



**Board of Commissioners
Agenda Packet**

May 2, 2016

Work Session

4:00 PM Board of Equalization and Review

5:00 Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Frank Custer, Mt. Zion United Methodist Church
- B) Approval of Agenda

Public Hearings

- A) **Public Hearing and Action: PB 15-18 Mashuda Multi-Family:** Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.
- B) **Public Hearing and Action: PB 15-26 Currituck County:** Request for a use permit to expand the existing Panther Landing Convenience Center located on Panther Landing Road in Moyock, Tax Map 14, Parcel 13B, Moyock Township.
- C) **Public Hearing & Action: PB 16-08 Aquatic Development Group:** Request a text amendment to allow outdoor recreation use to increase height limit to 110'.
- D) **Public Hearing and Action: PB 16-05 Aquatic Development Group:** Request for a conditional rezoning of approximately 52 acres from Heavy Industrial (HI) to Conditional General Business (C-GB) to allow a water park located at 8528 Caratoke Highway in Powells Point, Poplar Branch Township, Tax Map 124, Parcels 13, 137J, 137D, 137F, and 139N.
- E) **Public Hearing & Action: PB 16-06 Windswept Pines:** Request for preliminary plat/use permit for a 59 lot residential subdivision located off Baxter Lane in Moyock, Tax Map 9, Parcels 6 and 11G, Moyock Township.
- F) **Public Hearing & Action: Ocean Sands Stormwater Service District**

New Business

- A) **Board Appointments**
 - 1. Nominations for Initial Appointments to the Animal Shelter Advisory Board
 - 2. Game Commission
 - 3. ABC Board
- B) **Consent Agenda**
 - 1. Approval Of Minutes
 - 2. Budget Amendments

3. Resolution Pedestrian Plan Funding:
4. Dominion Power Right of Way Agreement
5. 2016-17 County Funding Plan Approval-NCDPS/Juvenile Crime Prevention Council

C) **Commissioner's Report**

D) **County Manager's Report**

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1532)

Agenda Item Title

4:00 PM Board of Equalization and Review

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1370)

Agenda Item Title

Public Hearing and Action: PB 15-18 Mashuda Multi-Family:

Brief Description of Agenda Item:

Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.

Planning Board Recommendation:

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

Board Action Requested

Action

Person Submitting Agenda Item

Donna Voliva,

Presenter of Agenda Item

Ben Woody

**STAFF REPORT FOR THE
BOARD OF COMMISSIONERS
DATE: May 2, 2016
PB 15-18 MASHUDA MULTI-FAMILY SITE**

ITEM: PB 15-18 Mashuda Multi-Family Site: a conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District- Mixed Residential (C-MXR).

LOCATION: Barco – Patriot Way east of Central Elementary School on north side of Shortcut Road (US 158).

TAX ID: 0060000099E0000

OWNER: Frank C. and Maria A. Mashuda
2072 Crown Drive
St. Augustine, FL 32092-3605
703-909-6935, 703-920-0712

APPLICANT: ABLX, LLC
c/o Brian Innes
378 Caratoke Highway
Moyock, NC 27958
252-453-2531

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Wastewater treatment plant/ Undeveloped lands/ Farmland	HI/AG
SOUTH	Residential	AG
EAST:	Farmland	AG
WEST:	Wastewater treatment plant/Undeveloped lands	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Barco-Coinjock-Airport subarea.

The policy emphasis of the Barco-Coinjock-Airport sub-area is to emerge as a principal community center serving the central area of the mainland. Residential development densities should be medium to high. 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 though the use of overlay zones. Although the densities are in keeping with the policy emphasis of the sub-area, the proposed application is not in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY

FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

POLICY TR11: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

MAPLE-BARCO SAP:

The Maple-Barco Small Area Plan classifies the property as Employment.

The Employment future land use classification is anticipated for land uses that will generate economic activity or job growth. Residential development should be discouraged in areas of the Employment land use category.

Policies not in support of the application include:

POLICY LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

CURRENT ZONING: Agricultural (AG) Base District
Airport Overlay District (AO)

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

CURRENT USE: Undeveloped

SIZE OF SITE: 15.78 acres

ZONING HISTORY: Agricultural (A) - 1989 Zoning Map
Agricultural (A-40) – 1979 Zoning Map
Light Industrial (LI) – 1971 Zoning Map

UTILITIES: County water is available to serve this development. The proposed development is requesting connection to the Maple wastewater treatment plant.

TRANSPORTATION: The parcel accesses Caratoke Highway through Patriot Way, a private gravel road that serves single-family residential dwellings. All

roads accessing the development must be designed and constructed to meet NCDOT standards.

FLOOD ZONE: The proposed development is located in the X, Shaded X, and AE flood zones.

WETLANDS: According to the applicant, the site does contain 404 wetlands. No mitigation is proposed within the wetland area. A copy of the wetland delineation shall be submitted during the site plan or subdivision review process.

SOILS: The proposed development predominately contains soils that are considered suitable to marginal for on-site septic.

PLAN REQUEST: Residential Development
Mixed Residential (MXR)
15.74 acres

- Density: 4 units/acre (sustainable incentives)
- Eight two-story buildings
- Open Space
 - Required (30%): 4.72 acres

PROPOSED ZONING CONDITIONS:

1. Use: 63 unit multi-family complex consisting of 8 buildings with 8 residential dwelling units in each building with the exception of one building that will contain only 7 dwelling units and a manager office and/or common space for residents.
2. The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development:
 - Schedule A:
 1. Use of central air conditioners that are Energy Star qualified.
 2. Use of only solar or tankless water heating systems throughout the structure.
 - Schedule B:
 1. Roof eaves or overhangs of three feet or more on southern or western exposures.
 2. Inclusion of shade features to shade all windows and doors on the southern building façade.
 3. Provision of 150 ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.
 4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area.
3. The proposed buildings will not exceed two stores in height.
4. The water main for the site will be constructed such that a connection will be created between the water main adjacent to Patriots Way and the water main that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.
5. The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.
6. Passive recreational facilities will be provided on-site including:
 - a. A walking trail around the stormwater pond,

- b. Seating benches adjacent to the walking trail and,
- c. Accessible picnic platforms adjacent to the pond.

