



**CURRITUCK COUNTY
NORTH CAROLINA**

September 15, 2014
Minutes
Meeting of the Board of Commissioners

The Board of Commissioners met in the Historic Courthouse Conference Room at 5:30 PM for a Work Session presented by the Planning and Inspections Department to discuss drainage certifications and emphasize requirements and modifications to certifications for culverts and ditches. A powerpoint, along with discussion, addressed problems contractors could face based upon varying soil types found within different areas of the County and tools they can use to determine whether soil engineering is necessary.

Eileen Wirth, Project Coordinator, continued the Work Session in the Board Meeting Room with a presentation on the Corolla Multi-Use path. The purpose was to aid the Board in determining on which side of Highway 12 the new path should be constructed. Wayfinding signage for Corolla was also discussed as part of the Work Session. After listening to the pros and cons of East side or West side, Commissioner Petrey moved for the multi-use path to proceed on the East side of NC 12 from Timbuck II shopping center to the Currituck County line. Commissioner Aydlett seconded and the motion carried unanimously.

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 and Commissioners Gilbert, Aydlett, 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 Vice-Chair Paul Martin and Commissioner Beaumont..

A) Invocation

Reverend Emma Jones of Living Word Outreach Ministry gave the invocation.

B) Pledge of Allegiance

Reverend Emma Jones of Living Word Outreach Ministry led us in the pledge..

C) Approval of Agenda

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

Approved Agenda

REVISED

Work Sessions (Work Session topics time slots were swapped from original published Agenda)

5:30 PM Soil Engineering and Drainage Certifications

6:00 PM Corolla Multi-Use Path

7:00 pm Call to Order

- A) Invocation-Reverend Emma Jones, Living Word Outreach Ministry
- B) Pledge of Allegiance-Reverend Emma Jones, Living Word Outreach Ministry
- 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) Recognition of Service-Mary "Kitty" Etheridge
- B) Introduction of New Director of Elections, Rachel Raper
- C) Presentation: Green Sea Blueway & Greenway Management Plan

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 14-14 CASP, Inc.** PB 14-14 CASP, Inc.: Request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM) on property located in Moyock on Inventors Drive which is located on the east side of Caratoke Highway, Tax Map 9, Parcels 26A And 26B, Moyock Township.
- C) **Public Hearing and Action: PB 14-06 Currituck County, Request to Amend the Unified Development Ordinance** PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI districts.

Old Business

- A) **Second Reading of Peddler's Ordinance Amendment**
- B) **Resolution to Modify the 2008 Debt for the Mainland Water System Reverse Osmosis Plant**

New Business

- A) **Board Appointments:** 1. Library Board, Whalehead Trust, Tourism Advisory Board
- B) **Consent Agenda:**
 - 1. Approval of Minutes for August 18, 2014 and Joint BOC/FEAB for VFIS Presentation, July 24, 2014.
 - 2. Budget Amendments
 - 3. CDBG Monthly Status Report
 - 4. Quote for Purchase of Tools-Knotts Island VFD
- C) **Commissioner's Report**
- D) **County Manager's Report**

Adjourn

D) Public Comment

Chairman O'Neal opened the public comment period.

Alicia McDonnell, Corolla, spoke about safety on NC 12 and how it has changed over her 27 years of home ownership in the area. She feels the bike path will help with safety and suggests the Tourism Department do educational pieces on bike and pedestrian safety on Highway 12. She recommends repainting the lines and encouraging people to use paths where available. Chairman O'Neal commented on her excellent suggestions.

John Brennan, Corolla, stated he is a new member of the Fire and EMS Advisory Board and spoke of the Corolla Fire and Rescue Cares initiative, which hopes to aid in providing education and training with businesses, obtaining reflective clothing, and encouraging businesses to utilize their resources in an effort to keep tragedy from happening. He thanked the Board for their efforts. Commissioner Aydlett asked if he was aware of any programs offered by Harris Teeter, such as rides for employees. Mr. Brennan said he would see what he could find out and will advise the Board.

Barbara Marzetti, Corolla, and President of the Corolla Civic Association, stated the multi-use path is a top priority for the citizens of Corolla, and wants to see the project fast tracked and completed within 3 years. She offered to help by perhaps working with DOT, Corolla Fire and Rescue or others and asked to let her know what she can do to help.

Deborah Caporal of Corolla said she is 100 percent behind the path and believes that it would be helpful to visitors driving on NC12 if the speed limits were more consistent.

John Caporal of Corolla said he has seen many things over the years on NC 12 causing safety concerns, particularly for kids, and talked about a recent incident of a bicyclist losing control and needing response from Fire and Rescue. He asked the County to do whatever they could to fast track the permitting process.

ET White of Chesapeake, VA, spoke of the County water hookup requirement. Mr. White stated his land is not served by County water and the requirement has devalued his property and stated last year he could get \$10,000 per acre. Mr. White appealed to the Board to look at the water requirement again. He stated the bond collection requirement is unfair if water is not coming for years, or at all. County Manager, Dan Scanlon, told Mr. White that the requirements were currently being reconsidered in Planning.

Earl Wemer, Corolla, asked the Board to fast-track the bike path and make it a priority before every other County project. Chairman O'Neal confirmed with the County Manager that there was no financing issue with the path, and the process is in the design and permitting stages.

Rick Chance of the Outer Banks Bicycle and Pedestrian Safety Coalition urged the Board to make the path happen, and urged safety education. Mr. Chance said there has been a large percentage increase in vehicular traffic in Corolla, and stated that the local population counts for 50% of accidents, even though they are only 15% of the population during the summer months. He said exchange students are at a high risk. Commissioner Petrey asked about cycling rules through intersections and crosswalks. Mr. Chance said there is a large gap in education and it needs to go both ways. Chairman O'Neal asked for resources the Coalition may have and Mr. Scanlon said that staff had attended their last meeting and will pass on what was learned.

Robin Chance stated she has been with Harris Teeter since its opening and wants the bike path expedited and more education on the website. She noted the County has many bike racks, but no place for the bikes to travel.

Mike Kondash, Corolla, talked about a free bike safety brochure distributed by the state of North Carolina and suggests distribution through our visitor centers. Mr. Kondash mentioned Mike Dutton of Dare County, who provides safety lights for his student visitors, and suggests we implement a similar program. Mr. Kondash left the brochure and samples of the lights with the County Manager.

