

CURRITUCK COUNTY
NORTH CAROLINA
January 6, 2014

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

Vice-Chairman Martin called the meeting to order at 7:00 PM.

A) Invocation

Father Jim McGee, St. Luke's Episcopal Mission, gave the invocation.

B) Pledge of Allegiance

Father Jim McGee, St. Luke's Episcopal Mission, led the Pledge of Allegiance.

C) Approval of Agenda

Vice-Chairman Martin moved Consent Agenda, Item #3, Award Contracts for Landscaping Maintenance, to Item A) under New Business; and added Consent Agenda, Item #10, Budget Amendment. Commissioner Gilbert moved to approve the Agenda as amended. Commissioner McCord seconded the motion. Motion carried unanimously.

APPROVED AGENDA

7:00 pm Call to Order

- A) Invocation – Father Jim McGee, St. Luke's Episcopal Mission
- 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 by Wheeler Family**

Public Hearings

- A) **Public Hearing and Action:** PB 88-66 The Villages at Ocean Hill: Request to amend a sketch plan and use permit to remove lot 273 from the Planned Unit Development, Tax Map 114, Parcel 3R, Poplar Branch Township.
- B) **Public Hearing and Action:** PB 13-29 TFP, LLC: Request for a conditional rezoning from SFO (Single Family Outer Banks) and PUD Overlay to CD-GB (Conditional District – General Business), Tax Map 114, Parcels 3R and 20, Poplar Branch Township.
- C) **Public Hearing and Action:** PB 13-27 Troy Moser: Request for a use permit to operate a pawn shop in Moyock at 417A Caratoke Highway, Moyock Shopping Plaza, Tax Map 9A, Parcel 55, Moyock Township.

- D) **Public Hearing and Action:** 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.
- E) **Public Hearing and Action:** PB 13-23 Charles Perry: Request for a use permit to operate automobile sales in Grandy at 6331, 6333, and 6335 Caratoke Highway, Tax Map 94, Parcel 135B, Poplar Branch Township.

New Business

- A) **Award Contracts for Landscaping Maintenance**
- B) **Consent Agenda:**
 - 1. Approval of December 2, 2013 Minutes
 - 2. Award of Contract with McClees Consulting, Inc.
 - ~~3. Award Contracts for Landscaping Maintenance~~ **MOVED TO ITEM A**
 - 4. Award Contract for Whalehead Subdivision Drainage Improvements-Phase IV and Authorization for County Manager to Execute Contract
 - 5. Proclamation Declaring Currituck County as a Purple Heart County
 - 6. Request for Waiver of Fees by Moyock High School Reunion Committee
 - 7. CDBG Monthly Status Report
 - 8. Petition to NC Department of Transportation for Addition of Knotts Landing Lane to State System
 - 9. Petition to NC Department of Transportation for Addition of Solo Lane to State System
 - 10. Budget Amendment
- C) Commissioner's Report
- D) County Manager's Report

Closed Session

Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.

Adjourn

D) Public Comment

Vice-Chairman Martin opened the Public Comment period.

Mary Etheridge, Shawboro, stated that with the new year, she has reflected on the past. She has made a resolution to make citizens aware of what her family has gone through. Her reflections included quotes by the County Attorney, Ben Woody, and Chairman O'Neal, and she asked why the County was appealing the court's decision. Her last quote, by Confucius, was for the Commissioners' reflection, "What you do not want done to yourself, do not to others."

Joyce Waldie, Brayview Landing, Moyock, stated that her property insurance had increased because the nearest fire hydrant was too far away. Commissioners asked that the fire hydrant situation be investigated.

Following remarks regarding a request by the homeowners insurance industry for another rate increase, the County Manager was directed to publish the address and other information so citizens could offer comments to their State representatives.

Larry Mushill, Brayview Landing, Moyock, also requested a fire hydrant for the subdivision.

Commissioner McCord asked about the cost of hydrants. Mr. Scanlon related staff was working on a design and would bring a report to the next meeting.

There being no further comments, Vice-Chairman Martin closed the Public Comment period.

