

CURRITUCK COUNTY
NORTH CAROLINA
February 17, 2014

The Board of Commissioners met in the Historic Courthouse Board Meeting Room, at 6:00 PM for a work session with the Tourism Advisory Board (TAB). TAB Chairman Paul Robinson questioned the expenditure of Occupancy Taxes. He also reported that the TAB budget committee requested an increase of three staff positions for the Tourism Department to bring social media marketing in house. Also requested was a 5% salary increase for Tourism Department staff for retention purposes.

The Board of Commissioners met at 7:00 PM for its regularly scheduled meeting at the Historic Courthouse in the Board Meeting Room with the following members present: Chairman Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Gilbert, Griggs, McCord and Petrey.

Chairman O'Neal called the meeting to order at 7:00 PM and announced that the Board had met in a joint work session with the Tourism Advisory Board at 6:00 PM.

A) Invocation

Reverend Daniel Bergey, New Life Church, gave the invocation.

B) Pledge of Allegiance

Reverend Daniel Bergey, New Life Church, led the Pledge of Allegiance.

C) Approval of Agenda

Commissioner Petrey moved to approve the agenda with an amendment to continue PB 13-12, Moyock Commons, until the first meeting in March. Commissioner Martin seconded the motion. Motion carried unanimously.

APPROVED AGENDA

Work Session

6:00 PM Joint Meeting with Tourism Advisory Board

7:00 pm Call to Order

- A) Invocation-Reverend Daniel Bergey, New Life Church
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

Administrative Reports

- A) Presentation of US Tennis Association (USTA) Grant Check

Public Hearings

- A) **PB 13-17 Moyock Crossing:** Request for a preliminary plat/use permit for 90 residential lots in a conservation subdivision located in Moyock on the north side of Shingle Landing Road approximately 260 feet east of Fox Lane, Tax Map 9, Parcel 41, Moyock Township.
- ~~B) **PB 13-12 Moyock Commons:** Request for a conditional rezoning of 27.66 acres from AG (Agricultural) to CD-SFM (Conditional District Single Family Mainland), Tax Map 15, Parcel 79, Moyock Township. CONTINUED~~
- C) **Public Hearing and Action on Authorization of Incentives for "Project Jessica"**

New Business

- A) **Board Appointments:**
 - 1. Appointment to Recreation Advisory Board
 - B) **Consent Agenda:**
 - 1. Approval of January 24-25, 2014, Minutes
 - 2. Approval of February 3, 2014, Minutes
 - 3. Budget Amendments
 - 4. 2013 Order of Collections to the Tax Collector
 - 5. 2013 Order to Advertise Unpaid Tax Liens
 - 6. Consideration of Grant Agreement With Currituck County Historical Society for Publication of Book on Historic Architecture in Currituck County
 - C) **Commissioner's Report**
 - D) **County Manager's Report Adjourn**
- D) **Public Comment**

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated that her family had been in litigation with the County for two years over the approval of a junkyard in Shawboro. No one recommended approval but the Commissioners approved it anyway. Since it was Presidents' Day, she quoted George Washington and Abraham Lincoln. She noted the action was not just, not fair and not government.

Peter Thornton, Moyock, urged keeping safety in mind. He felt a safety center was needed for new equipment as well as a park-and-ride in the event Food Lion stopped people from parking to ride-share. He also saw the need for public rail and suggested the County set aside land for use as a station as the county grows.

Will Crodick, Knotts Island, expressed his concerns with the school system having 14 combination classes. He stated the cost to provide a solution to his concern and asked for support from the Commissioners and the public to persuade the Board of Education to budget for enough teachers to remedy the situation. He had also addressed the Board of Education.

Chairman O'Neal noted the County could not mandate how the funding was budgeted by the Board of Education, which is also an elected Board. School funding is a Board of Education issue.

There being no further comments, Chairman O'Neal closed the Public Comment period.

Administrative Reports

A) Presentation of US Tennis Association (USTA) Grant Check

Kelly Gaines, representing USTA North Carolina, presented a \$50,000 check to the County for improvements to the tennis courts at the high school. \$30,000 was contributed by USTA National and \$20,000 by USTA North Carolina.

Jason Weeks, Parks and Recreation Director, thanked USTA and recognized others who were instrumental in accomplishing the project.

Vic Ramsey, High School Tennis Coach and with the Tennis Association, thanked the Board of Commissioners for funding the balance needed for the project. He also thanked all who had a part in completing the renovations. He mentioned plans for tournaments, and also explained the color scheme, which had been questioned, was the industry standard.

Public Hearings

A) PB 13-17 Moyock Crossing: Request for a preliminary plat/use permit for 90 residential lots in a conservation subdivision located in Moyock on the north side of Shingle Landing Road approximately 260 feet east of Fox Lane, Tax Map 9, Parcel 41, Moyock Township.

Commissioner Gilbert stated she had not discussed the request.

Chairman O'Neal stated he was not present at the last meeting where this request was heard.

Chairman O'Neal noted this was a continuation of a Special Use Permit and the evidentiary phase of the Public Hearing. Anyone wishing to speak needed to be sworn in and sign in on the sign-up sheet.

Sworn testimony was given.

Chairman O'Neal related the applicant was represented by legal counsel and the County Attorney would represent the County.