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

Administrative Reports

A) Recognition of Service-Mary "Kitty" Etheridge

Chairman O'Neal invited the Board to gather to recognize Mary Etheridge, who retired as Director of Elections. Chairman O'Neal presented a plaque to Ms. Etheridge and read a short bio of accomplishments and achievements during her tenure. Mr. O'Neal spoke of the high standards and integrity of our elections process and the Department under her charge. Ms. Etheridge said it was a pleasure to serve the citizens of the County and thanked the staff and Board for their support. She especially thanked the precinct workers, without whom elections could not happen. Ms. Etheridge was pleased that Rachel Raper will be taking her position as Director.

B) Introduction of New Director of Elections, Rachel Raper

Chairman O'Neal asked Rachel Raper to come to the front and introduced her as the new Director of Elections. Clerk of Court Ray Matusko administered an Oath to Ms. Raper, who stood with her husband and daughter. Ms. Raper thanked Ms. Etheridge for being the best trainer, and best precinct leader, and said she would continue the tradition of holding fair and impartial elections.

C) Presentation: Green Sea Blueway & Greenway Management Plan

Holly White, Senior Planner with Currituck County, introduced a new partnership initiative with our surrounding communities, addressing the marketing of our connected waterways for recreation, education, and ecotourism.

Mr. Clay Burnick, Virginia Beach Environment and Sustainability Administrator, introduced his staff, Calvin Jackson and Christina Brown, and proposed a plan for regional collaboration between Virginia Beach, Chesapeake and Currituck County for protection of our ecosystems and waterways while encouraging supportive economic development. The plan promotes private sector participation with its impact being improved water quality of the sounds and waterways, protection and conservation of native vegetation, and better access for recreation, tourism, and education. He explained the Green Sea and Blue Way areas refer to vegetation and waterways, and the plan's effort to market these them as a shared resource. Mr. Burnick talked about the next steps, including the development of a brand for promotional efforts, setting up a non-profit and exploring grant opportunities. First, a draft plan will be completed to be adopted by the three communities involved and a strategy developed to take it through the next five years. Mr. Burnick thanked Holly White and Ben Woody for their involvement and asked if the Board had any questions.

Commissioner Aydlett asked if the program could be expanded to include Dismal Swamp and Back Bay. He explained the water quality in Back Bay has always had a negative effect on the Currituck Sound. Mr. Burnick said the management may be difficult to sustain if they try to start out too large and Virginia Beach is writing ordinances to beef up requirements for water quality standards in Back Bay. Army Corp of Engineer involvement was discussed, and Chairman

O'Neal referred to a previously performed study that might be useful. Mr. Burnick thanked the Board and concluded his presentation.

Public Hearings

A) Public Hearing and Action: PB 14-15 Saddlebrook Estates Request for preliminary plat/use permit

Sworn testimony was given and Ben Woody, Planning Director, reviewed the request and noted the Planning Board recommended approval with conditions.

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.

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.

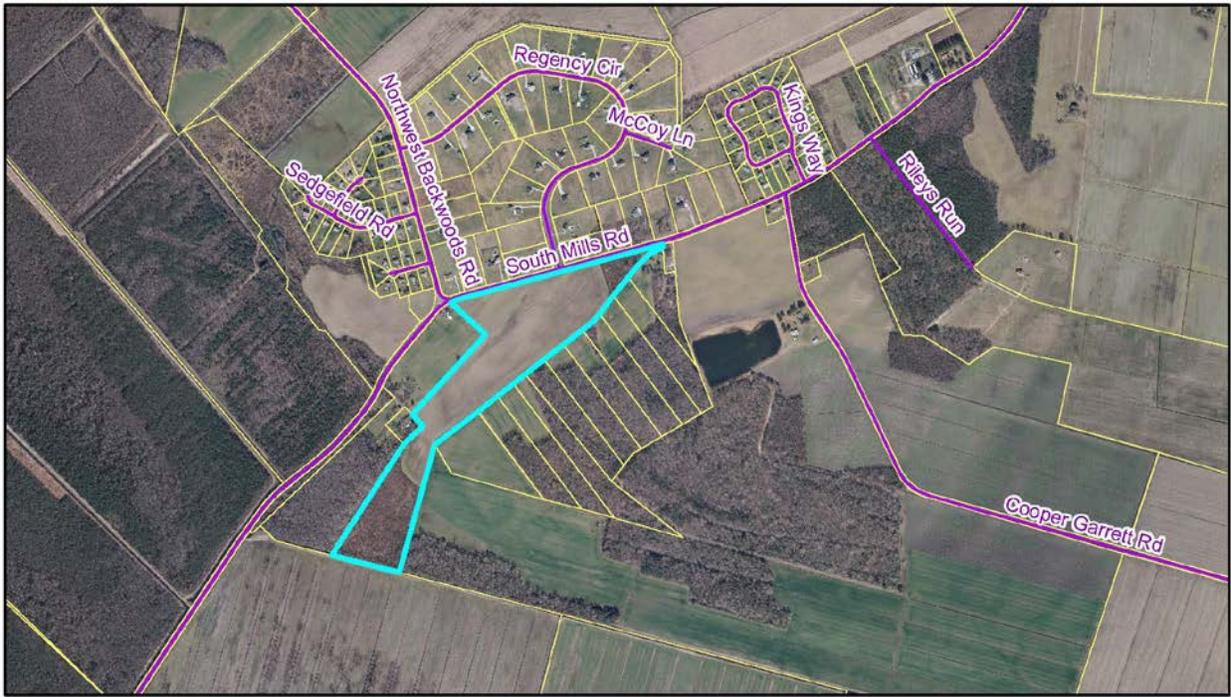
Mr. Clark closed the public hearing.