Administrative Reports

A) Presentation by Wheeler Family

The John Wheeler, Sr., Family presented Andy the Ambulance to the Currituck County Emergency Management Services in memory of Mr. Wheeler. The gift was for educating children.

Captain Stephen Harris accepted the gift on behalf of EMS with thanks.

Commissioner Aydlett agreed it was a wonderful gift for the children.

Public Hearings

A) Public Hearing and Action: PB 88-66 The Villages at Ocean Hill: Request to amend a sketch plan and use permit to remove lot 273 from the Planned Unit Development, Tax Map 114, Parcel 3R, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request as well as staff, Technical Review Committee and Planning Board recommendations. As Public Hearings A and B were concerning the same property, he combined his presentation.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: January 6, 2014
PB 88-66 The Villages at Ocean Hill**

| | |
|-------------------|---|
| ITEM: | PB 88-66 The Villages at Ocean Hill – Amended Sketch Plan and Special Use Permit to remove Lot 273. |
| TAX ID: | 0114-000-003R-0000 (Lot 273) |
| OWNER: | Twiddy Family Partnership, LLC PO Box 369 Corolla, NC 27927 |
| APPLICANT: | Doug Twiddy, Twiddy Family Partnership, LLC |

I. NARRATIVE OF REQUEST:

- a. Remove parcel 0114-000-003R-0000 (Lot 273) from The Villages at Ocean Hill PUD and amend sketch plan.
- b. There is no net change in the required open space area in the Villages at Ocean Hill PUD; however, there is a reduction in the required open space. The PUD is required to have a minimum of 35% open space. The proposed removal of Lot 273 will reduce the PUD's required open space by .32 acres and subsequently reduce the PUD's required open space area by .112 acres.

II. QUESTION(S) BEFORE THE BOARD:**Use Permit Criteria and Staff Findings:**

A use permit shall be approved on a finding the applicant demonstrates the proposed use will:

1. Not endanger the public health or safety

Suggested Findings:

- a. The removal of Lot 273 will not endanger the public health or safety.

2. Not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

Suggested Findings:

- a. The removal of Lot 273 will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.

3. Be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

- a. The removal of Lot 273 will be in conformity with the Land Use Plan and other plans.

4. 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.

Suggested Findings:

- a. The removal of Lot 273 will not have an impact on the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, technical review committee recommends **APPROVAL**.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of the amended sketch plan with staff recommendations.

PLANNING BOARD DISCUSSION (12-10-13)

Mr. Dail asked if the Board had any questions. Mr. Dail said this parcel is not connected to the PUD.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 88-66 with the findings of fact and staff recommendations included in the case analysis. Ms. Wilson seconded the motion and the motion passed unanimously.

Vice-Chairman Martin opened the Public Hearing.

There being no comments, Vice-Chairman Martin closed the Public Hearing.

Commissioner Aydlett moved to approve PB 88-66 with the staff findings and recommendations included in the case analysis. Commissioner Gilbert seconded the motion. Motion carried unanimously.

B) Public Hearing and Action: PB 13-29 TFP, LLC: Request for a conditional rezoning from SFO (Single Family Outer Banks) and PUD Overlay to CD-GB (Conditional District – General Business), Tax Map 114, Parcels 3R and 20, Poplar Branch Township.

Sworn testimony was given prior to making comments.

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: January 6, 2014
PB 13-29 TFP, LLC**

ITEM: PB 13-29 TFP, LLC a conditional rezoning from SFO (Single Family Outer Banks) and PUD Overlay to CD-GB (General Business).

LOCATION: Corolla Village

TAX ID: 0114-000-0020-0000

OWNER: Currituck East LLC
PO Box 369
Corolla, NC 27927

TAX ID: 0114-000-003R-0000

OWNER: Twiddy Family Partnership, LLC
PO Box 369
Corolla, NC 27927

APPLICANT: Doug Twiddy, Twiddy Family Partnership, LLC

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Base Zoning | Overlay |
|---------------|---|--------------------|----------------|
| NORTH: | Vacant | SFO | PUD |
| SOUTH: | Religious institution/Dwelling | SFO | NA |
| EAST: | Commercial Operations Building/ Water Treatment & Drain field Area | CD-GB/SFO | PUD (partial) |
| WEST: | Vacant | SFO | NA |

NARRATIVE OF REQUEST:

- a. The applicant is requesting a rezoning of Parcel# 0114-000-0020-0000 and Parcel# 0114-000-003R-0000 to Conditional District – General Business.
- b. The applicant intends to recombine the parcels and construct a 10 bedroom Inn (Hotel Use) on the property.