Ike McRee, County Attorney, stated the Commissioners were sitting as a quasi-judicial body to receive evidence for consideration of the use permit. Four questions would be addressed to which the applicant was required to comply.

Ben Woody, Planning and Community Development Director, reviewed the request as well as staff, Technical Review Committee and Planning Board recommendations.

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: February 17, 2014
PB 13-17 Moyock Crossing

ITEM: PB 13-17 Moyock Crossing preliminary plat/use permit for 90 residential lots in a conservation subdivision.

LOCATION: Moyock: located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Moyock Township

TAX ID: 0009-000-0041-0000

ZONING DISTRICT: Single Family Mainland (SFM)

PRESENT USE: Woodland/Farmland

OWNER: Gee's Group of North Carolina, Inc.
770 Lynnhaven Parkway, #160
Virginia Beach, VA 23452

APPLICANT: Hyman & Robey, PC
150 US HWY 158
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low density residential	SFM/GB
SOUTH	Low density residential/auto service/storage	GB
EAST:	Shingle Landing Creek/Low density residential	SFM
WEST:	Low density residential	AG/CD-SFM

LAND USE PLAN

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

SIZE OF SITE: 58.16 acres
47.68 acres - Full Service
10.48 acres - Rural

NUMBER OF UNITS: 90 lots

PROJECT DENSITY: 1.55 units – overall density

OPEN SPACE: 23.26 Acres Required
23.36 Acres Provided
20.84 acres primary conservation
2.52 acres secondary conservation

UTILITIES: The proposed lots will be served by county water. The developer also proposes to install the necessary infrastructure to connect to the county wastewater system.

**RECREATION AND
PARK AREA:**

The required park area dedication is 2.30 acres. The TRC requests a payment in lieu of the dedication. The payment, based on the current tax value, is \$12,698.25 and must be paid prior to final plat approval.

I. NARRATIVE OF REQUEST:

- The applicant is requesting preliminary plat/use permit approval of a 90 lot residential conservation subdivision.
- On November 4, 2013, the Board of Commissioners denied a text amendment to allow street intersections to be spaced 200 feet apart. The applicant redesigned the subdivision to meet the current UDO requirements which resulted in an increase of 6 lots and lots located on the western side of Crossing Avenue.
- All lots are proposed to be served by county water and wastewater.
- The proposed development will provide street interconnection with Shingle Landing subdivision.
- Open space improvements will include an elevated boardwalk to Shingle Landing Creek and recreational vehicle parking.

II. USE PERMIT REVIEW STANDARDS:

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 staff findings of fact are outlined as follows:

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

Staff 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.

Staff Findings:

- a. As proposed, the minimum lot size is 9,080 square feet (0.21 acre) with an average size of 13,030 square feet.
- b. Proposed lots adjacent to Fox Run and Shingle Landing Farms subdivisions shall have a minimum 125 feet of road frontage.
- c. A 10 foot evergreen buffer will be provided between the proposed subdivision and Fox Run and Shingle Landing Farms subdivisions.

3. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Staff Findings:

The 2006 Land Use Plan classifies this site as Full Service and Rural within the Moyock subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the

availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY 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.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.

4. 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. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Staff Findings:

- a. Based on the student generation rates, this subdivision will generate the following students:
 - i. 22 elementary students
 - ii. 7 middle school students
 - iii. 12 high school students
- b. The proposed development will not exceed the county's ability to provide adequate public facilities

III. COMPATIBILITY ANALYSIS (requested by the Board of Commissioners)

At the January 6, 2014 Board of Commissioners meeting, the board requested staff to complete an analysis of surrounding development patterns.

Development Patterns

- The development patterns of improved residential lots (2012 data) were analyzed based on the lot sizes within one-half mile and one mile of the proposed development, as well as Moyock Township.
 - ½ Mile of Moyock Crossing

Lot Size	Number of Lots (315)	Percentage
½ acre or less	67	21%
½ - 1 acre	196	62%
1-2 acres	40	13%
2-3 acres	6	2%
3+ acres	6	2%

- 1 Mile of Moyock Crossing

Lot Size	Number of Lots (595)	Percentage
½ acre or less	80	13%
½ - 1 acre	349	59%
1-2 acres	108	18%
2-3 acres	23	4%
3+ acres	35	6%

- Moyock Township

Lot Size	Number of Lots (2241)	Percentage
½ acre or less	572	26%
½ - 1 acre	924	41%
1-2 acres	367	16%
2-3 acres	108	5%
3+ acres	270	12%

Traffic

- The following table illustrates the Annual Average Daily Traffic (AADT) volumes for intersections located near Moyock Crossing.
- The development analysis prepared by Hyman and Robey estimates 552 daily trips at build-out of Moyock Crossing.

- NCDOT AADT

Location	2012 AADT	Capacity
168 N of Shingle Landing Road intersection	19,000	37,600
168 S of Shingle Landing Road intersection	21,000	37,600
168 S of Tulls Creek Road intersection	17,000	37,600
Camelia Road W of Shingle Landing Road intersection	380	N/A
Tulls Creek Road E of Shingle Landing Road intersection	4,200*	8,000*

*2011 NCDOT AADT data

Stormwater

- According to Mike Doxey, Soil Conservation, there are no additional stormwater concerns based on the proposed development being adjacent Shingle Landing Creek, which provides a drainage outlet. In addition the soils within the development do not present drainage concerns.