7. Upon development of the county's trail system, the developer will provide a connecting trail from the development to the county's trail system in Maple Commerce Park.

COMMUNITY MEETING:

A community meeting was held on October 7, 2015 at 7:00 pm at the Barco Library. The concerns taken from the meeting were related to the development type, densities, traffic, water and fire flow, impacts on the adjacent properties, inadequate public facilities, and proximity to the airport. A detailed summary of the community meeting is provided by the applicant.

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 denial** of the proposed request. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3. Although the proposed development may not be developed as a subdivision, the UDO states subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district. The development application includes a request for sustainability incentives to increase the overall density by one unit per acre. The conditional rezoning request is not consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and, is not reasonable and in the public interest since the request is not compatible with existing and proposed uses surrounding the land subject to the application. In addition the proposed request would not result in a logical and orderly development pattern.

Additional Staff Concerns:

1. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3.
2. The Maple-Barco Small Area Plan identifies the property as Employment future land use classification that discourages residential development within this area.
3. The proposed development shall meet the multi-family design standards of Chapter 5 of the UDO. The building design and site plan shall meet the requirements in effect at the time of site plan or subdivision submittal. The conditional rezoning does not vest the plan.

SAMPLE MOTIONS

Denial

Move to deny PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its inconsistency with:

- The goals, and objectives, and policies of the Land Use Plan (See Policies HN1, and TR11)
- The Maple – Barco Small Area Plan because the proposed density is not appropriate for the location since it adjoins and accesses through a four lot private access subdivision (Employment Future Land Use Classification policy Policy TR11).
- The proposed development exceeds the residential density of the base zoning district.

The request is not reasonable and not in the public interest because:

- The conceptual plan does not result in a logical and orderly development pattern, and;
- The conceptual plan exceeds the density allocations for the base zoning district and is in conflict with the Unified Development Ordinance.

Approval

Move to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;

The request is reasonable and in the public interest because it will address a demonstrated community need.

PLANNING BOARD RECOMMENDATION:

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

BOARD OF COMMISSIONERS (3/21/16)

This item was removed from the agenda.

BOARD OF COMMISSIONERS (2/1/16)

Mr. Woody, upon completing his review, did point out that the Planning Board had tabled the item originally, considering whether the zoning would be considered spot zoning. Mr. Innes appeared again before the Planning Board, provided additional information to the Board, and the Planning Board approved the request.

Mr. McRee defined spot zoning, and provided what determinations and findings should be made when considering a rezoning. Mr. Woody answered questions regarding the Planning Board's determination, and recalled land use policy which discourages entry to a high-density project through a low-density project. The request to hook up to wastewater was discussed, and the available capacity for commercial growth and the possibility of later expansion of the wastewater plant were considered. Mr. Woody said the use request is for 23,000 gallons per day, which Mr. Scanlon said would be just over half of the current capacity. Mr. Woody confirmed the location in the airport overlay area, with height not being an issue.

Chairman Griggs opened the Public Hearing.

Brian Innes of ReMax Alpha Realty, representative of the applicants, reviewed the history of the multi-family housing project. He discussed the available water line on NC 158, and the water tap fees which he believes would fund expansion of the wastewater plant if needed. He described the buffering and the need for affordable housing. He addressed traffic, water for firefighting, and concerns about increased crime. He talked of connectivity to the YMCA complex and school. He addressed spot zoning and pointed to sections of the Small Area Plan that support the project. Mr. Innes feels the project fills a needed gap and would assist in business recruitment.

Commissioners asked how the property would be managed, to which he answered an on-site office would be present, as well as they would offer a sheriff's deputy housing at free or reduced rent. Mr. Innes said if the application is granted, the property would be for sale, would be well maintained, and would offer one, two and three bedroom units from about 800 to 1000 square feet.

The Board questioned aspects of the airport overlay district, and Mr. Innes reviewed other structures nearby.

Jason Mizelle, Eastern Carolina Engineering, presented and offered to answer any technical questions the Board might have regarding the project.

With no questions and no one else wishing to speak, Chairman Griggs closed the Public Hearing.

Commissioner Hall moved to approve PB 15-18 because it does meet the goals and objectives and policies of the Land Use Plan, it does have the density allowances of the Full Service classification in the Land Use Plan and the sustainability policies of the Maple- Barco Small Area Plan, and the request is reasonable and in the public interest because it will address a

demonstrated community need. Commissioner Hall included the condition of onsite management, to which Mr. Innes said that could be a condition of the sale of the property. The Board considered whether the sale of the property might be problematic with enforcement of conditions.

Commissioner O'Neal seconded the motion and began a discussion to consider the wastewater capacity, and asked the county attorney if in his opinion it was spot zoning. Mr. McRee suggested the Board go through the additional findings and analysis with regard to the rezoning and make that determination.

With the addition of considerations to be made regarding spot zoning and wastewater, the motion and second were withdrawn. Commissioner O'Neal moved to continue pursuant to allowing time for additional analysis regarding spot zoning and staff to report on wastewater. Commisioner Hall seconded, with the item to be heard at the February 15, 2016, meeting of the Board.

The motion carried unanimously.