LAND USE PLAN CLASSIFICATION:

The Land Use Plan (LUP) identifies Parcel# 0114-000-0020-0000 as Full Service and Parcel# 0114-000-003R-0000 as Conservation. The Conservation class is applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Actions to mitigate the conflict with the Land Use Plan may include but are not limited to:

- Low Impact Development techniques such as cisterns that capture the rainwater from the roof, constructed wetlands, use of porous pavement, and rain gardens should be provided in environmentally sensitive areas or areas designated Conservation by the 2006 Land Use Plan.
- The landscape plantings shall consist of native, salt tolerant vegetation.
- The preservation of existing, significant vegetation.
- Inland, non-tidal and coastal wetlands remain undisturbed, excluding elevated walkways.
- The use of vegetative buffers between limits of disturbance and wetland areas.

The Corolla Village Small Area Plan (CVSAP) identifies both Parcel# 0114-000-0020-0000 and Parcel# 0114-000-003R-0000 as Mixed Use. The proposed project appears to be consistent with this plan.

CURRENT ZONING: SFO & PUD Overlay (partial)

PROPOSED ZONING: CD-GB (Conditional District – General Business)

CURRENT USE: Vacant

SIZE OF SITE: 1.35 acres

ZONING HISTORY: 1989 Official Zoning Map indicates the properties were zoned RO1

UTILITIES: The proposed development will connect to the county water system and will be served by central sewer.

WETLANDS: There are “404” wetlands on the subject properties.

PROPOSED ZONING CONDITIONS:

The applicant/owner proposes the following conditions:

1. Mature trees will be identified and preserved where practical and commercially reasonable.
2. Provide pedestrian friendly circulation from buildings to street right-of-way.
3. Building construction to be reflective of the Corolla Village historic architecture.

COMMUNITY MEETING:

The community meeting was held on September 10, 2013 at the Corolla Library. A full summary prepared by the applicant is available online.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The conditional rezoning request appears to be consistent with the goals, objectives and policies of the Land Use Plan and other applicable county-adopted plans, and the purposes of the UDO. The proposed development shall be evaluated during the site plan and building permit review process to ensure compliance with adopted conditions and the UDO.

The technical review committee recommends approval of the 1.35 acre rezoning from Single Family Residential Outer Banks (SFO) and PUD Overlay to Conditional District – General Business (CD-GB) subject to the *revised* conditions that must be agreed in writing by the applicant:

Proposed Zoning Conditions (Revised):

Strikethrough text shall be deleted (*must be agreed in writing by the applicant*)
 Bold and underline text is proposed (*must be agreed in writing by the applicant*)

- ~~1. Mature trees will be identified and preserved where practical and commercially reasonable.~~
- 1.** Provide pedestrian friendly circulation from buildings to street right-of-way.
- 2.** Building construction to be reflective of the Corolla Village historic architecture.
- 3.** **The property shall be developed in accordance with the Conceptual Development Plans dated November 25, 2013.**

PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of the conditional rezoning request with staff recommendations.

PLANNING BOARD DISCUSSION (12-10-13)

Mr. Dail said the applicant/owner agree with all the conditions in the case analysis. The conceptual plan is a low density project. Mr. Dail asked if the board had any questions.

Ms. Wilson asked if the Conceptual Development Plan dated October 15, 2013 is the same as the one dated November 25, 2013.

Mr. Dail stated the November 25, 2013 is a revision of the one dated October 15, 2013.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 13-29 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. Mr. Bell seconded the request and the motion passed unanimously.

Vice-Chairman Martin opened the Public Hearing.

Derek Dail, Quible, was present to answer any questions. There were none.

