (hereinafter "County"), and the Crawford Township Volunteer Fire Department, Inc. (hereinafter "User").

## **RECITALS**

WHEREAS, The County owns and maintains an 800 MHz Public Safety and Public Service Radio System ("Radio System") that provides radio communications coverage for areas within the boundaries of the County. The radio system provides communication infrastructure for portable, mobile and base radio equipment, and

WHEREAS, the User desires to utilize the County Radio System for public safety and public service radio communications, and

WHEREAS, the County Radio System will provide interagency radio communication between the County, User, and mutual aid agencies, and

WHEREAS, Part 90 of the Federal Communications Commission Rules and Regulations promote the use of interagency interoperability, and

WHEREAS, the User agrees to abide by the rules and regulations set forth by Part 90 of the Federal Communication Commission Rules and Regulations for public safety and public service radio communications.

## **AGREEMENT**

Now, therefore, both parties agree that the above and foregoing recitals background and agreements are incorporated by reference as fully set forth and further agree herein as follows:

### **1. Use of the System**

User wishes to utilize the County's 800 MHz radio system for its Public Safety and Public Service radio communications coverage and to establish interagency communication with the County. User agrees to utilize the system in accordance to the rules and regulations of the FCC and the County, and will operate the system in a professional manner and only for User's official business purposes.

### **2. Equipment Requirements**

The County has provided the User with communications equipment (see attachment A) which will remain in the User's possession until the Agreement and/or the Contract for Fire Protection and Rescue Services has been terminated. The User shall request additional 800 MHz radio equipment through the County and transfer funding into the proper County budget line item. No miscellaneous equipment will be allowed on the system without the County's approval. The user shall only utilize mobiles, portables, bases, dispatch consoles, and accessories that meet the specification established by Motorola for use on this 800 MHz Radio System. User agrees that, unless otherwise explicitly provided herein, the County is not responsible for equipment purchased by User.

### **3. System Access**

Access to the Radio System will only be granted after this public safety agreement has been signed by both parties.

#### **4. Equipment Maintenance and Terms**

The County maintains the User's equipment. The User shall return any assigned malfunctioning 800 MHz radio equipment for repair. Mobile vehicle radios should be removed by County approved personnel. The User will be responsible for fees for damage not included in the warranty of damaged equipment.

#### **5. License**

County shall hold and maintain a Federal Communications Commission license to operate the Currituck County 800 MHz Radio System. User agrees to operate under and comply with all specifications, limitations, requirements, and conditions of the County's license. User agrees that County's Emergency Management Director ("Director") shall monitor all communication on the Radio System to ensure compliance with Part 90 of Title 47 the Code of Federal Regulations (Private Land Mobile Radio Services). The Director reserves the right to rectify any misconduct constituting a violation of Part 90 of the Code of Federal Regulations so as not to jeopardize County's FCC License. User agrees that the exercise of a remedy for any such misconduct rests entirely within the discretion of the Director. User also agrees and understands that said remedies may include an immediate cessation of service.

#### **7. Non-Interference**

User agrees and warrants that its use of the Currituck County 800 MHz Radio System shall not cause interference to or with other users of the Radio System, including Currituck County. User also agrees not to install any infrastructure that will cause coverage interference to the System. Further, if there is interference, User shall have sixty (60) days to correct, test, and remove such interference.

#### **8. Lease Terms and Termination**

**8.1** This agreement shall commence upon the Effective Date and shall continue until June 30<sup>th</sup>, 2015 (the "Initial Term"). Unless written notice is provided not less than 30 days prior to the expiration of the Initial Term, this Agreement shall automatically renew for consecutive one year terms until terminated by either party by providing at least thirty (30) days' written notice to the other party prior to the commencement of any subsequent renewal term.

**8.2** Additionally, either party shall have an absolute right to terminate this Agreement without cause upon sixty (60) days written notice to the other. The County shall have the right to terminate this Agreement with cause upon thirty (30) days written notice to the User. For purposes of this Paragraph, termination with cause includes but is not limited to breach or violation of any of the terms or provision of this Agreement or County's FCC license, violation of any County licensing agreement with any third party vendor, or misuse or unauthorized use of the County's 800 MHz Radio System.