IV. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval subject to the following plan corrections (based on the resubmitted plan):

1. Please contact James Mims regarding the fire hydrant placement. The proposed spacing appears to be greater than 1000 feet. *(Staff commentary: The fire marshal's office is reviewing the revised plan).*
2. The proposed drainage plan does not include lot line swales which are required by the UDO. However, there may be alternative methods for lot line swales that must be approved by the county engineer. A swale does not appear to extend along the western property line of lots 1-9 and lots 49-50 (entirely). Please clarify how the drainage will be handled on these lots. *(Staff commentary: Engineering has reviewed the revised plan and has no comments).*

3. The Water Department has requested an upsized waterline of 10" to be installed on "Crossing Avenue" from Moyock Landing Drive to Shingle Landing Road. A license agreement based on a certified engineering proposal must be submitted. *(Staff commentary: Public utilities has reviewed the revised plan and approved).*
4. Please indicate the riparian buffer zones on the plan. *(Staff commentary: The revised plan illustrates the riparian buffer).*
5. Since lots are now located along Crossing Avenue, sidewalks must be provided on both sides of the proposed street. *(Staff commentary: See Planning Board recommendation).*
6. Please clarify the installation of improvements for Crossing Avenue and the proposed phasing plan. *(Staff commentary: Phasing plan was corrected on revised plan).*
7. All corner lots (lots 10, 42, 70, 71, and 96) shall include a five foot non-ingress/egress easement along the lot line bordering the more heavily travelled street.
8. With the increase in the number of lots, one additional (9 total) recreational equipment storage space shall be provided. *(Staff commentary: The revised plan reduced the total number of lots to 90).*
9. The proposed fenced storage area shall be landscaped and indicated on the construction plans.
10. Utility easements shall be indicated on the preliminary plan.
11. Please clarify the function of the narrow strip of open space located behind many of the lots. The plan appears to create an area that may become a maintenance concern and not a functional area of open space.
12. The revised plan now indicates proposed lots located along Fox Run and Shingle Landing Farm property lines. As many as three lots now abut one existing residential lot to the west. Although the proposed development is consistent with the density allowed under the UDO, the development of lots 1-9 and 49-50 appear to not be consistent with one of the use permit criteria. Specifically, the criteria states, "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". By developing as many as three lots that abut one residential lot does not appear to be in harmony with the subdivisions in the area. Efforts must be made to mitigate the impacts of the lots along the existing subdivisions. *(Staff commentary: The revised plan illustrates lots adjacent to Fox Run and Shingle Landing Farm subdivision have a minimum lot width of 125').*

The TRC recommends conditional approval subject to the following permit conditions:

1. Plan corrections must be resubmitted and approved.
2. Stormwater ponds for the development may not be located on individual lots unless an easement is provided for stormwater maintenance.
3. The development density shall not exceed 2 units per acre.
4. With the exception of the two wetland crossings (street/sidewalk and the elevated water access to Shingle Landing Creek) all wetlands on the property shall remain undisturbed.
5. To minimize the dissimilarity of the lot sizes in Moyock Crossing the subdivision plan shall incorporate one or a combination of the following options:
 - a. An adequate open space buffer must be provided between the proposed lots in Moyock Crossing and the existing residential lots in Fox Run and Shingle Landing Farms,
 - b. Increased lot sizes consistent with the lots in Fox Run and Shingle Landing Farms, or
 - c. Removal of lots along the western side of Crossing Avenue.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the preliminary plat/use permit with staff recommendations and the following conditions:

- Crosswalks are implemented at the intersections in order to prevent sidewalks in the wetlands.
- Continue sidewalks on both sides of the road on the north end of the subdivision.
- Reduce the number of lots on Fox Run from nine to five at 125 ft. lot width.

- Ten foot wide evergreen buffer at the back of the five lots and lots 49 and 50 that adjoin Fox Run and Shingle Landing Farms.
- An eight foot wide sidewalk installed along Crossing Avenue on one side of the street from intersection to intersection of internal streets.

BOARD OF COMMISSIONERS (1-6-14)

Mr. Woody addressed Commissioners' questions regarding lot sizes, compliance with the Small Area Plan study and tap fees.

Jason Mizelle, Hyman and Robey, representing the applicant, reviewed compliance with the UDO. Proposed homes would be 2500-3000 sq.ft. at a cost of \$275,000-\$325,000. He stated drainage would not be an issue due to stormwater ponds.

Mr. Woody noted Shingle Landing Creek would not be negatively impacted. The subdivision would have to comply with the stormwater manual.

Commissioners were concerned about compatibility with the surrounding subdivisions. Mr. Mizelle described the transition between proposed subdivision and Shingle Landing. Vice-Chairman Martin opened the Public Hearing.

Jo Drago, Moyock, was concerned with density, drainage and providing services.

Bob Crocker, Moyock, was concerned with lot coverage, drainage, and run-off.

Commissioner Aydlett asked about original plans.

Eddie Hyman, Hyman and Robey, responded the original plan was for 39 lots plus open space designed under the old UDO. Due to availability of sewer, the lot number increased.

Mary Waller, Moyock, was in favor of the project; however, she was concerned with run-off and drainage. She expressed the need for diversity and more affordability.