PLANNING BOARD DISCUSSION (1/12/16)

Mr. Innes provided a brief recap of the project. Mr. Innes presented some handouts that support the request. No incentives or grants are being applied for this project to be a rent subsidized complex. NCDOT will do acceleration and deceleration lanes each way. Mr. Innes said if this project is approved then Patriot Way will be paved with asphalt. Mr. Innes pointed out in the last few years the sheriff's office and jail has been expanded, extension service building and the sports complex which is still growing, are all located in the Maple-Barco SAP. Mr. Innes read an article written by David Owens on Spot Zoning for UNC School of Government. In the article Mr. Owens says spot zoning may be beneficial in a community and detrimental in others. Mr. Innes said in the article you will find information that will support both sides. Mr. Innes said one of the goals of the Maple-Barco SAP vision, "encouraging appropriate mixes of residential and commercial densities in close proximity to the airport facility."

Mr. Cooper asked Mr. Innes if this is a project that he will actually do.

Mr. Innes said on behalf of his client, if the project is approved, the property would be put up for sale and whatever conditions were put on it would be met by the prospective buyer.

Mr. Cooper said these projects could go either individual ownership or total ownership where each building is owned by one party and each unit is rented or each unit is set-up condo or townhouse style so there is individual ownership. Mr. Cooper asked Mr. Innes if this has been addressed.

Mr. Innes said at first it was apartments, but now it is townhomes that could be brought by an investor as a rental, brought by an individual as a home, or brought by several people to rent out.

Mr. Cooper opened the public hearing.

Mr. Young said he lives on Patriot Way. He is concerned with property values declining, and spot zoning creating higher density.

Ms. Young said she is concerned with safety, crime issues the housing may bring, traffic, and the location is not right for this type of project.

Mr. Cooper closed the public hearing.

The Planning Board discussed spot zoning, if the request is spot zoning and detrimental to surrounding area or neighbors, full service, density, Maple-Barco SAP, and airport overlay.

Ms. Voliva said the airport impact zones, Zone 3, residential density is about one unit per acre. The applicant is requesting four units per acre.

Mr. Craddock asked staff if the applicant is receiving additional bonus of density because the presence of the septic system that exist there.

Ms. Voliva said for sustainability requirements you have to qualify for points to receive density bonus. Ms. Voliva said the current zoning district; agricultural is based upon the amount of open space you designate.

Ms. Overstreet asked what is the approximate acreage of the four existing lots.

Ms. Voliva said approximately one acre.

Ms. Overstreet asked how many housing units are proposed.

Ms. Voliva said 63 housing units on 15.78 acres. Ms. Voliva said a conditional rezoning request the conditions the applicant is presenting to the board and requesting approval, the applicant is bound too. This is not a vesting plan, should the county make any changes to the ordinances it could affect the development.

Mr. Cartwright asked what the buffering boundaries are.

Ms. Voliva said there is a 150 foot buffer along the boundaries of the wetlands, a 25 foot, Type A landscape buffer on one side, and a 50 foot agricultural buffer on the other side.

Mr. Craddock said the possibility for an aircraft disaster exists now with the YMCA, extension, church, sport complex, parks, and schools; the logic of not putting a development at this location because it is at a greater risk of an aircraft disaster is not really real, because the risk already exists in these buildings and parks.

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,

- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

PLANNING BOARD DISCUSSION (12/8/15)

Brian Innes, Larry Gaither, Kim Hamby, and Rodney Young appeared before the board. Donna Voliva presented the staff report.

Mr. Cartwright asked if the airport overlay is county or state supported overlay.

Ms. Voliva said county.

Mr. Woody said it is within a county zoning district, but based on federal aviation regulations.

Mr. Craddock asked what are some of the significant differences between the agricultural zoning district and airport overlay, as far as restrictions to properties.

Ms. Voliva said the agricultural zoning district is the base zoning district which has its own height limitations. With the airport overlay there are additional criteria which have to be met, i.e. additional height restrictions. Ms. Voliva said the Maple Small Area Plan (SAP) is a guidance document not regulatory. Ms. Voliva said high density growth is not proposed in the airport overlay. Beyond the airport overlay, which is also part of the SAP, there are areas of higher density residential areas that are much closer to the Barco 158 and 168 intersections.

Mr. Cooper asked what is the criteria to tie into the sewage system.

Ms. Voliva said the sewage system is built for future facilities that are to be located in the Maple Commerce Park. There is capacity in the plant for additional users. Ms. Voliva said the road leading in is gravel and would have to be upgraded to paved NCDOT designed constructive way. The new development would require 8" water lines.

Mr. Cooper opened the public hearing.

Mr. Innes said he is here on behalf of the owners. Mr. Innes provided a background history of the property. County regulations have changed since the owners purchased the land. Mr. Innes talked about multi-family housing, county water, one time fees for tapping into the county's water supply and sewage disposal plant would generate \$876,800. Mr. Innes said this would be good housing for employees to live from the industrial park as it grows. Residents would be within walking distant to the YMCA and sport fields, Central Elementary School, and the Aviation school. This will be an upscale community and will not be Section 8 low income housing. Mr. Innes provided a letter

from Sheriff Susan Johnson and Mark Stefanik, Currituck Schools Superintendent in favor of this project. Mr. Innes said residents will be carefully screened and rent would be approximately \$950 per month for 2 bedrooms.

Mr. Gaither and Ms. Hamby said they would be glad to answer any questions.

Mr. Young lives in one of the four homes on Patriot Way. Mr. Young is concerned with traffic, safety, and drainage issues. Mr. Young is concerned with who will be renting these units and potential crime issues.

Mr. Innes said there is a need for affordable rentals in Currituck County. A small rental residential company has six rentals in the area and they rent from \$1,425 to \$2,200 per month.

Mr. Cooper asked if these units will be under the same ownership or sold individually?

Mr. Innes said a mix of the above.

Mr. Cooper closed the public hearing.

Mr. Cooper said back in 2001-2002 there was a lot of discussion about multi-family and affordable housing in the county. Mr. Cooper said there is a shortage of affordable housing and affordable rentals. This project does meet these requirements. On the other side, does this request meet the rules of the SAP?