ACTION

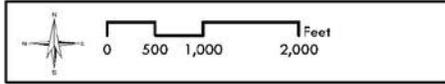
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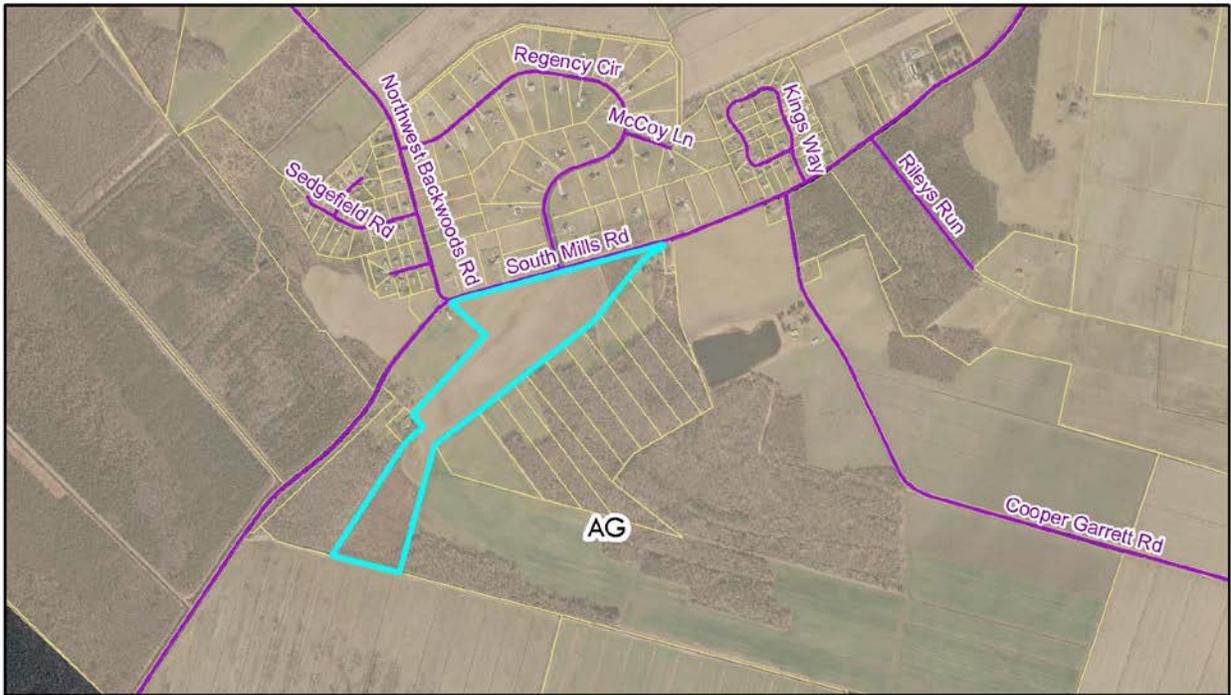
Mr. Cartwright seconded the motion and motion carried unanimously.



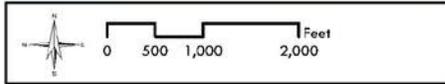
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 2012 Aerial Photography



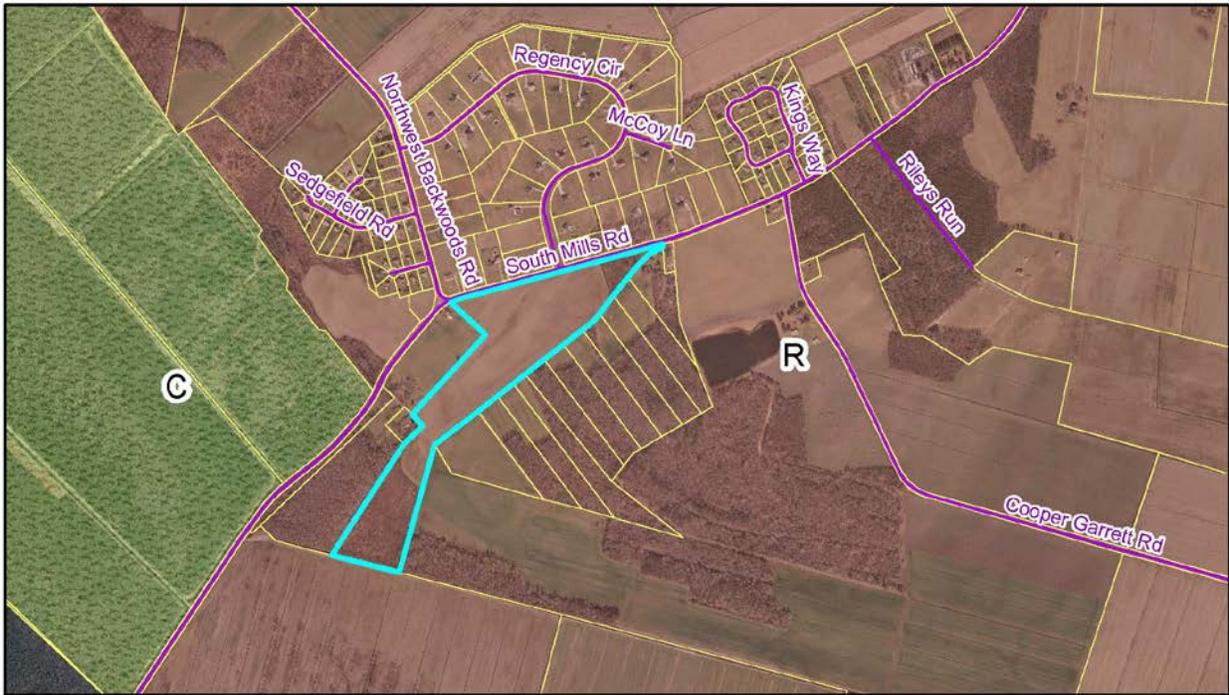
Currituck County
 Planning and
 Community Development



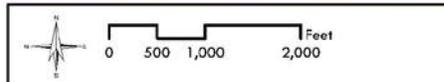
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 Zoning



Currituck County
 Planning and
 Community Development



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



 Currituck County
Planning and
Community Development

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.

US Postal Service, Moyock Postmaster

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

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 12- 11"x17" copy of all revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.

Upon completion of the review, Commissioner Petrey asked if the soil was suitable. Mr. Woody answered they would be subject to soil testing if needed, but there was still a long way to go before final plat. Commissioner Aydlett asked about the prior passage of an 8 inch water line requirement. Mr. Woody pointed out the effective date for the water line requirement is March 1, 2015. Mr. Woody discussed concerns with regard to the community well, installation and pumping processes and addressed treatment and water quality concerns. He explained the homeowner association responsibility of maintaining the community well after the developer pulls out. A reserve fund would be available, and a service district would be established for taxing authority should homeowners fail to maintain the system. Commissioner Gilbert asked how far County water is from the new subdivision and Mr. Woody answered it is several miles south. Commissioner Gilbert expressed concern due to resident complaints from that area about the water quality. Discussion continued with regard to maintenance concerns, and Commissioner Griggs suggested it is established by ordinance to ensure the financial responsibility remains with the users of the system and does not burden the rest of the taxpayers. Commissioner Petrey asked if one well would suffice. Mr. Woody stated levels of testing would be needed, as well as engineering approval and permitting from the state before installation would be allowed. Commissioner Aydlett asked if fireponds would still be required. Mr. Woody answered yes.

Chairman O'Neal opened the public hearing.

Denise Kennedy, South Mills Road, Moyock, referencing the land use plan and recent planning board documents, believes the majority of residents in Moyock coming from Hampton Roads want more than three quarter of an acre lot size. She addressed septic systems on smaller lots leading to drainage problems and considers wetlands unusable space that should not be considered. Ms. Kennedy said she had researched home and lot listings in the area, and gave statistics showing the majority of homes for sale have smaller lot sizes, data she believes confirms people prefer larger lots. She asked the Board to deny approval.