Don Williams, Moyock, developer of Shingle Landing, opposed interconnection with Shingle Landing Drive. He asked where the sewer system would be coming in for the new development. The response was Moyock Landing Drive.

Eldon Miller, III, and Dorothee White, Moyock, members of the Small Area Plan Committee, spoke together. Ms. White stated that low density was preferred as well as a quality subdivision with adequate buffering. She remarked on the various plans that had been presented and her opinion that the sewer system was for commercial businesses. Mr. Miller was also concerned with density. He liked the original plan with 30+ lots and also felt the sewer should be for commercial use. He had commercial properties he would be interested in hooking up, but the tap fees were too high. He was opposed to residences hooking up to central sewer system. He also felt the subdivision was not in harmony with the area, and asked what it will create in the future.

Bob Gregory, Moyock, was concerned that the plan kept changing. He was not against development, but not in favor of the density.

Susan Davis, Moyock, requested denial of the sewer connection. Then fewer homes would be possible. She was opposed to 90 homes.

Bob Crocker, Moyock, asked if permission was needed to cut through the road.

Ike McRee, County Attorney, responded that an easement was needed.

Eddie Hyman, related the plans were evolving due to community meetings and Planning Board comments. He described the buffers. Sewer taps were offered and paid. He stated the project meets the criteria and requirements. When asked about changing the size of the homes, if not successful, he was confident the homes would sell. When asked about a homeowners association, he responded it was mandated under the UDO. In response to a question about traffic concerns, he stated DOT was in the process and felt there was adequate visibility. Interconnectivity will enhance safety.

There was also concern with the public boat ramp traffic.

Commissioners observed that the sewer allows a difference in this subdivision as opposed to one where sewer was not available.

Mr. Hyman responded that the County was looking for customers for the sewer system. He noted the design will come with approval. It is designed under the UDO, and stormwater rules will help.

Commissioners felt more study was needed to determine compatibility.

Vice-Chairman Martin stated they were at an impasse and suggested continuing the public hearing and action until the first meeting in February.

Commissioner Gilbert moved to continue PB 13-17 to allow staff to perform an analysis of surrounding development patterns since the proposed density of the project may not be in harmony with the area in which it is located. Compatibility, drainage and easements were to be addressed. Commissioner McCord seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (12-10-13)

Mr. Bell asked if the applicant was aware sidewalks were required on both sides of the street.

Ms. Voliva stated they were aware based on recommendations from previously plans.

Ms. Bell stated she is concerned with the number of proposed homes on this little piece of land when wetlands are involved; and neighbors this close with their lot size so different. The Moyock Small Area Plan is in its final stages and a development of this size is not desirable. Mr. Clark agreed.

Ms. Voliva said this is a conservation subdivision and the minimal lot size no longer applies as it is based upon density.

Mr. Cartwright said people may not like certain things, but the applicant is going by the ordinance and rules and you should vote for the rules and not personal feelings.

Mr. Cooper stated the way it is drawn out it meets the density and outlay meet the current rules with the exception of the sidewalks.

Ms. Voliva stated it is not so much the use, but the compatibility between the two subdivisions with the lot sizes.

Mr. Mizelle said Phase 1 does provide connection to Shingle Landing. Mr. Mizelle provided a handout stating the proposed lots on Fox Run will go from nine lots to five lots, which will make the total of 92 lots. This will make the lots larger and more compatible to the adjoining lots. The lots are currently 11,000 sq. ft. and will be going to 18,000 sq. ft. Mr. Mizelle stated they will do crosswalks at each intersection to minimize the impact on the wetlands area.

The Planning Board discussed stormwater ponds and who will maintain them.

Mr. Clark asked if the applicant/owner would consider adding a buffer to the proposed five lots since they are increasing the lot size.

Mr. Mizelle said they would do a buffer, but prefer not to have an open space buffer. The homeowner will maintain the buffer.

Mr. Cooper stated that the evergreen buffer will be on the plat, as well as in the covenants so a potential buyer will know.

Mr. Crocker said he is concerned with stormwater runoff, traffic on a private road in Moyock Landing, and the impact of 92 driveways. Mr. Crocker stated he has been to a few of the Moyock Small Area Plan meetings and this request is far from what the residents of Moyock want to see.

Ms. White said she is a member of the Moyock Small Area Plan and this request is not what they are looking to see.

Mr. Clark said the board is really concerned with the resident concerns. Mr. Clark said the county has a Land Use Plan and Unified Development Ordinance, which an applicant/owner has to meet these criteria. If they meet them, then they have no other choice but to grant them permission to do what they want to do. The applicant/owner came back with a plan to decrease their lot sizes in order to meet the compatibility standard.

Ms. White said they would like to see fewer lots on the property.

Mr. Wright talked about this request is not in harmony with the surrounding area.

Mr. Miller said he understands you need to abide by rules. When the Gee's Group brought this property the original plan was for 39 lots with nice buffering. This request breaks his heart.

Ms. Bell stated it is hard to keep your emotions out of it when it is a place you live. Ms. Bell stated the developer will come and build these homes and leave. The people in this area will have to deal with stormwater, crowds and traffic. Ms. Bell stated it would be nice if somebody could think about the impact of the human beings that are going to live there for the rest of their lives and leave them with the consequences.