#### **9. Warranties and Indemnification**

**9.1** EXCEPT AS SET FORTH ABOVE, COUNTY DISCLAIMS ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. In no event shall County be liable to User or any other party for any indirect, incidental, special or consequential damages, including, without limitation damages attributed to any malfunction of the 800 MHz Radio System; regardless of the cause of action, arising out of or in connection with a party's performance under this Agreement or County's 800 MHz Radio System, even if a party has been advised of the possibility of such damages. User waives any claim against County for punitive or exemplary damages. County's liability for all claims brought under this Agreement or relating to users of the Radio System, regardless of the form or cause of action, shall be limited to direct damages, which shall not exceed the amounts paid to the County hereunder. User's right to recover damages within the limitation as specified above is User's exclusive alternative remedy in the event that any other contractual remedy fails of its essential purpose. Any legal action arising from or in connection with any defect or failure in the performance or nonperformance of any service provided by County, must be brought within one (1) year after the event giving rise to such action. THIS SECTION SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

**9.2** User agrees to defend themselves in any actions or disputes brought against the User in connection with or as the result of this Agreement and agrees to defend, indemnify and hold County harmless and

free from liability of any kind whatsoever resulting from the acts or conduct of the User, its agents or representatives, or employees in the performance of this Agreement or in the furtherance thereof.

**10. Notices**

Notices given by one party to the other under this Agreement shall be in writing and shall be delivered personally, sent by express delivery service, certified mail or first class U.S. mail postage prepaid and addressed to the respective parties as follows:

To County: County of Currituck  
153 Courthouse Rd, Ste 122  
Currituck, NC 27929  
Attn: Emergency Management Director

To User: Crawford Township Volunteer Fire Department, Inc.  
102 Shawboro Rd  
Moyock, NC 27958  
Attn: Department Chief

or to such other address as either party shall designate by proper notice. Notices will be deemed given as of the earlier of a) the date of actual receipt, b) the next business day when notice is sent via express mail or personal delivery or c) three (3) days after mailing in the case of first class or certified U.S. mail.

**11. Assignment**

Neither party shall assign any right or obligation under this Agreement without the other party's prior written consent. Any attempted assignment shall be void.

**12. Force Majeure**

Neither party, nor their respective employees or agents, shall be liable in any way for delays, failure in performance, loss or damage due to any force majeure conditions, including but not limited to labor strikes or labor disputes, acts of God, civil riot restrictions by government authority, and any other causes beyond that party's reasonable control.

**13. General**

- (a) Failure of either party to insist on performance of any term or condition of this Agreement or to exercise any right hereunder shall not be construed as a continuing or future waiver of such term, condition, right or privilege.
- (b) No third party shall have any rights under this Agreement as a third party beneficiary.
- (c) The User represents that it has all requisite authority (corporate and otherwise) to enter into and perform its obligations under this Agreement.
- (d) The User's rights and remedies set forth in this Agreement shall be the User's exclusive remedies, regardless of the cause of action, for the breach of this Agreement.
- (e) Each party shall comply with all federal, state and local laws, rules and regulations applicable to its performance under this Agreement.
- (f) If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a mutually agreeable valid and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.

**14. Entire Agreement**

This Agreement and the Exhibits referred to herein, which are incorporated herein by this reference, constitute the entire agreement between the parties with respect to the subject matter hereof superseding all previous understandings and communications, oral and written, between the parties. This Agreement may not be modified except by an instrument in writing signed by a duly authorized representative of each

of the parties. The terms of this Agreement shall prevail notwithstanding any variance with the terms and conditions of any invoice, purchase order or any other such document subsequently submitted by either party hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative as of the date of the last signature below.

County of Currituck

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Crawford Township Volunteer Fire Department, Inc.

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY OF CURRITUCK  
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is design, bid and construction of Connecting Corolla Project.

**SECTION 2.** The following amounts are appropriated for the project:

Parking Project	\$	150,000
Professional Services	\$	200,000
Bike Path	\$	200,000
East Side Walkway	\$	100,000
	\$	<u>650,000</u>

**SECTION 3.** The following revenues are available to complete this project:

Transfer from Occupancy Tax	\$	650,000
	\$	<u>650,000</u>

**SECTION 4.** The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

**SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

**SECTION 6. CONTRACTUAL OBLIGATIONS**

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

**SECTION 7. USE OF BUDGET ORDINANCE**

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 20th day of October 2014.