Mr. Woody confirmed the lot sizes are 30,000 square feet, with some variations. Commissioner Griggs confirmed with Attorney Ike McRee that the Board is considering land use for this parcel only, and not compatibility with surrounding properties. Chairman O'Neal asked Mr. Woody if the requirements of the 2006 Land Use Plan and Moyock small area plan were met, to which Mr. Woody answered yes. Chairman O'Neal suggested if we don't like the rules we need to change them. However, we need to be consistent with our approvals. He stated the Land Use Plan was just done three months ago and was community driven. Commissioner Aydlett asked if the water system would be a viable system, and Mr. Woody answered yes.

Vernon Garret, of South Mills Road, Moyock, was concerned about boundaries and how he, as a farmer, and homeowners could be protected from each other. He had questions about water drawdown and what affect it may have on the neighbors. He then deferred to Mark Bissell, who he thought may be able to answer some of his questions.

Mark Bissell, Bissell Professional Group, Kitty Hawk, reviewed the planned subdivision stating that the lot sizes are comparable to neighboring communities. He said the planned subdivision has 61% open space while the neighboring community has only 5%. Mr. Bissell said the majority of open space is upland, and provided a drawing showing the open space for the Board to review. Chairman O'Neal asked about the 50 foot buffer requirement. There was discussion concerning the type of open space, which Chairman O'Neal stated that some of the open space was killing the funds of homeowner associations with mowing and maintenance costs, and talked of tree planting or allowing farming on open space. Mr. Woody said staff has been trying to work with developers to reduce future maintenance costs. Continuing, Mr. Bissell referred to the sheet he distributed and talked of open space, surrounding buffers and stormwater management, and stated calculations offered a ¼ reduction in stormwater runoff. He addressed the wells, including necessary testing and state requirements regarding operation and reserves. Commissioner Griggs asked if the deep well would have any bearing on nearby shallow wells. According to Mr. Bissell, the shallow wells would be isolated from the aquifer they are pumping. Tests will determine a safe yield and would also be part of permitting.

Mr. Petrey asked if Mr. Woody knew what the body of water was on the aerial view and asked if it was used for agriculture. Mr. Woody said he didn't know what it was. Commissioner Aydlett asked Mr. Bissell if the applicant was amenable to running an 8" water line. Mr. Bissell said they planned on running a line from the current subdivision down the main road connecting to a future subdivision, and their calculations determine a 6 inch line is sufficient. He will ask the client if he is willing to install an 8 inch line, as it is a financial consideration for him. When asked about the average daily use, Mr. Bissell stated the baseline is 400 gallons per home, but use will probably run around 200 gallons, or 20,000 gallons per day in total. Well capacity is about 150,000 gallons per day. Commissioner Aydlett asked if there were any easement or issues with ditching or stormwater pond drainage. Mr. Bissell said there were no issues, and reiterated the fact that the runoff contribution would be less based on calculations.

County Engineer, Eric Weatherly, was sworn in when Commissioner Aydlett asked him about the condition of the ditching going off site. Mr. Weatherly said he had not looked off site but take a look and determine the need for maintenance. Crown Point Homeowners Association has not maintained their ditching, and Saddlebrook has agreed to help them clean the ditch.

Commissioner Gilbert confirmed the waterline would feed both Backwoods Estate and Saddlebrook and Chairman O'Neal questioned the soils. Mr. Bissell stated the health department determined provisional suitability. Commissioner Petrey confirmed the plan for two wells to feed both subdivisions.

Vernon Garrett was concerned about ownership of the buffers and was told the homeowner association would have ownership and would consist of a vegetative buffer of 50 feet with a double row of canopy trees.

Denise Kennedy said her well is a 90 foot well and she has to treat for iron, the smell and taste. Mr. Bissell said the water system well would get treated if required.

With no more discussion, Chairman O'Neal closed the public hearing.

Commissioner Petrey asked to continue based on water concerns. Commissioner Aydlett stated he could not approve without a yes or no answer with regard to the 8 inch water line installation. Commissioner Gilbert, based on the water complaints she receives from area residents, would like to get more water quality data.

Based on the water quality and waterline question, Commissioner Petrey moved to continue, with a second by Commissioner Gilbert. Motion carried 3-2, with Chairman O'Neal and Commissioner Griggs voting against. Chairman O'Neal asked for the information to be presented at the next meeting when the hearing would be reopened.

B) Public Hearing and Action: PB 14-14 CASP, Inc. PB 14-14 CASP, Inc.: Request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM)

Ben Woody presented and stated sworn testimony was not necessary as this is part of allowable legislative actions. Mr. Woody reviewed the request with the Board and explained the tract is now surrounded by residential development. He explained the full service designation as being the most dense and one of the core development areas of the County, and designated the units per acre as it relates to water availability.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: September 15, 2014
PB 14-14 CASP, Inc.**

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

LOCATION: Moyock – Inventors Drive, off Caratoke Highway

TAX ID: 0009000026A0000
0009000026B0000

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN CLASSIFICATION:

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

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

MOYOCK SAP:

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

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

Policies supporting the request include:

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

CURRENT ZONING:

Light Industrial (LI)

PROPOSED ZONING:

Conditional District - Single Family Mainland (C-SFM)

CURRENT USE:

Undeveloped

SIZE OF SITE:

37+/- acres

ZONING HISTORY:

Agricultural (A) – 1989 Zoning Map
Light Manufacturing (LM) - 1999 Zoning Map

UTILITIES: County water is available to serve this development. The developer is requesting connection to the Moyock Central Sewer System.

TRANSPORTATION: The proposed development has access to Caratoke Highway through an existing unimproved right-of-way. There is an existing rail crossing located at the property's development entrance. The proposed road and rail crossing serving the development will be improved to NCDOT standards.

FLOOD ZONE: The proposed development is located in the Shaded X flood zone (500-year).

WETLANDS: The county wetland inventory maps indicate the property has wetland characteristic; however, a wetland delineation is not required until submittal of the subdivision.

SOILS: The proposed development is located on Roanoke soils, which are considered poorly drained. The development is proposing to manage wastewater through off-site treatment and disposal.

PLAN REQUEST: Conservation subdivision with 74 residential lots (2 du/acre) and 14.84 acres of open space (40%).

