



**CURRITUCK COUNTY
NORTH CAROLINA**

October 6, 2014
Minutes
Meeting of the Board of Commissioners

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

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

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

A) Invocation

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

B) Pledge of Allegiance

Reverend Brian Wingo also led the Pledge of Allegiance.

C) Approval of Agenda

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

Approved Agenda

Work Session

6 PM Soil Engineering

7:00 pm Call to Order

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

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

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

Administrative Reports

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

Public Hearings

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

New Business

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

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

Adjourn

D) Public Comment

Chairman O'Neal opened the public comment period.

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

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

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

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

Administrative Reports

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

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

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

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

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

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

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

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

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

Public Hearings

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

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

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

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

LOCATION: Moyock – South Mills Road, Moyock Township.

TAX ID: 0006-000-01N-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Active Farmland/Wetlands

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

SIZE OF SITE: 56.73 acres

NUMBER OF UNITS: 28 lots

PROJECT DENSITY: 0.49 units per acre

**RECREATION AND
PARK AREA**

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

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

I. NARRATIVE OF REQUEST:

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

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

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

II. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

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

Suggested Findings:

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

Suggested Findings:

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

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

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

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

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

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

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

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

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

4. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The proposed 28 lot residential subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

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

IV. PLANNING BOARD RECOMMENDATION:

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

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

Mr. Cartwright seconded the motion and motion carried unanimously.

BOARD OF COMMISSIONERS (9/15/14)

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

PLANNING BOARD DISCUSSION (8/12/14)

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

Mr. Cooper asked what the well depth is.

Mr. Bissell said around 115 feet.

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

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

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

Mr. Bissell said a couple of lots.

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

Mr. Bissell said that is correct.

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

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

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

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

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

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

Mr. Bissell said he does not have this information.

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

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

Mr. Elliott supports what Mr. Hanson said.

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

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

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

Mr. Bissell said yes.

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

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

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

Mr. Bissell said this can be worked out.

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

Ms. Glave said 30' to 45'.

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

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

Ms. Glave said it is an ordinance requirement.

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

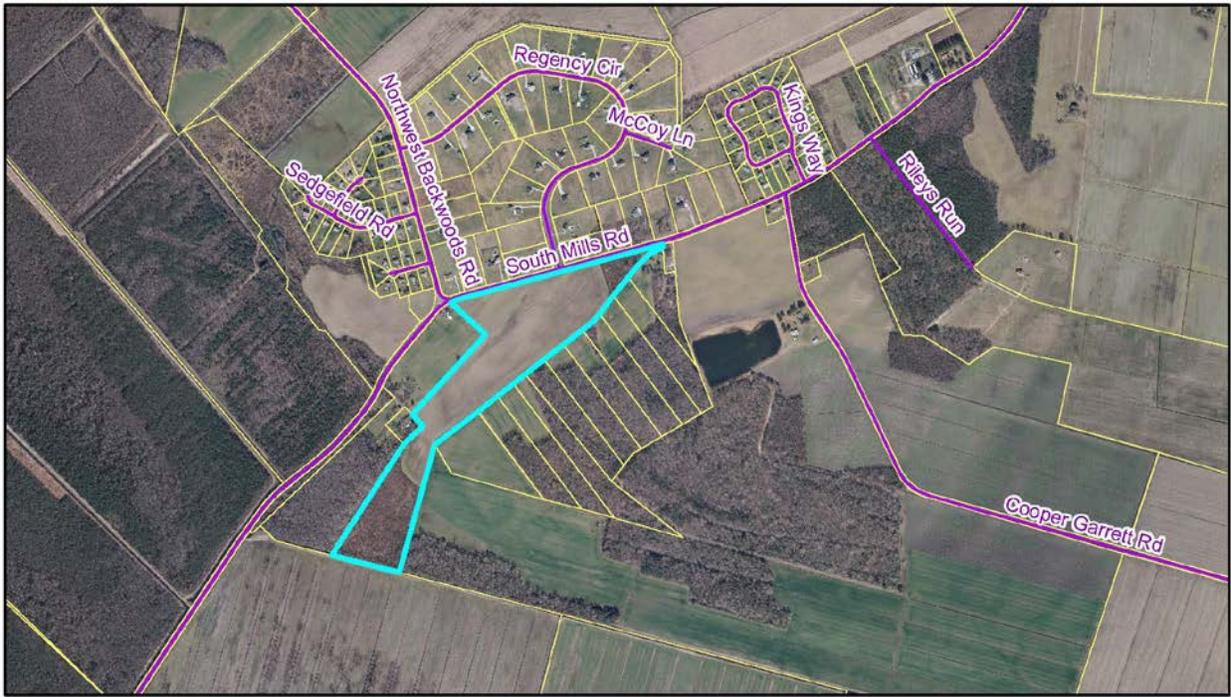
Mr. Clark closed the public hearing.