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S. Paul O'Neal, Chairman  
Board of Commissioners

ATTEST:

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Leeann Walton  
Clerk to the Board



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Records Disposal-Administration and Finance Departments

## Brief Description of Agenda Item

Disposal of Records based on Records Retention regulations. See lists attached.

## Board Action Requested

Action

## Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

## Presenter of Agenda Item

Consent Agenda

Memorandum

TO: Dan Scanlon

From: Sandra Hill

Date: October 3, 2014

Subject: Record Disposal

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The Finance Office would like permission to dispose of the following records, which are scheduled for disposal as per the record retention schedule.

<u>Time Period</u>	<u>Description</u>	<u>Approximate number of records</u>
January 1, 2008 - December 31, 2009	1099 Report	1
July 1, 2010 - June 30, 2011	Accounts Payable Invoices	15,007
	Bank Statements	180
	Bank Reconciliation Reports	180
	Deposit Slips	8,500
	Accounts Receivable Files	2,800
	Daily Receipts	22,406
	Budget Amendments	164
	Journal Vouchers	11,560
	NC Sales Tax Summary Reports	12
	Sales Tax Refund Report	1
	Investment Records	225
	Aviation fuel reports	372
	Gas Tax Refunds	24

MEMORANDUM

October 15, 2014

TO: Dan Scanlon, County Manager

FROM: Leeann Walton, Clerk to the Board

RE: Records Disposal-Administrative Office

I would like permission to dispose of the following administrative records, which are scheduled for disposal based on retention records guidelines or have been scanned and retained electronically:

2 Banker boxes of expired ATV Permit applications-2012 and prior

1 Banker box of miscellaneous correspondence-1990 and prior

1 Banker box of miscellaneous correspondence-2006 and prior

1 banker box of miscellaneous correspondence, 2013-scanned into electronic records

Thank you



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Permit Officer III Position

## Brief Description of Agenda Item

Recently the Planning Technician position came open with the departure of an employee. This position is critical to the functionality of permitting, particularly express permitting. While the position is currently located in the Planning budget, it has evolved into more of a permitting position. Having this position physically located in the permit office has allowed customer needs to be met more efficiently in a single location. For this reason, it is my recommendation that this position should be re-structured into a permit officer position within the Inspections budget. The complexity of the position exceeds that of a Permit Officer I or II, so I recommend the creation of a Permit Officer III position at the same grade as the Planning Technician position (Grade 56). This new Permit Officer III position will replace the existing vacant Permit Officer I position leaving the Planning Technician position vacant.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody



## Currituck County

Planning and Community Development Department  
Planning and Zoning Division  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
252-232-3055 FAX 252-232-3026

To: Board of Commissioners

Cc: Dan Scanlon  
County Manager

From: Ben Woody  
Planning Director

Date: October 14, 2014

Subject: Permit Officer III Position

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The Planning and Community Development Department is segregated into two separate budgets: Planning 10660 (\$774,043) and Inspections 10540 (\$608,275). The Planning budget includes ten positions, one of which is currently vacant (Planning Technician). The inspections budget includes nine positions, two of which are currently vacant (Permit Officer I and Building Inspector).

Recently the Planning Technician position came open with the departure of an employee. This position is critical to the functionality of permitting, particularly express permitting. While the position is currently located in the Planning budget, it has evolved into more of a permitting position. Having this position physically located in the permit office has allowed customer needs to be met more efficiently in a single location. For this reason, it is my recommendation that this position should be re-structured into a permit officer position within the Inspections budget. The complexity of the position exceeds that of a Permit Officer I or II, so I recommend the creation of a Permit Officer III position at the same grade as the Planning Technician position (Grade 56). This new Permit Officer III position will replace the existing vacant Permit Officer I position leaving the Planning Technician position vacant.

Enclosed please find the Permit Officer III position job description.