PROPOSED ZONING CONDITIONS:

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

COMMUNITY MEETING:

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

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

Additional Staff Comments:

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

PLANNING BOARD RECOMMENDATION:

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

PLANNING BOARD DISCUSSION (8/12/14)

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

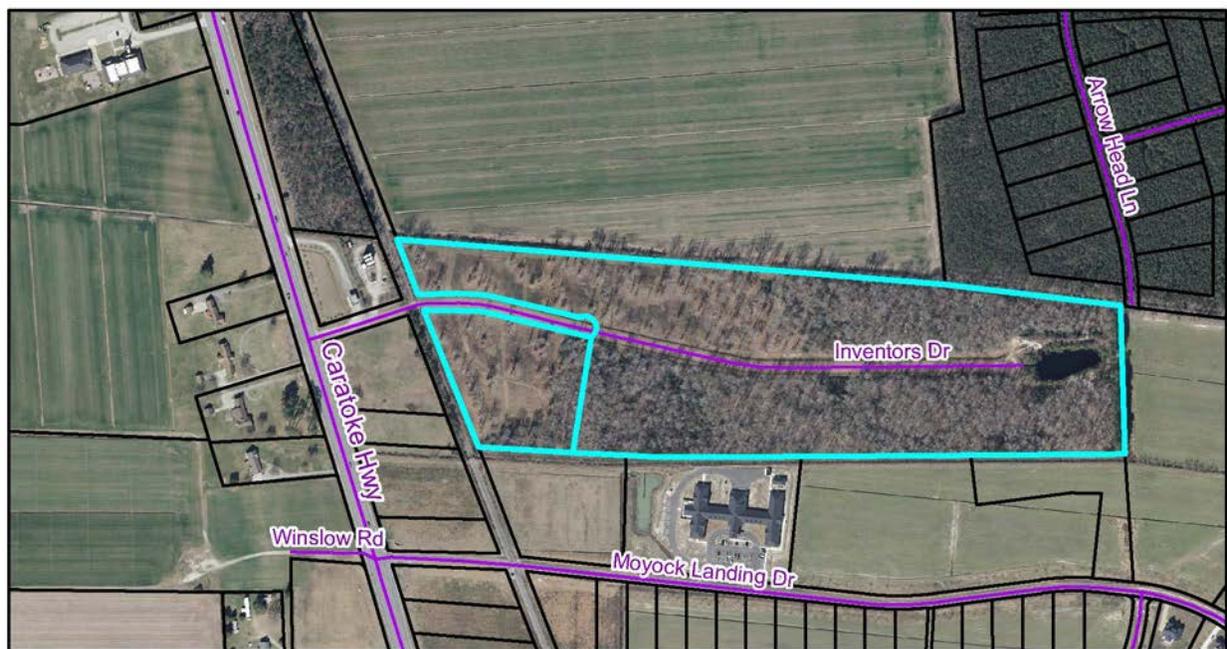
Mr. Woody said liability insurance will have to be paid for this crossing and they will have to have an agreement with the Railroad Company.

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

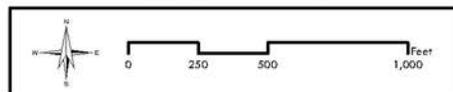
Mr. Clark closed the public hearing.

ACTION

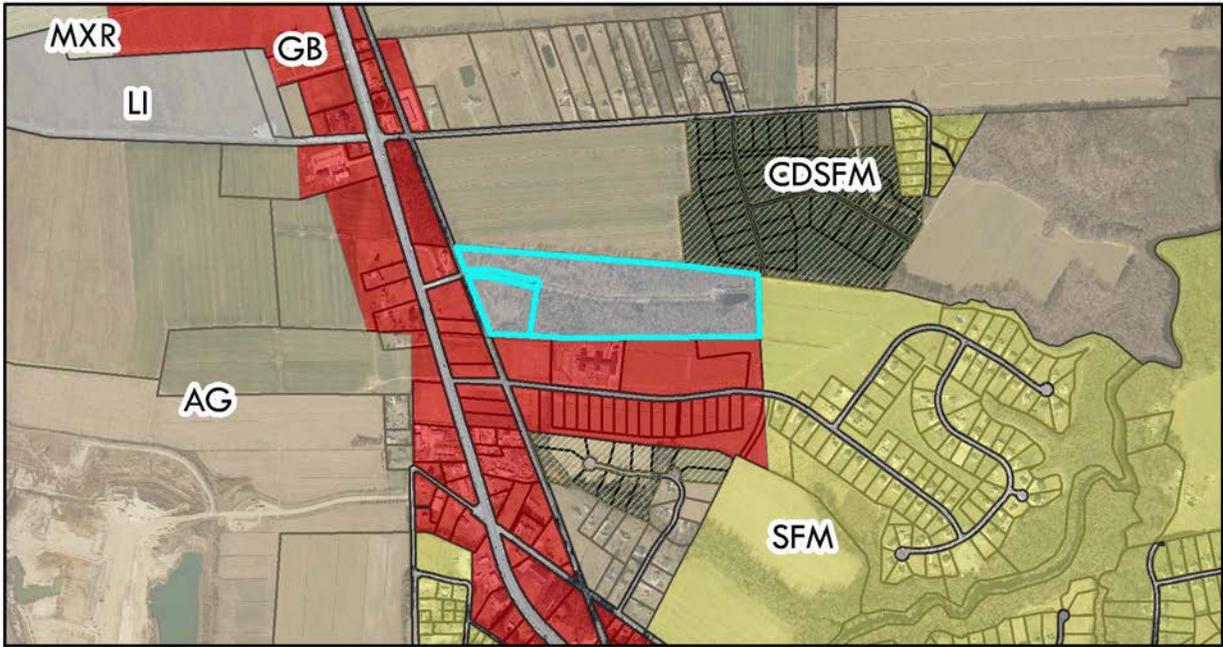
Mr. Cooper moved to approve PB 14-14 due to its consistency with the goals, objectives, and policies of the 2006 Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land. Ms. Overstreet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