ACTION

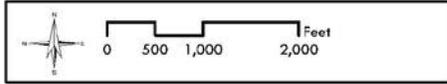
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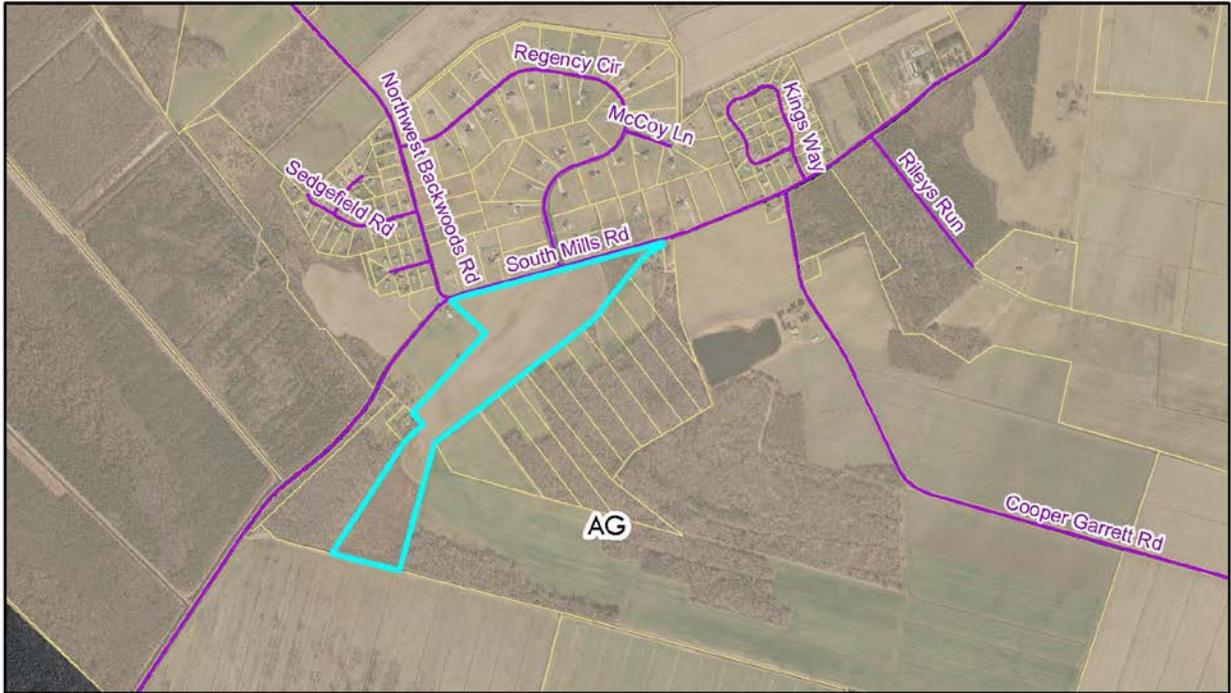
Mr. Cartwright seconded the motion and motion carried unanimously.