## **CURRITUCK COUNTY JOB DESCRIPTION**

### **JOB TITLE: PERMIT OFFICER III PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

#### **GENERAL STATEMENT OF JOB**

Under general supervision, performs technical work in permitting, planning, and inspections for the Planning & Community Development Department. Acts as first point of contact for inquiries from citizens and the development community. Work involves review of development applications to ensure compliance with applicable county ordinances, policies, and State regulations; including explaining and interpreting ordinances as necessary. Work also involves researching, compiling and analyzing data. Employee must exercise considerable tact and courtesy in frequent contacts with county, state and federal officials, and private citizens. Reports to the Planning & CD Director or their designee.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

##### **ESSENTIAL JOB FUNCTIONS**

Assists the public with answering questions and concerns related to county ordinances, floodplain regulations, CAMA regulations, and general planning and inspections related matters on the telephone, through email, or in person.

Reviews development applications, including building permits and site plans, to ensure compliance with county ordinances and State regulations.

Applies FEMA regulations including verifying flood certifications and identifying flood zones; issues flood development permits and flood determination letters; processes LOMA applications; assists in maintenance of the CRS program.

Provides information and assistance to the public for obtaining CAMA permits; reviews and issues CAMA permits; inspects improvements; and prepares quarterly CAMA reports to be submitted to the State.

Assists with receiving and processing major development application submissions. ~~Receives and reviews Technical Review Committee submissions (major development applications) for completeness; formats digital TRC submissions (pdf format) and uploads to the county website for distribution; distributes copies of development proposals to various governmental agencies for review and comment.~~

Performs file maintenance, types letters and reports; accepts and processes payments associated with development fees.

Researches permitting, zoning, floodplain, census tract, deed, plat/map, tax, and other property records.

Analyzes information and data from varied sources and prepares reports or diagrams as requested; maintains and updates departmental databases.

### **PERMIT OFFICER III**

Coordinates permitting software upgrades, modifications, and technical support; serves as department liaison with software company.

Utilizes Munis permitting software, ArcMap GIS technologies, and Adobe software products.

#### **ADDITIONAL JOB FUNCTIONS**

Assists with permitting intake and administrative duties in the Mainland or Corolla permit offices as needed.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

#### **MINIMUM TRAINING AND EXPERIENCE**

High school diploma or equivalent supplemented by college-level course work; three to five years of experience in permitting, planning or building trades; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

#### **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

**Physical Requirements:** Must be physically able to operate a variety of machinery and equipment including computers, calculators, copiers, etc. Must be able to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are for those for Medium Work.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural or compositional characteristics (whether similar or divergent from obvious standards) of data, people or things.

**Interpersonal Communication:** Requires the ability of speaking and/or signaling people to convey or exchange information. Includes receiving instructions, assignments or directions from supervisor.

**Language Ability:** Requires the ability to read a variety of reports, ordinances, maps, grant regulations, land use plan, invoices, correspondence, permits, etc. Requires the ability to prepare correspondence, reports, grant applications, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

**Intelligence:** Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret a variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

### PERMIT OFFICER III

**Verbal Aptitude:** Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages including engineering, legal, and mapping terminology.

**Numerical Aptitude:** Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; utilize decimals and percentages; understand and apply the theories of algebra, geometry, and descriptive statistics.

**Form/Spatial Aptitude:** Requires the ability to inspect items for proper length, width and shape.

**Motor Coordination:** Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

**Manual Dexterity:** Requires the ability to handle a variety of items such as office equipment. Must have minimal levels of eye/hand/foot coordination.

**Color Discrimination:** Requires the ability to differentiate between colors and shades of color.

**Interpersonal Temperament:** Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

**Physical Communication:** Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via a telephone.

### **KNOWLEDGE, SKILLS AND ABILITIES**

Considerable knowledge of modern office practices, procedures and equipment and standard clerical techniques.

Considerable knowledge of governmental programs, laws, grants and services pertinent to the planning process.

Considerable knowledge of County Unified Development Ordinance, FEMA regulations, and CAMA regulations.

Ability to make decisions in accordance with laws, ordinances, regulations and departmental policies and procedures.

Skilled in the collection, analysis and presentation of technical data and planning recommendations.

Ability to use Munis permitting, ArcMap GIS technologies, and Adobe software.

Ability to use a calculator and equipment to calculate square footage and measure distances.

### **PERMIT OFFICER III**

Ability to use popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to interpret cadastral, orthophoto, topographical and other related maps.

Ability to read and interpret surveys and engineering drawings and plans.

Ability to effectively express ideas orally and in writing.

Ability to exercise independent judgment and initiative to ensure that work is completed on a timely basis.

Ability to establish and maintain effective working relationships as necessitated by work assignments.