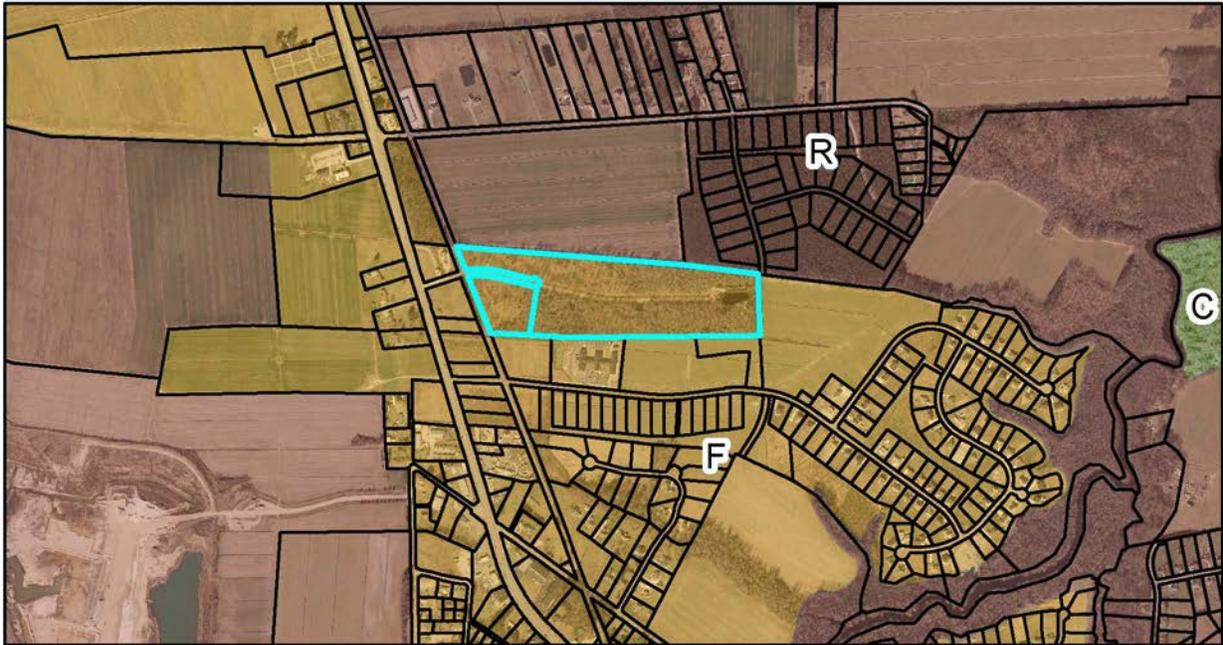
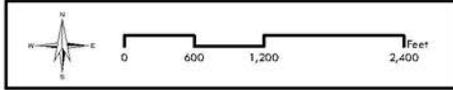
PB 14-14 CASP, Inc.
Conditional Zoning



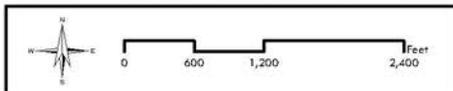
Currituck County
Planning & Community
Development



PB 14-14 CASP, Inc.
Conditional Zoning



PB 14-14 CASP, Inc.
Conditional Zoning





Currituck County

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

To: Justin Old
Mark Bissell

From: Planning Staff

Date: July 11, 2014

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

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

Planning, Ben Woody

Reviewed

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

Currituck County Engineer, Eric Weatherly

Currituck Soil and Water, Mike Doxey

Approved

Currituck County Utilities, Pat Irwin

No Comment

Currituck County Fire Marshal, James Mims

Approval with Corrections

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

Albemarle Regional Health Services, Joe Hobbs

Reviewed

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

Currituck County Building Inspections, Spence Castello

1. Soil engineering may be required at footing inspection.

Currituck County GIS, Harry Lee

Reviewed

Currituck County Parks and Recreation, Jason Weeks

No comment

NC State Archaeology, Lawrence Abbot

No comment

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

NC Division of Coastal Management, Charlan Owens

No comment

US Postal Service, Moyock Postmaster

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

Mr. Woody, after review, conveyed to the Board that the Technical Review Committee and the Planning Board recommended approval.

Commissioner Petrey questioned the lot size of the proposed and surrounding subdivisions and drainage, based on the 10,000 square foot lot size, and stated the soil in the area is questionable. Mr. Woody explained that stormwater can be addressed through better stormwater management. Commissioner Petrey addressed connectivity to Shingle Landing, and Mr. Woody explained the connectivity included in the proposal.

Commissioner Gilbert addressed concerns with the safety of the railroad crossing and asked if any conversation has occurred with the railroad and what cost is involved. Mr. Woody said the staff has made the developer aware of concerns with the railroad and potential liabilities, but at this point it is early and no in depth discussion has occurred.

Commissioner Gilbert noted Shingle Landing is still dealing with railroad issues and continues to be a painful and expensive process for them.

Commissioner Petrey asked if wastewater would cross the railroad tracks. Mr. Woody explained the wastewater would be tied into the line servicing the assisted living facility and that feeds into the forced main running under the tracks on Moyock Landing Drive.

Commissioner Aydlett confirmed with Mr. Woody that zoning is General Business and use will be residential. Chairman O'Neal asked when the sewer policy would be ready to come before the Board. Mr. Woody said the next meeting. Chairman O'Neal questioned if the railroad infrastructure was included in the preliminary plat, to which Mr. Woody answered yes. Commissioner Griggs asked about elevation approvals and Mr. Woody said they were submitted as part of the Technical Review approval process. He then asked if conditions were able to be applied, with the County Attorney affirming that if conditions were applied, and the developer did not agree to the conditions, then the approval is denied.

Commissioner Petrey spoke to the lot sizes of surrounding properties and does not believe they are compatible. Ben explained compatibility pertains to adjacent property only. The discussion continued with Commissioner Petrey's concern with the small lot sizes and said he wants to see a minimum designation of 20,000 square feet. Commissioner Aydlett submits that continued discussion on compatibility and sewer is needed, and can be sent back to staff. His view is the Board is admiring the problem and don't have the tools to resolve these questions.

Chairman O'Neal suggested that lot size and density are being confused and that we need to revisit the density discussion. He stated that if people don't want small lots they won't buy them. The rules have to be changed through the proper procedure. He said the Small Area Plan was adopted just a few months ago based on 18 public meetings. Chairman O'Neal suggested going back and finding what the people want. Commissioner Petrey believes the Moyock residents were talking about lot size, not density, and prefer larger lots. Commissioner Aydlett stated the Board asks for tools, guidance and policies to follow to move forward with these issues.

Chairman O'Neal opened the Public Hearing.

Mark Bissell, of the Bissell Professional Group, Kitty Hawk, stated the proposal is half of the density allowed by the Land Use Plan, with 40% open space and tree preservation. He stated the subdivision will not be seen from the road nor from surrounding properties. A 100 foot tree buffer is present, and he believes the plan is compatible and appropriate and asks for support with zoning approval.

Denise Hall, Moyock, told the Board this was their opportunity to stop taxing our schools and putting an additional strain on taxpayers, and feels if they approve they will lose control of development in the County.

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

Commissioner Petrey moved to deny based on inappropriate density and compatibility. Commissioner Gilbert seconded citing railroad and fuel depot concerns. Motion failed with a vote of 2-3.

A motion to continue was made by Commissioner Gilbert pending additional discussion of the railroad and sewer. The motion to continue was seconded by Commissioner Petrey. Motion carried 4-1, with Chairman O'Neal opposing.