Ms. Bell said she agrees with Mr. Cooper's statement.

Mr. Cartwright asked if this request could be a spot zoning issue. Ms. Voliva said this could be a concern.

Mr. Cooper asked if the actual zoning would have compatible uses with General Business (GB).

Ms. Voliva said not as proposed. Ms. Voliva said there are four findings for spot zoning.

The Planning Board discussed the location of the request and how it relates to commercial growth, water and sewage treatment plant, density, Land Use Plan and its relation to a full service area, traffic, buffers, Maple SAP, access to development through the rear of the property, airport overlay, low supply of quality affordable rental property, and spot zoning.

Mr. Cooper said quality affordable housing in Currituck is a good thing, but the board to some degree is bound to the LUP to logical development patterns.

Mr. Cartwright said spot zoning could be an issue without knowing the criteria.

Mr. Craddock talked about the Elizabeth City Coast Guard base and the residential types surrounding properties. This request does not lie within the flight path of planes entering and exiting the airport.

Ms. Voliva clarified the items in relations to spot zoning. Ms. Voliva said the courts look at the size of the tract to determine if spot zoning is reasonable in size for said tract, compatibility with the plans (LUP and SAP), benefit vs. detriment of the rezoning, and relationship of the uses.

Mr. Innes said he was just made aware of the spot zoning issue tonight and would ask the board to table this request to give him time to look at the spot zoning issue.

Mr. Cartwright moved to table PB 15-18 to allow the applicant time to address the spot zoning criteria. Ms. Overstreet seconded the motion.

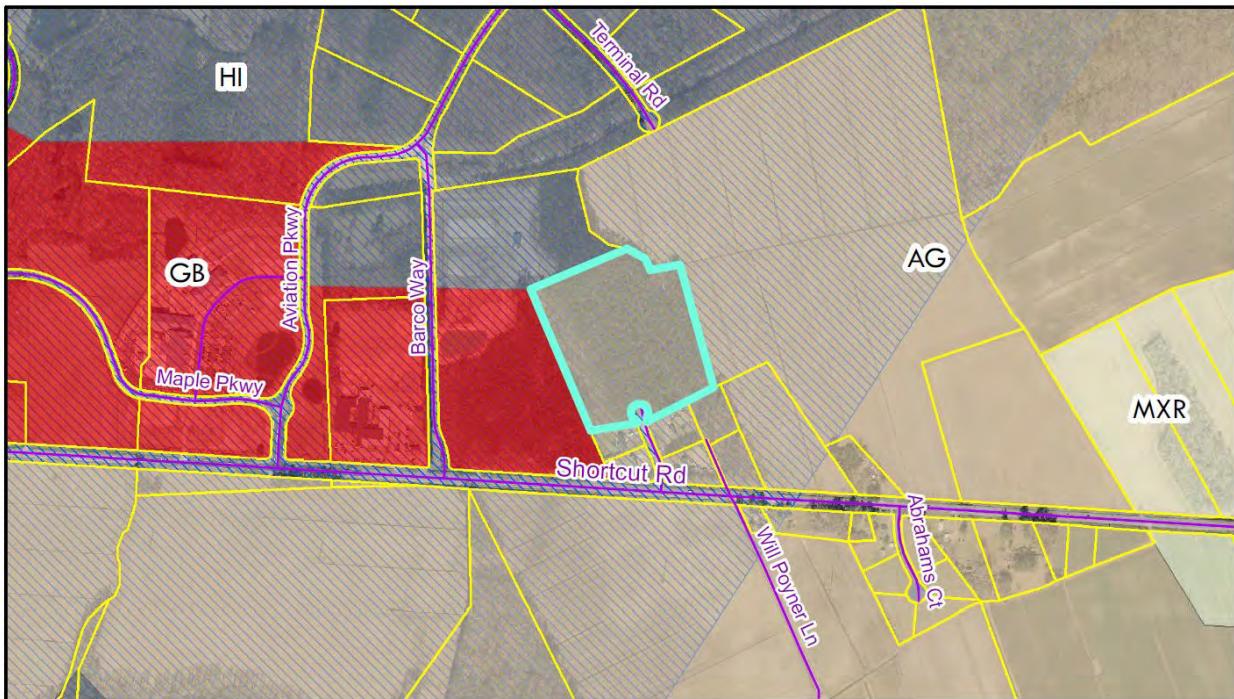
RESULT:	TABLED [7 TO 1]	Next: 1/12/2016 12:00 AM
MOVER:	Clay Cartwright, Board Member	
SECONDER:	Jane Overstreet, Board Member	
AYES:	John Cooper, Chairman, Carol Bell, Vice Chairman, Bobby Bell, Board Member, Clay Cartwright, Board Member, Mike Cason, Board Member, Steven Craddock, Board Member, Jane Overstreet, Board Member	
NAYS:	John Wright, Board Member	
ABSENT:	Fred Whiteman, Board Member	



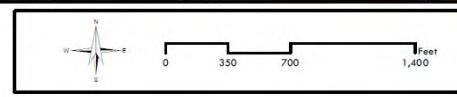
PB 15-18
Mashuda Multi-Family
Aerial Map