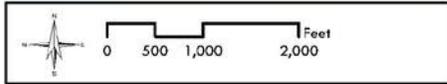
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 2012 Aerial Photography



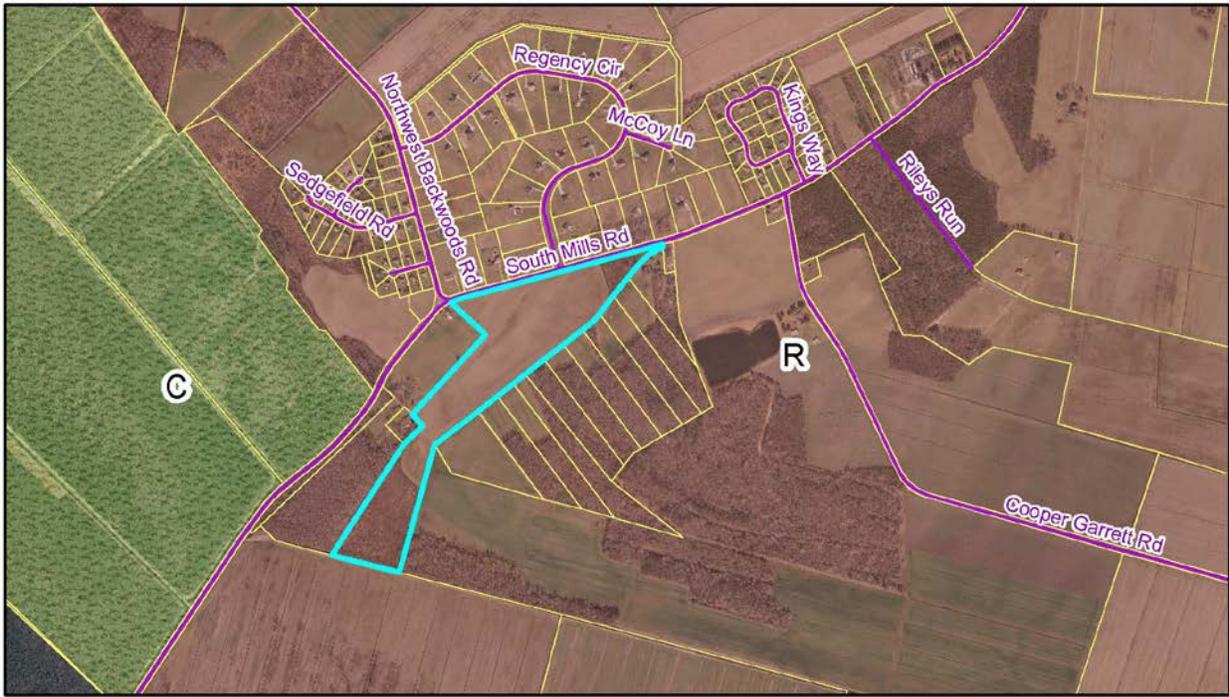
 Currituck County
 Planning and
 Community Development



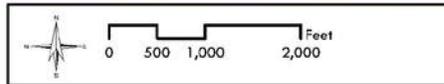
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 Zoning



 Currituck County
 Planning and
 Community Development



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



 Currituck County
Planning and
Community Development

MEMORANDUM

To: Mark Bissell
Saddlebrook Estates, LLC
Margaret Garrett

From: Tammy Glave, Planner II

Date: July 10, 2014

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

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

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

Approved with comments:

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

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

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

Approved without comment.

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

Approved without comment.

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

Reviewed with comment:

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

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

Denied/Resubmit:

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

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

Approved with comment:

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

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

Approved without comment.

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

Approved with comment:

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

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

Reviewed with comment:

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

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

Reviewed without comment.

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

Reviewed with comment:

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Martin seconded and the motion carried unanimously.