C) Public Hearing and Action: PB 14-06 Currituck County, Request to Amend the Unified Development Ordinance PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI districts.

Ben Woody reviewed the text amendment for the proposed five lot minor subdivision. Both the Planning Board and Technical Review Committee recommend approval. Mr. Woody explained the minor subdivision and requirements for future development of the parcel into a major subdivision and that once the minor is done another cannot be added after the five year expiration has passed. He explained a major subdivision developed within five years following the minor would include the minor lots within the density calculations.

Subject: PB 14-06 Currituck County (Modified)

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department, at the direction of the Board of Commissioners, was modified from the amendment reviewed by the Board of Commissioners on August 4, 2014. This amendment was modified to only include language that is intended to:

- Require minor subdivision lots created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.).
- Clarify the minimum lot size for minor subdivisions in the AG and SFI zoning districts.

The following items were removed from this request:

- Establish residential compatibility standards that will provide a transition area between residential development and proposed single family residential development.
- Reduce density allowances on lands containing wetlands.
- Increase minimum district areas for planned developments.

The planning staff recommends approval of the proposed amendments as they are consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. In addition, the proposed amendments are consistent with the purpose and intent of the zoning districts in the UDO. It should be noted, the below Planning Board recommendation was based on the request submitted to the BOC on August 4, 2014.

The Planning Board recommended approval at their July 8, 2014 meeting subject to the following:

1. *Item 2*

Section 5.12.3. B. (1)

The planning board requested clarification on the minimum lot size requirement within the transition area. The board's motion would clarify that in no instance shall the requirements of the proposed text amendment (Section 5.12.2.B.(1) require a lot larger than 40,000 square feet.

2. *Effective date shall be January 1, 2015.*

BOARD OF COMMISSIONERS (8/4/14)

Commissioner Griggs motioned to table Public Hearing Item A, PB-06 UDO Amendment for further review and discussion of Compatibility Standards. Commissioner Petrey seconded the motion. Commissioner Aydlett requested the meeting be held the following day at 3 pm. Commissioner Petrey withdrew his second due to his inability to attend a 3 PM meeting. Commissioner Griggs motioned to set the discussion at 3 pm the following day. Commissioner Aydlett seconded the motion and the motion carried.

PLANNING BOARD DISCUSSION (7/8/14)

Mr. Clark asked for clarification on reducing density allowances on lands containing wetlands.

Ms. Voliva explained if you had 100 acres you would be able to draw your density off the 100 acres, but with this new proposal if you have 50 acres of wetlands on these 100 acres you would be able to draw your density off 75 acres. Open space can be wetlands in conservation subdivisions.

Mr. Cooper asked if in the old UDO density is based on uplands.

Ms. Voliva said it is very similar to what we have now where it didn't allow you to pull density off CAMA wetlands.

Ms. Overstreet asked when talking about density per unit, how does this factor in the off road area when they are calling a 23 bedroom house a single family home?

Ms. Voliva said it doesn't factor into the density because it is considered a one dwelling unit.

Mr. Cooper asked in the transition area, if it not like zoning how does that work?

Ms. Voliva said zoning would not have any effect on it, if you have an existing residential subdivision that you are adjacent to, and you are proposing a new development, regardless of the zoning district.

Mr. Craddock said the main purpose of the transition area is strictly for the benefit of the existing property owners so when development occurs it is less invasive.

Ms. Voliva said yes it would address the compatibility issues.

Mr. Old asked staff to explain if minor subdivision lots are created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.). Mr. Old asked on the wetlands if the lot size, different zonings, and soil type control what you can do on the property.

Ms. Voliva said if you were looking at lot size only, yes it would, but you have density allowances in the ordinance now. Under the old ordinance it was more lot size driven and this ordinance is more density driven.

Mr. Old said he doesn't see a need to take away the open space when it could be beneficial.

Ms. Voliva said it would not have an effect on a traditional development when you are just working off lot sizes; it is the conservation development when you setting your lot sizes based on density calculations.

Mr. Old asked the board to consider an adoption date of six months out.

Mr. Woody said the new ordinance drives the cost of lots down because it allows more density than the old ordinance.

Mr. Cartwright said everything about the UDO is city ordinance driven.

Mr. Woody said the new UDO is more dense by pushing more towards a dense development pattern. The UDO has density that is included in the 2006 Land Use Plan.

Mr. Cartwright said it looks like we are putting more rules on top of rules, which is driving up the cost. People are not going to want to come here because the cost is too expensive.

Ms. Voliva said staff supports a six month effective date.

Mr. Clark closed the public hearing.

ACTION

Mr. Clark moved to approve PB 14-06 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, have an effective date of January 1, 2015, and in section 5.12.3 Transition Area, B. Development within the Transition Area, 1. Be equal to or greater than the median but not greater than 40,000 square feet. Ms. Overstreet seconded the motion. Ayes: Mr. Clark, Ms. Newbern, Mr. Craddock, Mr. Cooper, and Ms. Overstreet. Nays: Mr. Cartwright. Motion carried.

PB 14-06 Currituck County UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 2: Administration and Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI zoning districts.

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

Item 1: That Section 2.4.8: Subdivision is amended by adding the following underlined language and deleting the strikethrough language:

C. Subdivision Distinguish

(2) Minor Subdivision

A minor subdivision consists of the division of land into five or fewer lots that does not constitute a no review subdivision. when:

- ~~(a) It does not constitute a no review subdivision;~~
- ~~(b) It fronts an existing NCDOT-maintained public street or a private access street;~~
- ~~(c) There is no public right-of-way dedication;~~
- ~~(d) No private street or private access serving more than two lots is created (except as allowed in a family subdivision); or~~
- ~~(e) Lots are conveyed solely to family members as a family subdivision;~~

D. Minor Subdivision

(2) Minor Subdivision Review Standards

(a) General Standards

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii) ~~It will result in lots that are at least 40,000 square feet in size (except in the SFR district, where lots shall be at least 120,000 square feet in size)~~It complies with the dimensional standards of Chapter 3;
- (iii) It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B Additional Standards for Family Subdivisions);
- (iv) It fronts an existing NCDOT-maintained public street or a private access street;
- (v) There is no public right-of-way dedication;
- (vi) It does not create a private access street serving more than two lots unless it is a family subdivision; and
- (vii) Any private access street created complies with Section 6.2.1.B.1 Private Access Streets.