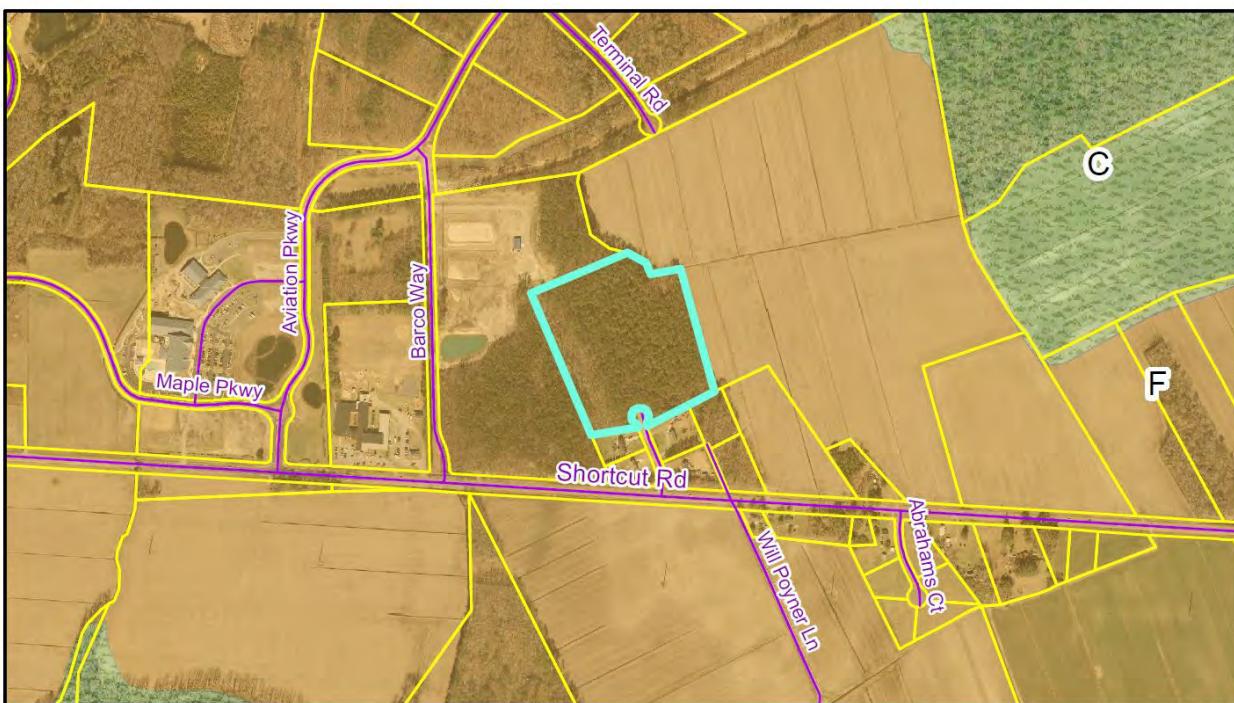
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Planning and Community
Development



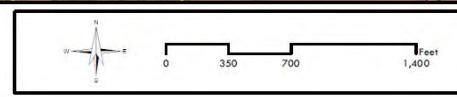
PB 15-18
Mashuda Multi-Family
Zoning Map



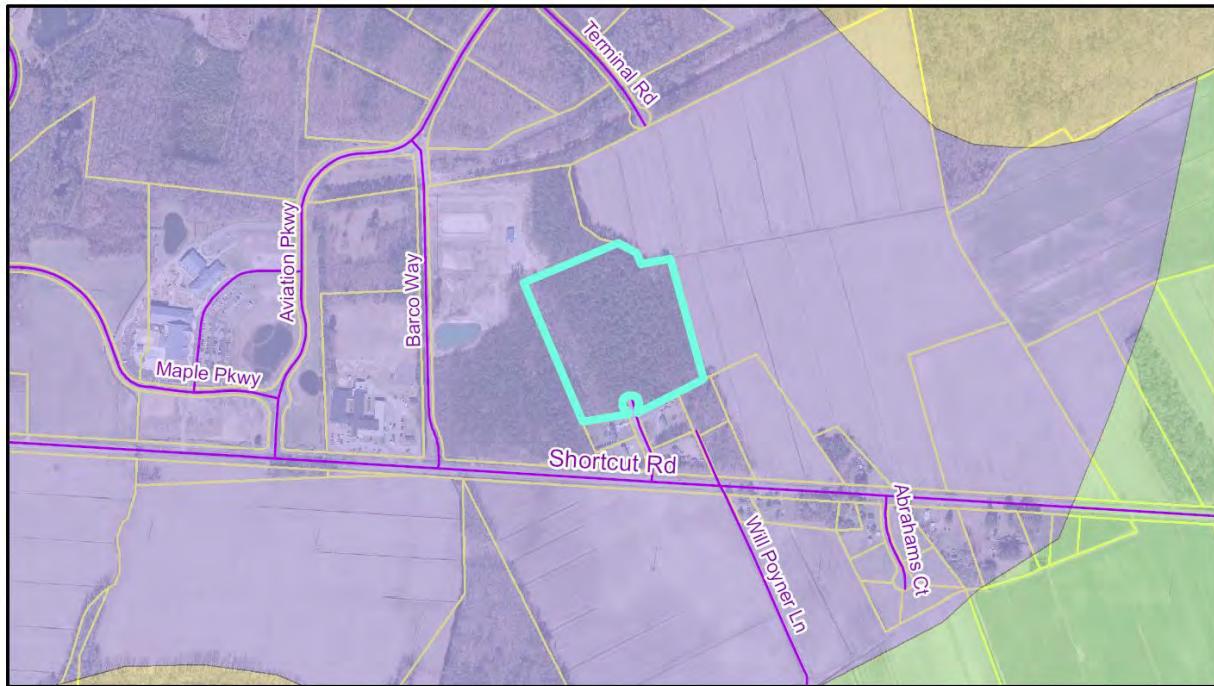
Currituck
County
Planning and Community
Development



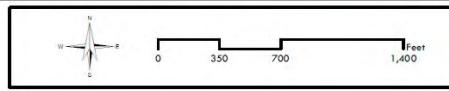
PB 15-18
Mashuda Multi-Family
LUP Classifications