There being no further comments, Vice-Chairman Martin closed the Public Hearing.

Commissioner Aydlett moved to approve PB 13-29 as presented by staff due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Gilbert seconded the motion. Motion carried unanimously.

C) Public Hearing and Action: PB 13-27 Troy Moser: Request for a use permit to operate a pawn shop in Moyock at 417A Caratoke Highway, Moyock Shopping Plaza, Tax Map 9A, Parcel 55, Moyock Township.

Sworn testimony was given prior to making comments.

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: January 6, 2014
PB 13-27 Troy Moser**

ITEM: PB 13-27 Troy Moser request for a Use Permit to operate a pawn shop.

LOCATION: Moyock: 417A Caratoke Highway (Moyock Shopping Plaza)

TAX ID: 009A-000-0055-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Retail Shopping Center

OWNER: E.F. Humphries, Jr.
PO Box 39
Moyock NC 27958

APPLICANT: Troy Moser
417A Caratoke Highway
Moyock NC 27958

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|--------------------------------|---------------|
| NORTH: | Low Density Residential/Retail | GB |
| SOUTH | Low Density Residential | GB |
| EAST: | Low Density Residential | GB |
| WEST: | Retail/Service | GB |

LAND USE PLAN

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

SIZE OF SITE: 3.46 acres

COMMUNITY MEETING: A community meeting was held on September 17, 2013 at the proposed pawn shop location. The only attendees were County staff and those associated with the business owner.

I. NARRATIVE OF REQUEST:

1. The applicant is requesting to operate a pawn shop in the existing Moyock Shopping Plaza.
2. This would be the first pawn shop in Currituck County under the new UDO.

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 are outlined as follows:

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

Staff Findings:

- a. The use should not endanger the public health or safety:
 1. General Statutes – Chapter 66, Article 45 strictly regulate pawnshops.
 2. The pawnshop must keep detailed records that are made available to the sheriff's office on a daily basis.
 3. To be eligible for a pawnbroker's license, an applicant must be of good moral character and not have been convicted of a felony within the last 10 years.

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. Since the use will be in an existing shopping plaza, it should not injure the value of nearby lands and should be in harmony with the area in which it is located.

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 within the Moyock subarea. With respect to nonresidential uses, it is essential that the existing community character be preserved. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory. The proposed use is in keeping with the policies of the plan, which include:

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in commercial or mixed-use centers to curtail the proliferation of strip development and minimize traffic generation.

Policy ED 1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

Policy ED 4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.

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. 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).

Staff Findings:

- a. The proposed use should not produce additional burdens on schools, fire and rescue, or other public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval of the use permit subject to the following:

1. Outdoor storage and display are not allowed under this permit.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of the use permit with staff recommendations.

PLANNING BOARD DISCUSSION (12-10-13)

Mr. Humphries asked if the board had any questions.

PLANNING BOARD ACTION

Ms. Newbern moved to approve PB 13-27 with the findings of fact and staff recommendations included in the case analysis. Mr. Cartwright seconded the motion and the motion passed unanimously.

Vice-Chairman Martin opened the Public Hearing.

There were no comments from the public.

Troy Moser, applicant, related that there would be a point of sale ID system, and that records keeping would be a top priority.

There being no further comments, Vice-Chairman Martin closed the Public Hearing.

Commissioner Gilbert moved to approve PB 13-27 with the staff findings and recommendations included in the case analysis. Commissioner Petrey seconded the motion. Motion carried unanimously.

D) Public Hearing and Action: 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.

Sworn testimony was given prior to making comments.

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: January 6, 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. 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.

IV. 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.

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.

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.

Vice-Chairman Martin called a five-minute recess.

After reconvening, meeting continued with Item E.

E) Public Hearing and Action: PB 13-23 Charles Perry: Request for a use permit to operate automobile sales in Grandy at 6331, 6333, and 6335 Caratoke Highway, Tax Map 94, Parcel 135B, Poplar Branch Township.

Sworn testimony was given prior to making comments.