Mr. Clark stated when he became a board member five years ago his intent was to stop developments like this; but the county has a Unified Development Ordinance and adopted plans which the board is bound by.

Mr. Cooper said the board have rules which a lot of time and effort went into to develop them; and the board has to take these rules into consideration otherwise it may give the appearance to the public that they board is making up rules as they go along.

PLANNING BOARD ACTION

Mr. Cooper moved to approve PB 13-17 with the following conditions:

- Crosswalks be implemented at the intersections in order to prevent sidewalks in the wetlands;
- Continue sidewalks on both sides of the road on the north end of the subdivision;
- Reduce the number of lots on Fox Run from nine to five at 125 ft. lot width; and,
- Ten foot wide evergreen buffer at the back of the five lots and lots 49 and 50 that adjoin Fox Run and Shingle Landing Farms.
- An eight foot wide sidewalk installed along Crossing Avenue on one side of the street from intersection to intersection of internal streets.

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

When questioned about traffic count for Shingle Landing Road, Mr. Woody stated there was no information for that street in any NCDOT traffic studies for the past ten years.

Regarding Mr. Woody's statement that the area had been zoned residential since 2006, Chairman O'Neal questioned whether there was an existing SUP at the present time. Mr. Woody was not aware of one but would research it. Chairman O'Neal confirmed with Mr. Woody and Mr. McRee that, if a SUP had been approved, the Board would not be obligated to amend it.

Robin Currin, attorney for the applicant, cross-examined Mr. Woody regarding staff findings that the four factors had been met. Mr. Woody stated that was staff's conclusion. He also confirmed the rezoning was general use rezoning with no minimum number of lots; NCDOT considered the traffic numbers would not exceed capacity; and, if the subdivision were built to the UDO stormwater regulations, stormwater should not worsen current conditions. He also agreed that stormwater plans were not required to be reviewed at the preliminary plat/use permit stage.

Chairman O'Neal confirmed with Mr. McRee that the Board was to weigh all evidence presented, that it did not have to rely wholly on staff findings.

There was further discussion on traffic concerns.

Mr. McRee recognized Ms. Currin to present the applicant's case.

Ms. Currin reviewed the general requirements of the ordinance as well as the changes the applicant had agreed to make. She reminded the Board this was an application for a conservation subdivision which is allowed under the County's UDO which allows 2 units per acre. The subdivision proposed 1.53 units per acre. The use permit was required because there are over 20 units proposed.

Ms. Currin indicated the applicant was agreeable to having a traffic study added as a condition for approval. She would be calling witnesses to testify to compliance with the four conditions.

Regarding new concessions being proposed as a result of the last hearing, the applicant would not connect to sewer through Shingle Landing. Since Shingle Landing was not agreeable to the cross-connection road, the applicant proposed dedicating that land to the County along with a bond to cover the cost of constructing the connector if the County chooses. Since there was concern about the size of lots adjacent to the existing subdivision, the number had been reduced to four, each lot to be at least a half acre. The buffer between the two subdivisions would be a planted buffer at least 15 ft. wide with trees expected to reach 20 ft. in height.

Ms. Currin reviewed the four conditions and explained they had been met. She noted the applicant wanted to build a good project as encouraged by the LUP and allowed by the UDO and had made changes because he had heard the community and was attempting to implement changes based on public comments.

Eddie Hyman, Hyman and Robey, stated the applicant had followed the UDO requirements up to this phase. Once the use permit is approved, other required permits may be applied for and the design phase will be submitted for review.

Ms. Currin requested Mr. Hyman to review the NCDOT driveway permit application process, which he did.

Commissioners had several questions for Mr. Hyman regarding traffic safety and he indicated a traffic study would be performed. NCDOT would review the plans and make recommendations to facilitate the plan as proposed. Any recommendations by NCDOT would be implemented.

Ms. Currin called David Gianascoli, one of the owners of the property and the developer, who indicated NCDOT traffic engineer assessment recommendations would be incorporated.

Commissioners still had concerns with traffic safety and density. Mr. Hyman noted that 2 units per acre was not considered high density.

Ms. Currin asked Mr. Hyman to confirm that 552 trips per day would not cause a traffic problem. Mr. Hyman responded it would not, according to NCDOT information.

Butch Boykin, Rose & Womble, Newport News, VA, was Ms. Currin's next witness. He talked briefly about his position with the company and the North Carolina subdivisions marketed by Rose & Womble. It was his opinion that the proposed project would be in harmony with the surrounding area and that the value of surrounding homes would not be harmed. He described the proposed homes and expected sales prices.

Chairman O'Neal asked if Mr. Boykin was a licensed appraiser. He responded he was an expert in sales and marketing.

Chairman O'Neal questioned Mr. McRee whether the Board should consider testimony only by a North Carolina licensed appraiser. Mr. McRee responded there are some cases that allow for real estate value testimony from a real estate agent.

Ms. Currin noted the law says it cannot be a lay witness. A real estate expert would be a competent witness.

Mr. Boykin stated he had 23 years' experience in sales and marketing and felt qualified to make statements about values. He responded to Commissioners' questions that he was not licensed in North Carolina and had not sold in North Carolina; however, his company had marketed several communities in Currituck County.

When asked if his company had a contractual agreement to market this subdivision, Mr. Boykin responded he hoped to.