E. Major Subdivision

(1) Overview

(a) In General

- (i) Development of a major subdivision requires approval of a preliminary plat (type I or type II), a use permit (if applicable), construction drawings, and then a final plat.
- (ii) The Planning Director may allow for concurrent submittal of a preliminary and final plat in cases where no public improvements are required, or concurrent submittal of a preliminary plat and construction drawings where public improvements are required.
- (iii) Minor subdivision lots shall be included when calculating the acreage and total number of lots for a major subdivision when:
 - (A) The minor subdivision lots are created from the same parent parcel or parcels of land proposed for a major subdivision; and
 - (B) The preliminary plat is submitted within five years from the date in which the minor subdivision was approved.

Item 2: That Section 3.3.3.F., 3.4.2.F., and 3.4.5 F., Dimensional Standards for the zoning districts as indicated, is amended by adding the following underlined language and deleting the strikethrough language:

1. Section 3.3.3.F.- AG: Clarify the 40,000 minimum square foot lot size for minor subdivision lots.
2. Section 3.4.5.F.- SFI: Clarify 40,000 minimum square foot lot size for minor subdivision lots.

F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS	
Max. Gross Density (du/ac)	N/A	-	Min. Front Setback (ft) [4]	20	N/A	3
With 50% Open Space (du/ac)	-	0.4	Min. Corner Side Setback (ft)	20	N/A	4
With 60% Open Space (du/ac)	-	0.5	Min. Major Arterial Street Setback (ft)	50	50	5
With 70%+ Open Space (du/ac)	-	0.6 6	Min. Side Setback (ft)	10	N/A	6
Max. FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A	7
Min. Lot Area (acres) [1]	3	N/A	Min. Agriculture Setback (ft) [5]	N/	50	8

				A		
Max. Lot Area (acres)	N/A	N/A		10	3	9
Min. Lot Width, Interior Lot (ft) [2]	125	N/A	1	10	N/A	0
Min. Lot Width, Corner Lot (ft)	135	N/A	2	10	10	
Max. Lot Depth	[3]	N/A		50	50	
Max. Lot Coverage (%)	30	60		35	35	-
[1] Family Minor subdivision lots shall be at least 40,000 square feet in area [2] All lots shall maintain a minimum street frontage of 35 feet [3] Lot depth shall not exceed four times the lot width [4] Front setbacks shall be measured from ultimate ROW line [5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater				Min. Spacing Between Principal Buildings (ft)		
				10	3	=

Chairman O’Neal opened the Public Hearing. With no one signed up to speak, the Public Hearing was closed.

Commissioner Petrey moved to approve the text amendment, seconded by Commissioner Griggs. The motion carried unanimously.

Old Business

A) Second Reading of Peddler's Ordinance Amendment

County Attorney Ike McRee reviewed the Peddler’s Ordinance, and the amendment to extend the requirement for issuing of permits should expanded background checks be needed. Commissioner Aydlett moved to approve the amendment and Commissioner Gilbert seconded. Motion carried unanimously.

B) Resolution to Modify the 2008 Debt for the Mainland Water System Reverse Osmosis Plant

County Manager Dan Scanlon announced the good news that the Finance Department had negotiated a lower interest rate of 2.98%, down from 4.09%. The reduction saves \$65,000 in interest payments and over the life of the loan will save over \$900,000.

New Business

A) Board Appointments:

1. Library Board, Whalehead Trust, Tourism Advisory Board

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

B) Consent Agenda:

1. Approval of Minutes for August 18, 2014 and Joint BOC/FEAB for VFIS Presentation, July 24, 2014.
2. Budget Amendments
3. CDBG Monthly Status Report
4. Quote for Purchase of Tools-Knotts Island VFD

Commissioner Aydlett moved to approve the Consent Agenda. Commissioner Gilbert 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
12548-590015	Capital Outlay	\$ 25,092	
12548-545000	Contract Services		\$ 25,092
		<u>\$ 25,092</u>	<u>\$ 25,092</u>

Explanation: Knotts Island VFD (12548) - Transfer funds for Hurst fire extrication equipment approved by the Fire and EMS Advisory Board on 8/28/2014.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10800-591000	School Current Expense	\$ 117,548	
	Fund Balance		\$
10390-499900	Appropriated		117,548
		<u>\$ 117,548</u>	<u>\$ 117,548</u>

Explanation: *Public Schools (10800)* - Increase appropriation to School Current Expense to adjust to the actual planning allotment. Original budget was based on an estimated planning allotment.

Net Budget Effect: Operating Fund (10) - Increased by \$117,548.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-545000	Contracted Services		\$ 3,409
10660-514500	Training & Education	\$ 2,650	
10660-514000	Travel	\$ 759	
		\$ 3,409	\$ 3,409

Explanation: *Planning & Community Development (10660)* - Transfer budgeted funds for Ben Woody to attend the Municipal and County Administration Course.

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
10760-585001	DSS Donations/Currituck Kids Fund Balance	\$ 1,670	
10390-499900	Appropriated		\$ 1,670
		\$ 1,670	\$ 1,670

Explanation: *Public Assistance (10760)* - Carry-forward donation funds remaining from prior fiscal year that are restricted for Currituck Kids DSS Donations.

Net Budget Effect: Operating Fund (10) - Increased by \$1,670.

Debit **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
60808-590001	Capital Outlay - Sewer	\$ 7,089	
60808-545001	Contract Services - Sewer		\$ 7,089
		<u>\$ 7,089</u>	<u>\$ 7,089</u>

Explanation: *Ocean Sands Water & Sewer District (60808)* - Transfer budgeted funds for 2 generators and transfer switches at sections J and Crown Point of Ocean Sands Wastewater Treatment Plant.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10750-590000	Capital Outlay	\$ 80,000	
10460-592000	Courthouse Projects		\$ 80,000
		<u>\$ 80,000</u>	<u>\$ 80,000</u>

Explanation: *Social Services Administration (10750); Public Works (10460)* - Transfer budgeted funds for renovations of the senior center space in the DSS building in order to utilize matching grant funds.

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

C) Commissioner's Report

Commissioner Gilbert announced the Chamber Golf outing was looking for sponsors and had spaces available. Contact the Chamber if interested. Also, the Currituck Heritage Festival was to be held Saturday at 1 PM at the Rural Center. She also announced a Cancer Fundraiser at the United Methodist Church.

Chairman O'Neal also addressed the Currituck Heritage Festival, and announced the first 1,000 people get to eat for free. He asked how we might get a Century Link representative to the area

to see what citizens need to do to sign up for their high-speed internet, as well as find out what areas are serviced. Commissioner Gilbert said it took her years to get the service, and many folks are interested.

Commissioner Aydlett thanked the County Manager and Deb Embrey, Webmaster and Video Production, for resolving the problems with the government channel on Knotts Island. The County Manager stated the intent is to move the equipment. Audio is still a problem.

D) County Manager's Report -

No Report.

Adjourn

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