Currituck
County
Planning and Community
Development



PB 15-18
Mashuda Multi-Family
Maple-Barco SAP



Currituck County
Planning and Community
Development

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S
WEBSITE

<http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm>



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: ABLX, LLC
 Frank C. & Maria A. Mashuda
 Kim Hamby, Eastern Carolina Engineering PC

From: Donna Voliva, Senior Planner

Date: November 12, 2015

Subject: PB 15-18 Mashuda Conditional Rezoning TRC Comments

The following comments have been received for the November 18, 2015 TRC meeting. Revisions must be resubmitted by November 23, 2015 in order to remain on track for the Planning Board agenda December 8, 2015. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva

Denied

1. The elevation picture of the proposed construction indicates a three story structure. One unit is brick with a single entrance on the ground floor and a hip roof. The other structure is also a three story brick/vinyl building with variations on the roof and wall offsets, and each unit appears to have an entrance on the ground floor. Please clarify the design and character of the proposed buildings. The proposed zoning condition limits the building to two stories. Also, the brick building does not appear to meet the multi-family design standards.
2. A mulch trail appears to be proposed around part of the detention pond, along the woods, and through the county property (wastewater treatment lot). The ordinance requires sidewalks to be constructed of asphalt, concrete or other hard surface materials, consistent with an approved site plan or established sidewalk patterns in the general area of the development.
3. Must meet the multi-family design standards of Chapter 5.
4. Developments seeking to use incentives shall include a written request with this application that demonstrates how compliance with the standards will be achieved.
5. The Maple-Barco small area plan classifies the property as Employment. Residential development should be discouraged in this area.

Policy LU1: Provide for very low density development in close proximity to the airport facility and in designed approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

6. The property is located in the Airport Overlay District (Compatibility Zone 3) and limits the maximum gross density of the base zoning district requirements.
7. The plan shall identify required landscape buffers.
8. A deceleration lane shall be installed on US 158.
9. Provide interconnection street to the eastern property line.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. APPROVAL FOR EXISTING MAPLE COMMERCE PARK WASTEWATER TREATMENT TO SERVE PROPOSED APARTMENT COMPLEX WITH WASTEWATER TREATMENT AND DISPOSAL WILL NEED TO COME FROM THE NC DIVISION OF WATER RESOURCES(WASHINGTON REGIONAL OFFICE) AT 252-946-6481 AND CURRITUCK COUNTY(OWNER OF THE MAPLE COMMERCE PARK WASTEWATER TREATMENT PLANT)

Currituck County Engineer, Eric Weatherly

Currituck Soil and Water, Will Creel

Approved

1. Subdivision will be reviewed for stormwater compliance with the UDO at construction drawing submittal.

Currituck County GIS, Harry Lee

Reviewed

Currituck County Utilities, Pat Irwin

Approved

1. Wastewater tap fee for total complex is 23,000 gpd/250 per EDU = 92 EDUs
92 EDUs * \$7,700 per EDU = \$708,400.

Currituck County Building Inspections, Bill Newns

Reviewed

NCDOT, Randy Midgett 252-331-4737

Approved

1. Encroachment agreement for utility work in right of way and driveway permit will be required. Left and right turn lanes and tapers should be considered on US 158.

NCDENR, Pat McClain 252-264-3901

Reviewed

1. Erosion and Sedimentation plan required.

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

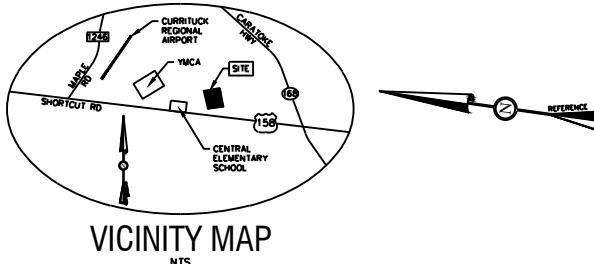
No Comment

US Postal Service, Barco Postmaster

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

Comments were not received from:

Currituck County Fire Marshal, James Mims 252-232-6641



VICINITY MAP

NTS

SITE DATA

1. OWNERSHIP:
FRANK C. & MARIA A. MASHUDA
1304 S. 19TH RD
ALEXANDRIA, VA 22302
(703) 920-0712 (703) 920-0712
mmashuda@mail.com

2. PIN: 006000000980000

ACREAGE: 15.78 AC

ADDRESS: FREEDOM FOREST SUBDIVISION
PO BOX 158
BARCO, NC 27917

CURRENT ZONING: AG - AGRICULTURE
PROPOSED ZONING: MMR - MIXED RESIDENTIAL

3. THIS IS NOT A BOUNDARY SURVEY. THIS IS A
SCHEMATIC SITE PLAN ONLY. BOUNDARY INFORMATION
TAKEN FROM D.B. 251 PG. 715 AND FROM "PRELIMINARY
PLAT OF FREEDOM FOREST PHASE II" BY MEL HOPKINS
ENGINEERING, PLLC.

4. THIS SITE IS LOCATED IN FLOOD ZONE "X" (SHADED X)
AND "A" (BASE FLOOD ELEVATION 4.0) AS SHOWN IN
FIRM MAPS 3720998600A, EFFECTIVE DATE:
DECEMBER 16, 2005

5. SITE AREA:
TOTAL: 687.7270 SF = 15.78 AC
PROPOSED BUILDING: 37,576 SF = 0.68 AC
PROPOSED PAVEMENT: 103,919.78 SF = 2.38 AC
PROPOSED CONCRETE: 22,762.87 SF = 0.52 AC