David Gianascoli, owner/developer, distributed examples of models and floor plans and spoke about the prices of the houses. He planned to build a quality house.

Mr. Gianascoli was asked by Commissioners about the cost increases from original submittals, other subdivisions built by his company, HOA fees, whether local contractors and suppliers would be used and whether he had built in North Carolina previously. He responded the housing market was improving so prices were increasing. He described a subdivision he had built in Portsmouth. There would be HOA fees of less than \$200 annually for maintenance of common areas. He planned to use local contractors and vendors when possible. Although he had not built in North Carolina previously, he hoped to leave a good impression so he would be welcomed back for future projects. He just needed approval to start the first one.

Mr. McRee determined that the Board and Ms. Currin had no questions for Mr. Gianascoli and that Ms. Currin had no further witnesses. He opened the floor for public comments. Comments were to be limited to three minutes.

Eldon Miller, III, Moyock, was concerned with compatibility and harmony with adjacent properties. He noted that existing lots less than half an acre were platted 50 years ago. He was glad the proposed homes appeared to be of good size and quality but was overwhelmed with the many changes. His concern with use of local vendors had been addressed. He objected to the lack of public meetings with the developer and had concerns about a non-local developer. He opposed allowing residential hookup to the central sewer which was built for commercial use, even though he felt it was not promoted to businesses. He suggested requiring minimum lot sizes of 20,000 sq.ft. with no more than 25% variance in lot size and to require the developer to come back with a plan the community could live with. He respectfully requested that the Board of Commissioners deny the project even though it could mean a lawsuit. He felt that just because the project was legal didn't make it right.

Jo Drago, Moyock, a real estate agent with William E. Wood, stated she had sent the Commissioners pictures of flooding in Shingle Landing. She mentioned her background in real estate and that she learned of the Moyock Crossing increase from 39 to 90 lots from a Rose & Womble agent in November. Ms. Drago had done a comparative market analysis in Shingle Landing (81 lots, average lot size .8, median price \$336,000, average size 2450 sq.ft.). Proposed houses would be 1,900-3,000 sq ft. on an average .15 lot size. She was concerned about large houses on small lots. She also expressed safety concerns with parking, particularly during holidays.

Chairman O'Neal confirmed with Mr. McRee that Ms. Drago could be considered an expert witness. Mr. McRee responded that comments by both real estate agents should be weighed and could be accepted or rejected as expert testimony.

Ms. Currin asked Ms. Drago if she had performed an analysis of comparables for any other subdivision in a similar situation to this project. Ms. Drago responded she had only analyzed Shingle Landing as the only other similar subdivision would be Cypress Landing and she did not have time to pull comparables from there. Ms. Currin asked if she had the documents with her. Ms. Drago did not but would furnish them to Ms. Currin.

Bobby Gelormine, Moyock, was concerned with plans to interconnect Moyock Crossing with Moyock Landing Drive which is a private road. Although the interconnectivity would not be acceptable, he was also concerned that Moyock Crossing would only have one way in and one way out in case of emergency. He was also concerned with allowing residential hookups to the sewer system. Recalling information heard at the November meeting, if this subdivision moved forward, the sewer system would be at 80% capacity. If the goal is to generate business interest in Moyock, the sewer capacity would be a concern. He also addressed lot coverage and wondered if there was a maximum allowed. With the large ranch houses, decks, driveways, and sidewalks, there would be little left over for a yard, and homes would be too close together. He requested the developer build fewer homes. He noted recent residents to Moyock came for a rural experience with more space and requested that the Commissioners listen to them.

Neither the Board nor Ms. Currin had any questions for Mr. Gelormine.

Bob Crocker, Moyock, concurred with previous public comments. His major concern was with flooding, water run-off. He wondered if the Army Corps of Engineers had been contacted regarding wetlands delineation. He also commented on the number of changes by the developer. He felt all permits and drawings should have been in hand before coming to the Board of Commissioners for approval. He was concerned with water backup from Shingle Landing Creek during a storm event and was not convinced the proposed subdivision would not add to the flooding.

Neither the Board nor Ms. Currin had any questions for Mr. Crocker.

Mr. McRee asked if Ms. Currin had any rebuttal based on comments by the public.

Ms. Currin asked Mr. Hyman to address the Army Corps of Engineers issue. Mr. Hyman stated the wetlands delineation had been done and approved by the Army Corps of Engineers. Also CAMA verification and approval had been obtained for CAMA wetlands. This was done for the original 39 lots and had been approved for crossings based on the present plan.

Mr. McRee noted that concluded those who had signed up to speak. He felt it was appropriate to allow the applicant's attorney a brief summation which would conclude the evidentiary phase.

Ms. Currin felt that, based on the evidence, they had met the four factors. She recognized there was a lot of fears and concerns, but the developer would tell them he intends to build a good, high quality subdivision. The conservation subdivision is allowed by the UDO and he relied on the UDO standards to bring the proposed project to the Board. She requested approval of the project.

Mr. McRee stated the evidentiary phase was concluded and recommended the Chairman close the Public Hearing to be followed by deliberation and action.

Chairman O'Neal closed the Public Hearing.

Commissioner Petrey moved to continue PB 13-17 with the condition that the applicant secures any necessary permits for a wastewater line extension to serve the development. Commissioner Gilbert seconded the motion. Commissioner McCord moved to amend the motion to require a current traffic study. Commissioner Aydlett seconded the amendment. Amendment carried unanimously. Motion carried unanimously.