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

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

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

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

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

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

TAX ID: 0034-000-024J-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Vacant

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

APPLICANT: Hyman & Robey
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

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

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

PROJECT DENSITY: .14 units per acre

**RECREATION AND
PARK AREA**

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

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

V. NARRATIVE OF REQUEST:

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

VI. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

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

Based on the suggested finding provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.

Suggested Findings:

- a. The use will adhere to county health and safety standards and will not endanger the public health or safety.

2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- c. The minimum lot size for the proposed development is 30,501 square feet, and is consistent with the lot sizes and residential densities in the surrounding area.

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

Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.

Suggested Findings:

- b. The UDO indicates that a conservation subdivision is allowed in the AG zoning district.

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

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

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

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

POLICY AG2: Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector shall be encouraged.

4. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Based on the suggested findings, staff has determined it is probably true that the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities.

Suggested Findings:

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

VII. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

VIII. PLANNING BOARD RECOMMENDATION:

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

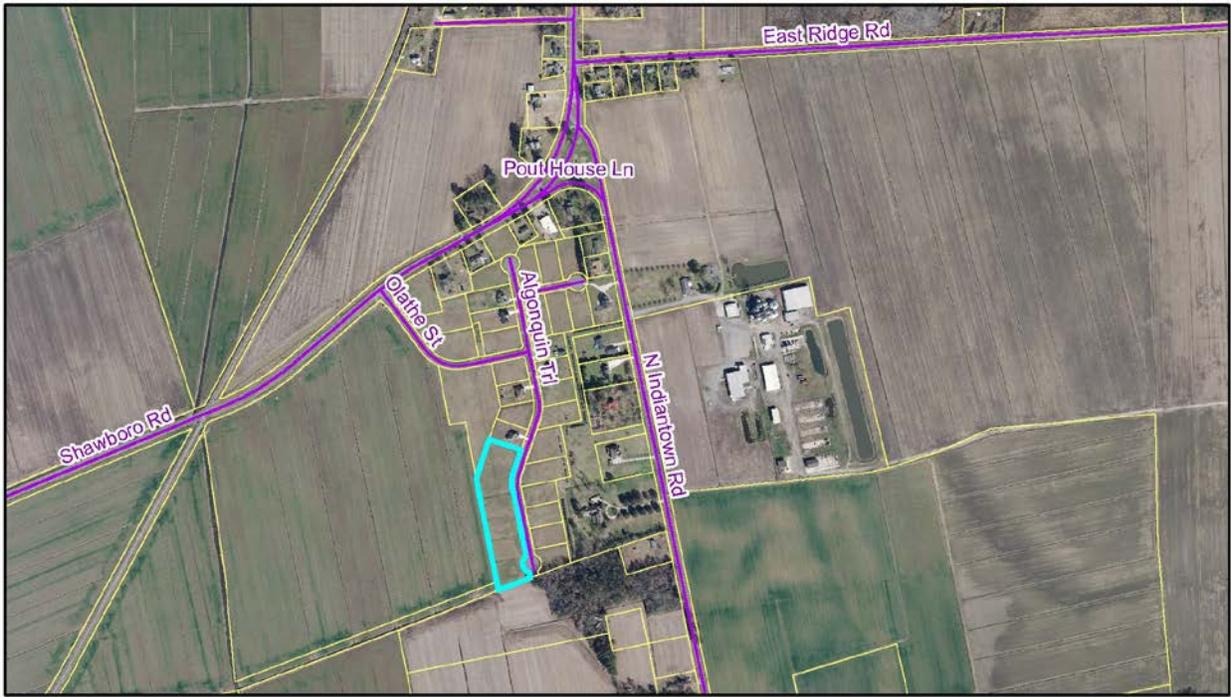
PLANNING BOARD DISCUSSION (9/9/14)

Mr. Hyman provided a brief overview of the request.