TOTAL IMPERVIOUS AREA: 164,058.60 SF = 3.77 AC

TOTAL IMPERVIOUS SITE COVERAGE = 24%

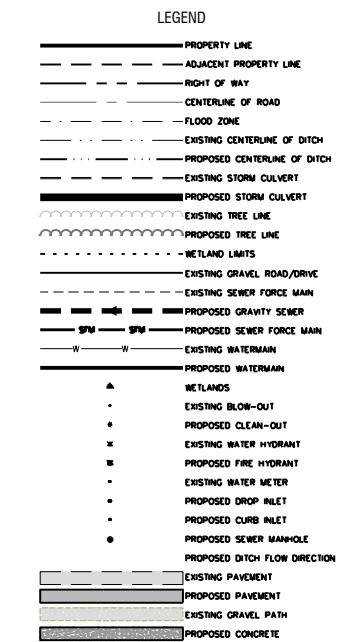
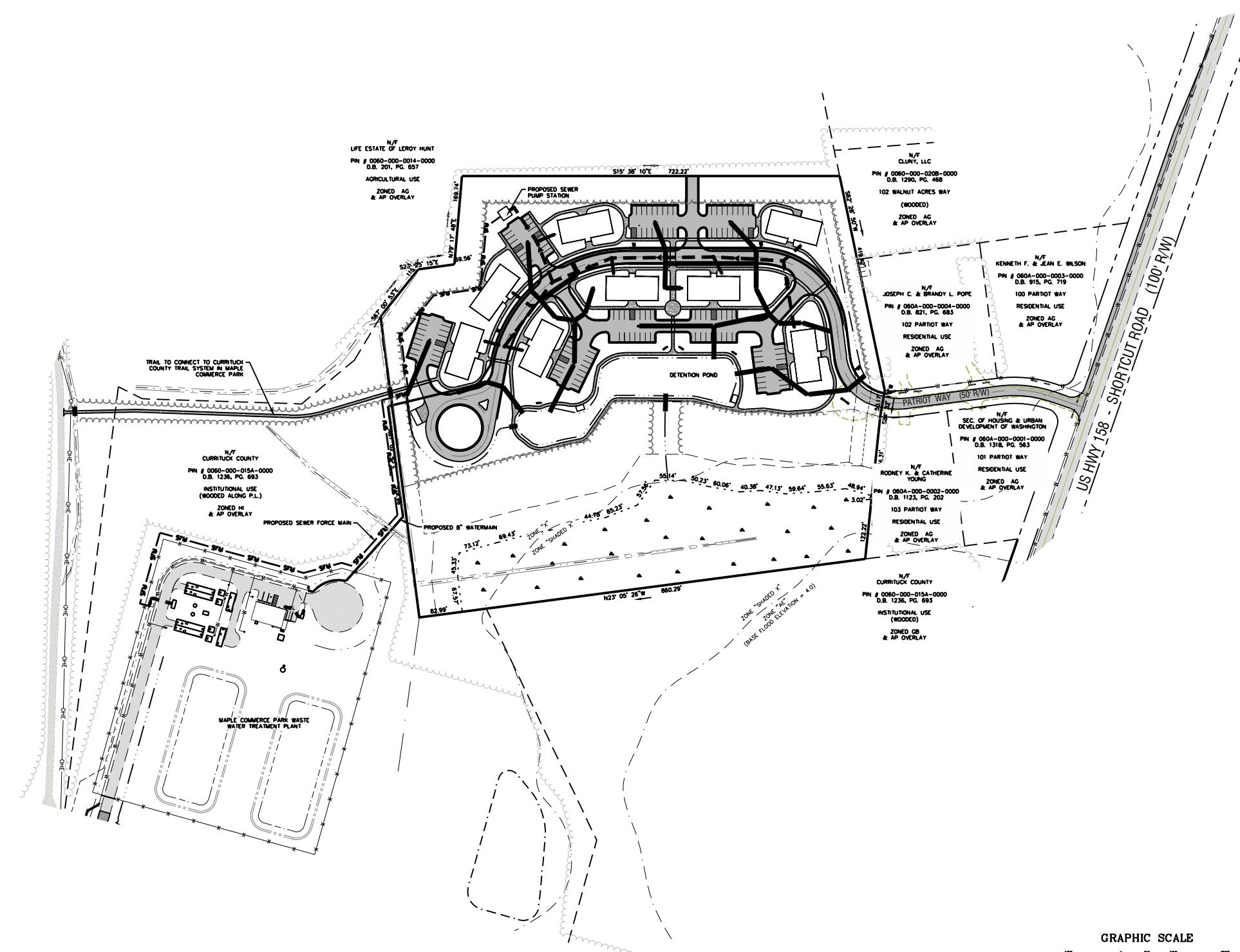
6. DWELLING UNIT DENSITY:
1.8 SPACES/ACRE
DUE TO DENSITY INCREASE FOR USE OF
SUSTAINABLE USE PRACTICES

15.78 AC / 4 UNITS/ACRE = 63 UNITS

7. PARKING REQUIRED:

1.8 SPACES/UNIT @ 63 UNITS = 113 SPACES

135 SPACES PROVIDED



SCHEMATIC SITE PLAN

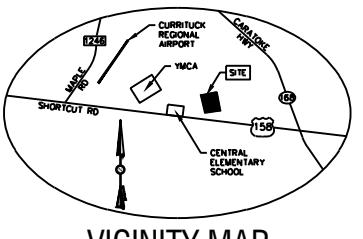
MASHUDA MULTI-FAMILY SITE
CRAWFORD TNSP, CURRITUCK COUNTY
NORTH CAROLINA

REVISIONS:	DATE
Num.:	150185

Project #: 150185
Drawing #: 150185-Schematic
Drawn by: KWG
Checked: KDH
Approved: SCR
Date: 11/23/2015
Sheet #: 01/02
Scale: 1:100

SHEET TITLE:
SCHEMATIC
SITE PLAN
OVERVIEW
SHEET NUMBER:
C200

PRELIMINARY
Schematic Site Plan
Engineering · Surveying · Construction Management
www.easterncarolinaincengineering.com
Phone: 252-335-1888 Fax: 252-331-2390 License C-4162
154 US Hwy 158 East, Camden, NC 27921