B) PB 13-12 Moyock Commons: Request for a conditional rezoning of 27.66 acres from AG (Agricultural) to CD-SFM (Conditional District-Single Family Mainland), Tax Map 15, Parcel 79, Moyock Township.

Continued

C) Public Hearing and Action on Authorization of Incentives for "Project Jessica"

Peter Bishop, Economic Development Director, related authorization was being requested to provide a match for a One NC Fund incentive grant from the state. The match could be cash or in kind services. There was competition with another state for the project. If the project were to locate in Currituck County, the Governor must make the announcement. Average salary would be \$36,000 and 60 jobs must be created in order to receive the incentives. Forty additional jobs were anticipated.

Chairman O'Neal opened the Public Hearing. There being no comments, he closed the Public Hearing.

Commissioner Martin moved to approve the request. Commissioner McCord seconded the motion. Motion carried unanimously.

New Business

A) Board Appointments

1. Appointment to Recreation Advisory Board

Commissioner Aydlett moved to appoint Ryan Hodges. Motion carried unanimously.

B) Consent Agenda:

1. Approval of January 24-25, 2014, Minutes
2. Approval of February 3, 2014, Minutes
3. Budget Amendments
4. 2013 Order of Collections to the Tax Collector
5. 2013 Order to Advertise Unpaid Tax Liens
6. Consideration of Grant Agreement With Currituck County Historical Society for Publication of Book on Historic Architecture in Currituck County

Commissioner Martin moved to approve the Consent Agenda. Commissioner Petrey seconded the motion. Motion carried unanimously.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
			<u> </u>	<u> </u>
50795	594600	Baseball/Softball Complex - Maple	\$ 200,000	
50390	495015	T F - Occupancy Tax Fund		\$ 200,000
			<u>\$ 200,000</u>	<u>\$ 200,000</u>

Explanation: *Baseball & Softball Fields - Maple Complex (50795) - Increase appropriations for design of the baseball and softball field complex at Maple.*

Net Budget Effect: County Governmental Construction (50) - Increased by \$200,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640	545000	Contract Services	\$ 1,200
10640	511010	Data Transmission	\$ 1,200
10460	545000	Contract Services	\$ 15,060
10490	545003	Contract Services - Court Facilities	\$ 1,300
10460	516000	Maintenance & Repair	\$ 1,300
10490	590003	Capital Outlay - Court Facilities	\$ 4,060
10490	532003	Supplies - Court Facilities	\$ 1,000
10490	516003	Repairs & Maintenance - Court Facilities	\$ 10,000
		<u>\$ 17,560</u>	<u>\$ 17,560</u>

Explanation: *Public Works (10460); Court Facilities (10490); Cooperative Extension (10640) - Transfer budgeted funds to fund increases in landscaping contracts and for costs incurred for snow removal.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10511	516200	Vehicle Maintenance	\$ 4,591
10511	554000	Insurance & Bonds	\$ 320
10511	531000	Gas	\$ 2,500
10511	547000	Meals	\$ 2,820
10380	484001	Insurance Recovery	\$ 4,591
		<u>\$ 7,411</u>	<u>\$ 7,411</u>

Explanation: *Jail (10511) - Transfer funds for operations and increase appropriations for insurance proceeds to repair Jail vehicle damaged in accident.*

Net Budget Effect: Operating Fund (10) - Increased by \$4,591.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
			<u> </u>	<u> </u>
10510	516200	Vehicle Maintenance	\$ 4,650	
10380	484001	Insurance Recovery		\$ 4,650
			<u>\$ 4,650</u>	<u>\$ 4,650</u>

Explanation: *Sheriff (10510)* - Increase appropriations for insurance proceeds to repair Sheriff vehicles damaged in accident.

Net Budget Effect: Operating Fund (10) - Increased by \$4,650.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
			<u> </u>	<u> </u>
59808	596100	Professional Services	\$ 159,500	
59808	588000	Contingency		\$ 159,500
			<u>\$ 159,500</u>	<u>\$ 159,500</u>

Explanation: *Ocean Sands Construction Fund (59808)* - Transfer funds from contingency to environmental assessment for expansion of the Ocean Sands Wastewater Treatment Plant.

Net Budget Effect: Ocean Sands Water & Sewer Construction Fund (59) - No change.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
			<u> </u>	<u> </u>
60808	590001	Capital Outlay	\$ 256,000	
60808	588000	Contingency		\$ 256,000
			<u>\$ 256,000</u>	<u>\$ 256,000</u>

Explanation: *Ocean Sands Water and Sewer Fund (60808) - Transfer funds from contingency to award contract to George Raper & Son for Spray Field project.*

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

<u>Account Number</u>		<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
66868	532000	Supplies	\$ 10,000	
66868	533200	Lab Tests	\$ 1,000	
66868	545000	Contract Services		\$ 10,000
66868	590000	Capital Outlay		\$ 1,000
			<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: *Southern Outer Banks Water System (66868) - Transfer funds for operations.*

Net Budget Effect: Southern Outer Banks Water System Fund (66) - No change.