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: January 6, 2014
PB 13-23 Charles Perry**

ITEM: PB 13-23 Charles Perry requests a use permit to operate automobile sales.

LOCATION: Grandy: 6331, 6333, 6335 Caratoke Highway

TAX ID: 0094-0000-135B-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Residential/Automobile Sales/Office

OWNER: Charles E. Perry
Lola M. Perry
6335 Caratoke Highway
Grandy, NC 27939

APPLICANT: Charles E. Perry

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|-----------------|---------------|
| NORTH: | Fire Department | GB/AG |
| SOUTH | Undeveloped | GB/AG |
| EAST: | Undeveloped | GB/AG |
| WEST: | Shopping Center | GB |

LAND USE PLAN

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

SIZE OF SITE: 1.38 acres

COMMUNITY MEETING: A community meeting was held on September 9, 2013 at 6335 Caratoke Highway.

I. NARRATIVE OF REQUEST:

- The applicant is requesting a use permit for the operation of automobile sales.
- Mr. Perry has operated the automobile sales from this property for five years and did not realize a use permit was required.

- At the community meeting general comments regarding the site plan were discussed. Concerns included making sure the vehicles are located in an area that provides adequate line of site.

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 automobile display areas shall be located a minimum of 10 feet from Caratoke Highway right of way and should 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.

Staff Findings:

- a. The surrounding land uses include a shopping center, fire station, retail sales, and offices.
- b. The existing approved use of the property is office and residential.

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 within the Grandy subarea. The Full Service area recommends design criteria be established to ensure the commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. The policy emphasis of the Grandy subarea is to evolve as a community center. The proposed use is in keeping with the policies of the plan, such as:

POLICY CA3: LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.

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. 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).

Staff Findings:

- a. The proposed use should have no additional impact on the county's ability to provide adequate public facilities, including but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

1. The display area shall include a Type A bufferyard located between the display area and the street. The shrubs shall be located along the display area.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of PB 13-23 as presented for a use permit. Motion passed unanimously.

PLANNING BOARD DISCUSSION (11-12-13)

Mr. Bell asked if the required shrubs would present line of sight issues.

Ms. Voliva said the owner is proposing Indian Hawthorn shrubs that do not grow very tall and with proper maintenance, should not be a problem.

Mr. Perry said he would have gotten a use permit five years ago had he known it was a requirement.

PLANNING BOARD ACTION

Mr. Craddock moved to approve PB 13-23 as presented. Ms. Bell seconded the motion and the motion passed unanimously.

Vice-Chairman Martin opened the Public Hearing.

Charles Perry, applicant, apologized for not being at the last meeting.

Commissioner Petrey remarked that Mr. Perry was a community-minded person, helping out when needed.

There being no further comments, Vice-Chairman Martin closed the Public Hearing.

Commissioner Petrey moved to approve PB 13-23 with the staff findings and recommendations included in the case analysis.

New Business**A) Award Contracts for Landscaping Maintenance**

Commissioner McCord requested to recuse himself as two of the contracts were for his company. Commissioner Petrey moved to excuse Commissioner McCord. Commissioner Gilbert seconded the motion. Motion carried unanimously. Commissioner McCord left the room.

County Manager Dan Scanlon related there were eight areas/contracts to be awarded. All recommended bids were the low bids.

Commissioner Petrey moved to award the contracts for landscaping maintenance below. Commissioner Gilbert seconded the motion. Motion carried unanimously.

Contract #1 (Shawboro through Currituck):

| | |
|--------------------------|--------------------|
| Rescom Property Services | \$ 34,600 per year |
|--------------------------|--------------------|

Contract #2 (Maple Road):

| | |
|-------------------------|-------------------|
| Merrell's Lawn Services | \$ 6,500 per year |
|-------------------------|-------------------|

Contract #3 (Moyock):

| | |
|----------------------|--------------------|
| McCord's Landscaping | \$ 26,400 per year |
|----------------------|--------------------|

Contract #4 (YMCA/NC Cooperative Extension):

| | |
|------------------------------|--------------------|
| Grandy Landscape Contracting | \$ 42,000 per year |
|------------------------------|--------------------|