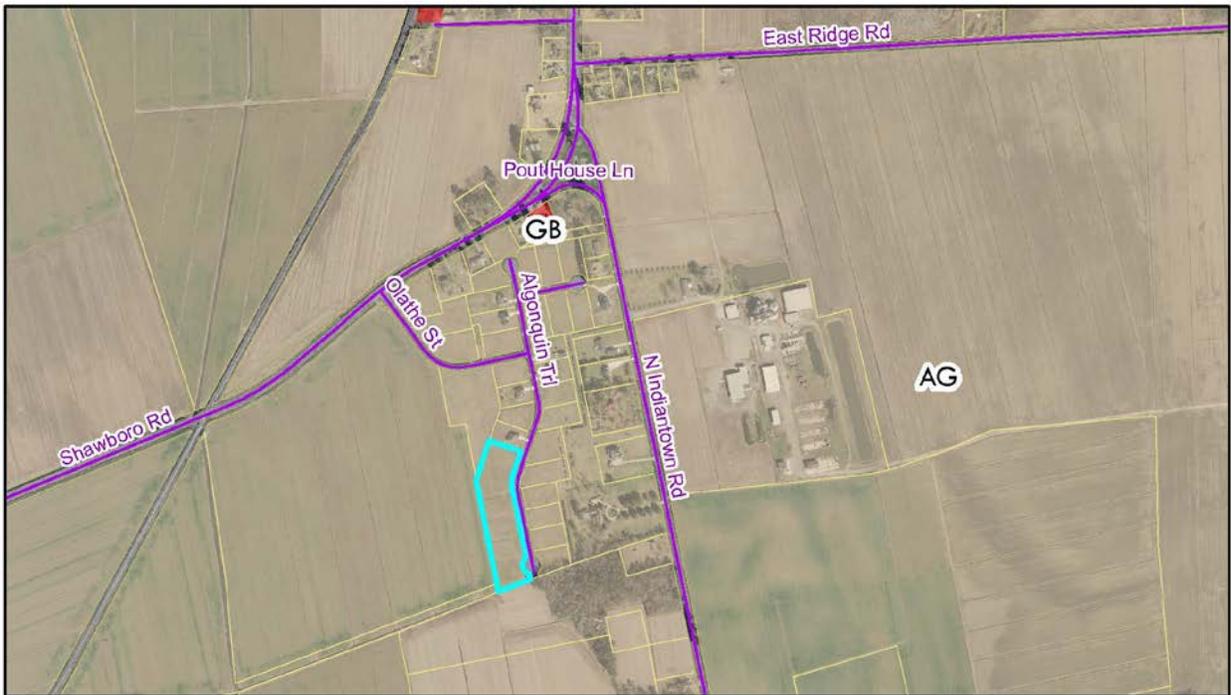
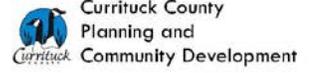
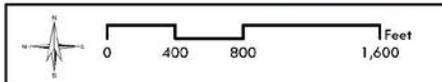
Mr. Clark closed the public hearing.

ACTION

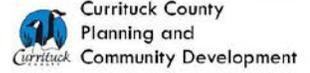
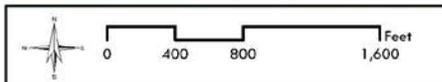
Mr. Bell moved to approve PB 04-48 with the findings of fact and Technical Review Committee recommendations included in the case analysis. Mr. Cartwright seconded the motion and motion carried unanimously.



PB 04-48 Indian Ridge Estates
 Preliminary Plat
 Aerial Photography



PB 04-48 Indian Ridge Estates
 Preliminary Plat
 Zoning



MEMORANDUM

To: Doug Abbot, Hyman & Robey
Jimmy Ferebee

From: Tammy Glave, Planner II

Date: August 14, 2014,

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

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

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

Approved with comments:

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

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

Approved with comment:

1. Soil test may be required.

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

Approved without comment.

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

Approved without comment.

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

Reviewed with comment:

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

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

Reviewed without comment.