<u>Account Number</u>		<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
12548	516015	Repairs & Maintenance	\$ 17,000	
12548	516115	Building & Grounds	\$ 1,000	
12548	526015	Promotions	\$ 683	
12548	532015	Supplies	\$ 2,500	
12548	536115	Personal Protective Equipment	\$ 15,000	
12548	553015	Dues & Subscription	\$ 5,000	
12548	554015	Insurance	\$ 184	
12548	545000	Contract Services		\$ 41,367
			<u>\$ 41,367</u>	<u>\$ 41,367</u>

Explanation: *Knotts Island Volunteer Fire Department (12548) - Operating transfers as requested by Knotts Island VFD per e-mail January 23, 2014.*

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12546	514506		\$ 1,000
12546	516106	\$ 14,000	
12546	532106		\$ 4,000
12546	544006	\$ 3,530	
12546	553006		\$ 1,500
12546	554006	\$ 3,000	
12546	561006		\$ 14,030
		<u>\$ 20,530</u>	<u>\$ 20,530</u>

Explanation: *Corolla Volunteer Fire Department (12546)* - Operating transfers as requested by Corolla VFD per e-mail January 21, 2014.

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531	532000	\$ 2,000	
10531	545000		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: *Emergency Management (10531)* - Transfer funds for operations.

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

		Debit		Credit	
		Decrease Revenue or		Increase Revenue or	
<u>Account Number</u>	<u>Account Description</u>	<u>Increase Expense</u>		<u>Decrease Expense</u>	
10460	531000	Gas	\$	5,000	
10460	531400	Equipment Fuel			\$ 500
10460	516000	Repairs & Maintenance			\$ 4,500
			\$	5,000	\$ 5,000

Explanation: *Public Works (10460) - Transfer funds for increased fuel costs.*

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

		Debit		Credit	
		Decrease Revenue or		Increase Revenue or	
<u>Account Number</u>	<u>Account Description</u>	<u>Increase Expense</u>		<u>Decrease Expense</u>	
68888	533200	Lab Tests	\$	2,500	
68888	561000	Professional Services			\$ 2,500
			\$	2,500	\$ 2,500

Explanation: *Walnut Island Sewer District (68888) - Transfer funds for require lab testing at Walnut Island sewer.*

Net Budget Effect: Walnut Island Sewer District (68) - No change.

		Debit		Credit	
		Decrease Revenue or		Increase Revenue or	
<u>Account Number</u>	<u>Account Description</u>	<u>Increase Expense</u>		<u>Decrease Expense</u>	
10750	561000	Professional Services	\$	25,000	
10752	519600	Daycare	\$	569	
10760	519500	Adult EA	\$	2,000	
10330	432800	Daycare			\$ 569
10390	499900	Appropriate Fund Balance			\$ 27,000
			\$	27,569	\$ 27,569

Explanation: *Social Services Administration (10750); Public Assistance (10752); County Assistance (10760)* - Increase appropriations to provide mandated services while Kids First seeks contractor to provide services. Adjust Daycare expense and revenue lines to reflect most recent funding authorization. Increase Kids First allocation.

Net Budget Effect: Operating Fund (10) - Increased by \$27,000.

<u>Account Number</u>		<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
61818	514500	Training and Education	\$ 300	
61818	532000	Supplies	\$ 3,500	
61818	545000	Contracted Services	\$ 5,500	
61818	513000	Utilities		\$ 9,300
			<u>\$ 9,300</u>	<u>\$ 9,300</u>

Explanation: *Mainland Water (61818)* - Transfer funds for operations for the remainder of this fiscal year in the Mainland Water enterprise fund.

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

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes, current and past due, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.(G.S. 105-321)

ORDER TO ADVERTISE UNPAID REAL ESTATE TAX LIENS**TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:**

Pursuant to G.S. 105-369 you are hereby authorized, empowered, and commanded to advertise the unpaid tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit within the time prescribed by G.S. 105-369(c).

C) Commissioner's Report

Commissioner Aydlett thanked all those who attended the Public Hearing on tolling ferries in Knotts Island. He noted 203 were present and he was proud of his community for their comments. He also asked about making appointments to the new Economic Development Board. It was agreed that the ordinance amendment to increase the number of members, as well as board appointments, would be placed on the next agenda.

Commissioner Petrey related he was the RPO representative for the County and would be voting no on tolling ferries. He planned to attend the other Public Hearings as he felt it was important to stand together.

Commissioner Petrey moved that he be allowed to explore adding flooding in Moyock as an RPO project. Commissioner Martin seconded the motion. Motion carried unanimously.

Commissioner Gilbert thanked everyone involved in the Moyock Small Area Plan and thanked the Planning Staff for a job well done.

Commissioner Griggs stated the ferry had been provided free of charge for decades and it was not right for the state to try to balance the budget on the backs of these citizens.

Commissioner Martin announced free tax preparation at the Senior Center every Thursday through April 10. Appointments are required. He thanked JoAnne DiBello for providing this service.

Chairman O'Neal noted North Carolina has the highest gas taxes because of no tolls. He was concerned about tolls and high gas taxes.

Chairman O'Neal also thanked everyone for expressions of sympathy at the loss of his father.

D) County Manager's Report

No comment.

Adjourn

There being no further business, Commissioner Gilbert moved to adjourn. Commissioner Aydlett seconded the motion. The meeting was adjourned.