Contract #5 (Airport Road):

| | |
|------------------------------|--------------------|
| Grandy Landscape Contracting | \$ 12,000 per year |
|------------------------------|--------------------|

Contract #6 (Barco3-Central Mainland)

| | |
|------------------------------|--------------------|
| Grandy Landscape Contracting | \$ 14,000 per year |
|------------------------------|--------------------|

Contract #7 (Grandy to Spot):

| | |
|---------------------------------|-------------------|
| Merrell's Landscape Contracting | \$ 7,400 per year |
|---------------------------------|-------------------|

Contract #8 (Knotts Island):

| | |
|----------------------|--------------------|
| McCord's Landscaping | \$ 12,300 per year |
|----------------------|--------------------|

Commissioner McCord returned.

B) Consent Agenda:

1. Approval of December 2, 2013 Minutes
2. Award of Contract with McClees Consulting, Inc.
3. Award Contracts for Landscaping Maintenance (Moved to A)
4. Award Contract for Whalehead Subdivision Drainage Improvements-Phase IV and Authorization for County Manager to Execute Contract
5. Proclamation Declaring Currituck County as a Purple Heart County

6. Request for Waiver of Fees by Moyock High School Reunion Committee
7. CDBG Monthly Status Report
8. Petition to NC Department of Transportation for Addition of Knotts Landing Lane to State System
9. Petition to NC Department of Transportation for Addition of Solo Lane to State System
10. Budget Amendment

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

PROCLAMATION

DECLARING CURRITUCK COUNTY AS A PURPLE HEART COUNTY

WHEREAS, the Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

WHEREAS, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, the mission of the Military Order of Purple Heart, Chartered by an act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, promote patriotism, support legislative initiatives and most importantly ---make sure we never forget; and

WHEREAS, Currituck County residents have been engaged in every war against a declared enemy fought by the United States, including the war for the nation's independence; and

WHEREAS, Currituck County has become home to countless veterans and their families whose lives have been altered forever as a result of combat injuries and loss of life; and

WHEREAS, Currituck County has a large number of residents who have been awarded the Purple Heart Medal for wounds received in combat; and

WHEREAS, Currituck County recognizes the commitment and increasing sacrifices required of military families; and

WHEREAS, Currituck County pledges its ongoing commitment to and support for the men and women who so honorably serve our nation.

NOW, THEREFORE, BE IT PROCLAIMED, the Currituck County Board of Commissioners hereby declares Currituck County as a Purple Heart County in the State of North Carolina.

| <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 | 532000 | Supplies | \$ 12,500 | |
| 10330 | 424000 | Officer Fees | | \$ 12,500 |
| | | | <u>\$ 12,500</u> | <u>\$ 12,500</u> |

Explanation: *Sheriff (10510)* - Increase appropriations to use funds generated through officer fees for promotions in the Currituck County Schools.

Net Budget Effect: Operating Fund (10) - Increased by \$12,500.

C) Commissioner's Report

Commissioner McCord commended the Wheeler family for all the volunteer hours. He also commented on the Sheriff's Law Enforcement Association Shop-with-a-Cop and what a rewarding experience it was.

Commissioner Aydlett asked for support in requesting Senator Cook and Representative Steinburg to intercede on the County's behalf to keep tolls off the Knotts Island Ferry. Commissioner Aydlett moved to write a letter to the representatives. Commissioner McCord seconded the motion. Motion carried.

Commissioner Petrey commended Feld Motor Sports and Dennis Anderson for participating in Operation Santa by providing 165 children with Christmas gifts.

Commissioner Gilbert announced the Moyock Small Area Plan meeting on January 13. She noted that Workforce Development Board has funding for retraining employees. She also urged citizens to volunteer all year long.

Vice-Chairman Martin wished everyone a happy and prosperous 2014.

D) County Manager's Report

No report.

Closed Session

Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.

Commissioner Petrey moved to enter closed session pursuant to G.S 143-318.11(a)(6) to discuss a personnel matter. Commissioner McCord seconded the motion. Motion carried unanimously.

Adjourn

After reconvening from closed session, no action was taken.

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