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

Approved without comment.

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

Reviewed with comment:

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

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

Reviewed without comment.

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

Reviewed with comment:

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

Chairman O'Neal opened the Public Hearing.

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

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

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

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

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

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN CLASSIFICATION:

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

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

MOYOCK SAP:

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

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

Policies supporting the request include:

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

CURRENT ZONING: General Business (GB)

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

CURRENT USE: Undeveloped

SIZE OF SITE: 4.03 acres

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

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

PROPOSED ZONING CONDITIONS:

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

COMMUNITY MEETING:

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

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC recommends approval of the proposed request. The conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Moyock Small Area Plan, and is the appropriate zoning district for the proposed land use.

Additional Staff Comments:

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

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

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

PLANNING BOARD RECOMMENDATION:

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

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

PLANNING BOARD DISCUSSION (9/9/14)

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

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

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

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

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

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

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

Mr. Wright asked about drainage.

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

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

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

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

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

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

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

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

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

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

The Planning Board discussed the HOA for Shingle Landing subdivision.

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

Mr. Clark closed the public hearing.

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

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

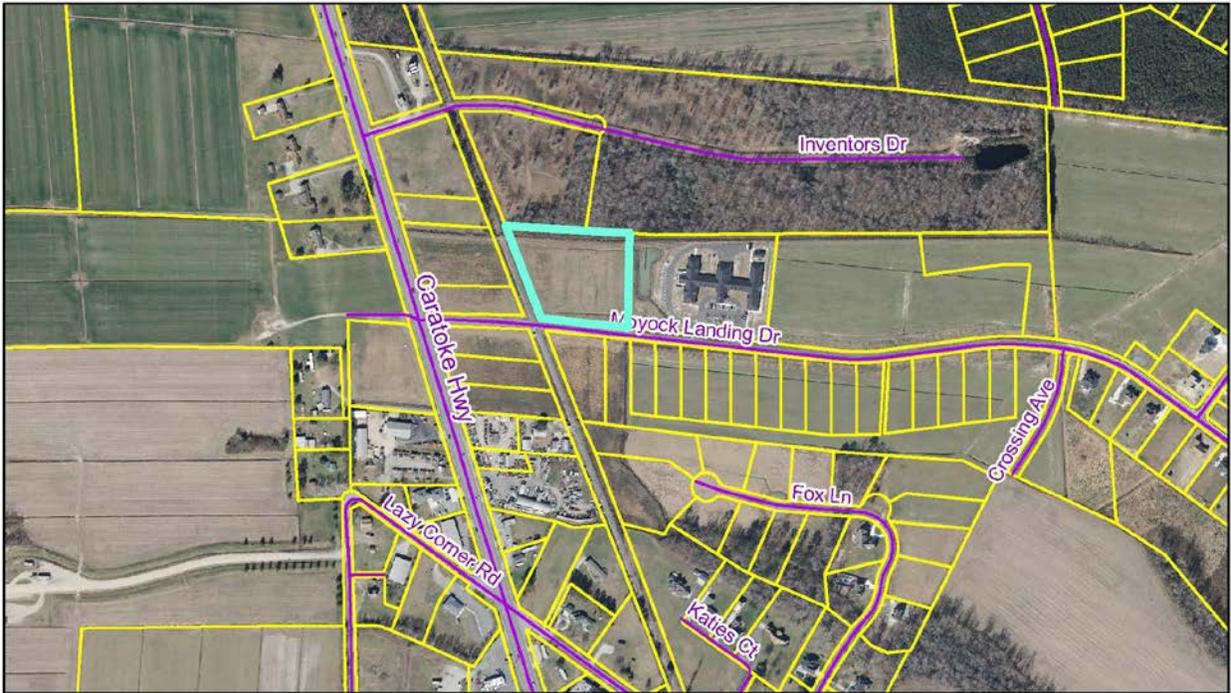
Mr. Old said he would agree to this request.

ACTION

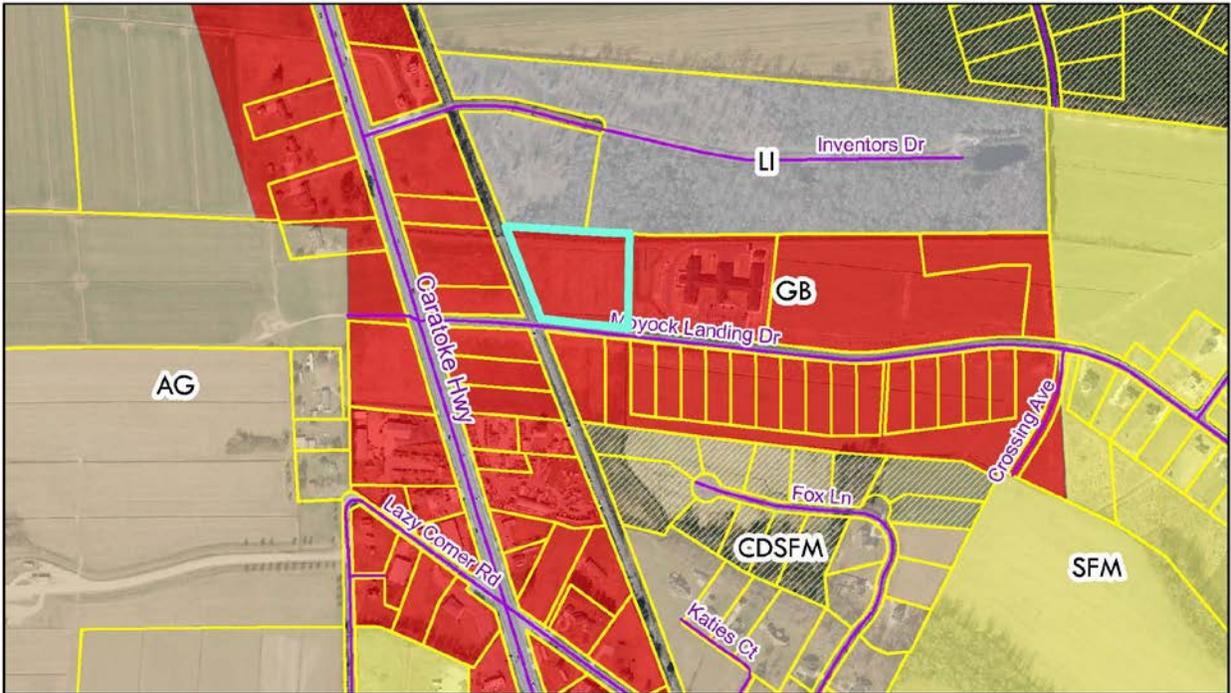
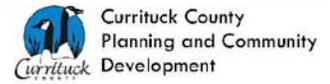
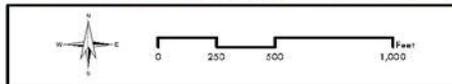
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- The units share exterior architectural design elements with the Shingle Landing subdivision.

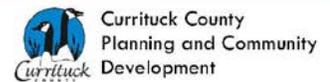
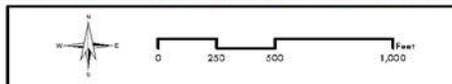
Mr. Bell seconded the motion and motion carried unanimously.

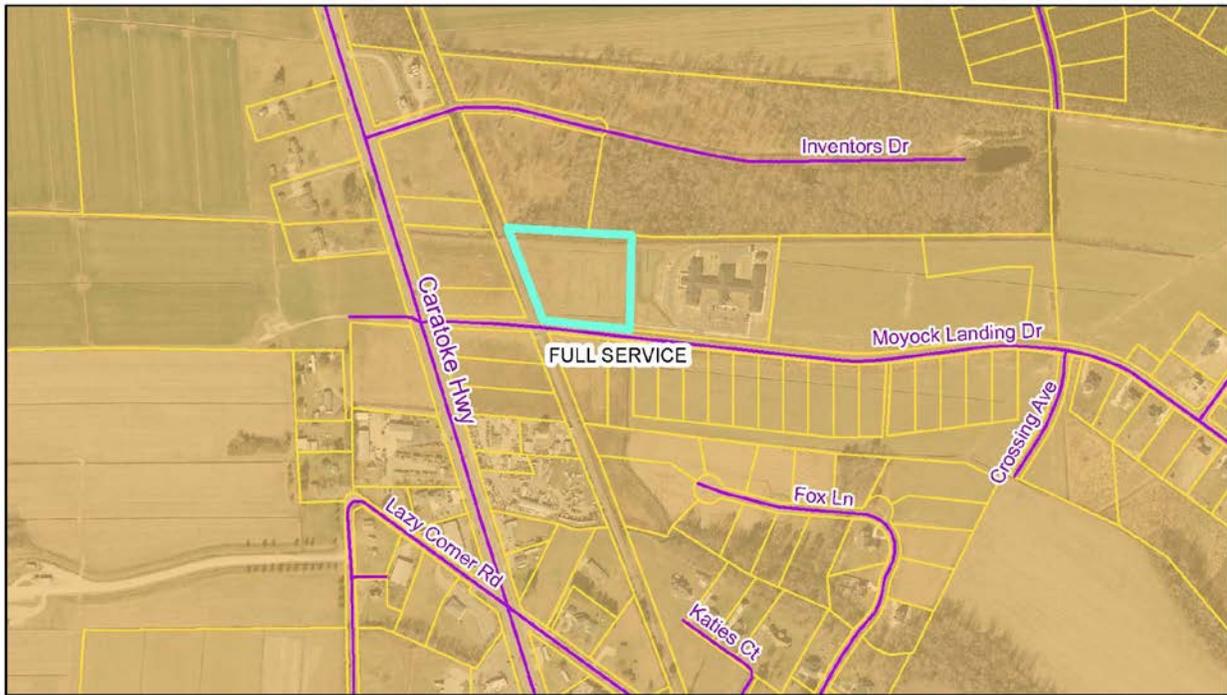


PB 14-20
CTX, Inc.
Aerial

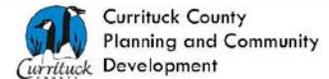
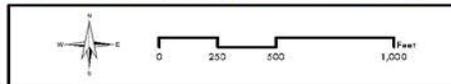


PB 14-20
CTX, Inc.
Zoning Map





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



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

From: Donna Voliva, Senior Planner

Date: August 13, 2014

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

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

Planning, Donna Voliva

Reviewed

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

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

Currituck County Parks and Recreation, Jason Weeks

No comment

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

Approved

Currituck County Utilities, Pat Irwin

Approved

1. Separate taps will be required for each unit.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

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

Currituck County GIS, Harry Lee

Reviewed

Currituck County Fire Marshal, James Mims

Approved

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

Currituck County Building Inspections, Spence Castello

Approval with corrections

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

NC State Archaeology, Lawrence Abbot

No comment

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

NC Division of Coastal Management, Charlan Owens

No Comment

US Postal Service, Moyock Postmaster

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

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

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

Chairman O'Neal then opened the Public Hearing.

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

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

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

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

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

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

New Business

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

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

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

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

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

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

C) Airports Block Grant-Fuel System Improvements and Upgrades

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

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

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

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

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

D) Board Appointments:

1. Library Board, Whalehead Trust, Tourism Advisory Board

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

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

E) Consent Agenda:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments may be posted online at: www.regulations.gov.
Simply follow the instructions for submitting comments.

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

Adopted this 6th day of October, 2014.

F) Commissioner's Report

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

G) County Manager's Report -

No Report.

Adjourn

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