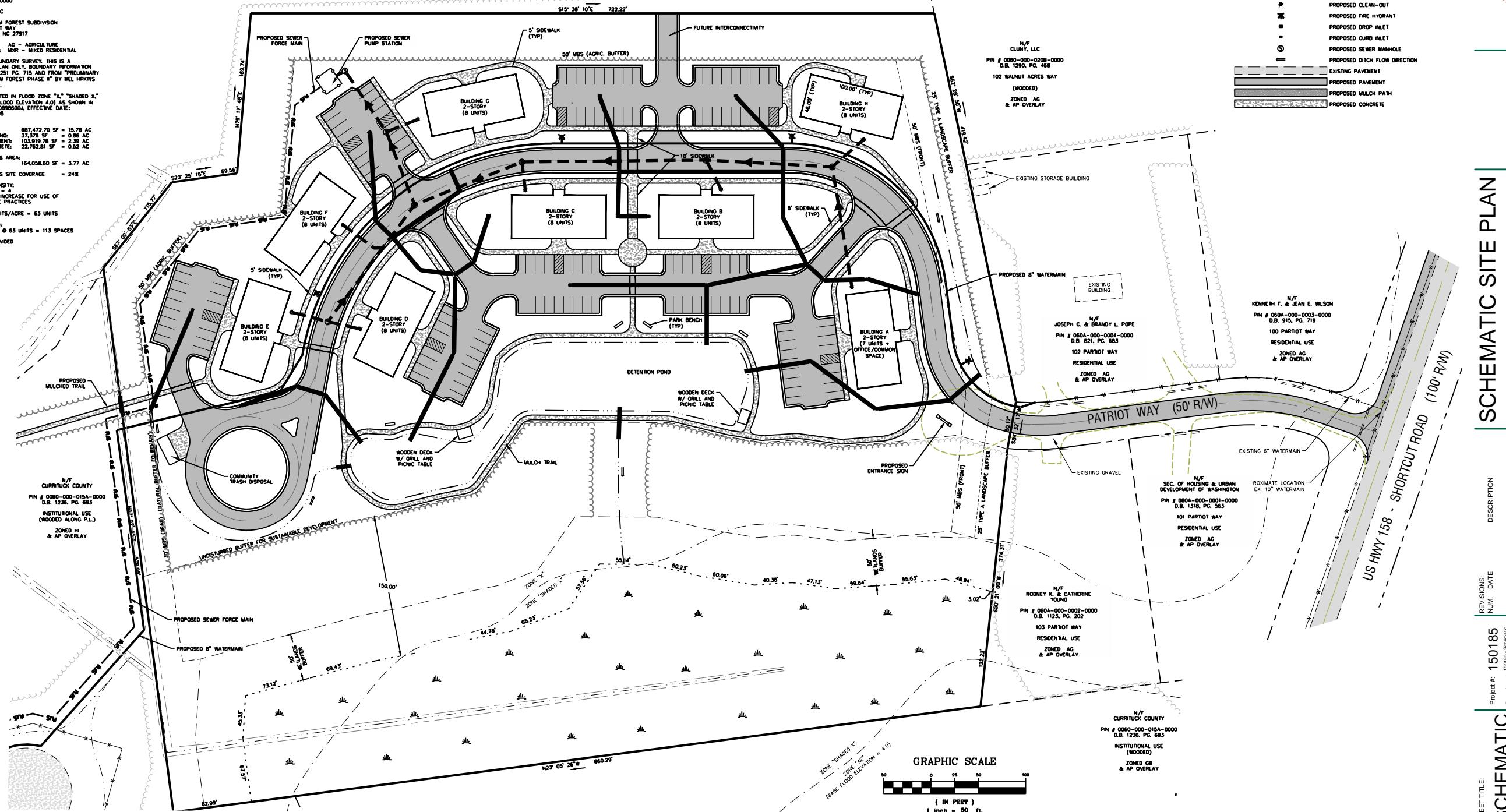


VICINITY MAP

NTS

SITE DATA

- OWNERSHIP: FRANK C. & MARIA A. MASHUDA
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ALEXANDRIA, VA 22302
(703) 920-0712 (703) 920-0712
mmashuda@mail.com
- PIN: 006000000980000
ACREAGE: 15.78 AC
ADDRESS: FREEDOM FOREST SUBDIVISION
102 WALNUT ACRES WAY
BARCO, NC 27917
CURRENT ZONING: AG - AGRICULTURE
PROPOSED ZONING: MRX - MIXED RESIDENTIAL
3. THIS IS NOT A BOUNDARY SURVEY. THIS IS A
SCHEMATIC SITE PLAN ONLY. BOUNDARY INFORMATION
TAKEN FROM D.B. 251 PC. 715 AND FROM "PRELIMINARY
PLAT OF FREEDOM FOREST PHASE II" BY MEL HOPKINS
ENGINEERING, PLLC.
4. THIS SITE IS LOCATED IN FLOOD ZONE "L" (SHADED H)
AND "A" (BASE FLOOD ELEVATION 4.0) AS SHOWN IN
FIRM MAPS 3720998600, EFFECTIVE DATE:
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PROPOSED CONCRETE: 103,919.78 SF = 2.38 AC
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TOTAL IMPERVIOUS AREA: 164,058.60 SF = 3.77 AC
TOTAL IMPERVIOUS SITE COVERAGE = 24%
6. DWELLING UNIT DENSITY:
DUE TO DENSITY INCREASE FOR USE OF
SUSTAINABLE USE PRACTICES
15.78 AC / 4 UNITS/ACRE = 63 UNITS
7. PARKING REQUIRED:
1.8 SPACES/UNIT @ 63 UNITS = 113 SPACES
135 SPACES PROVIDED





Conditional Rezoning Application

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

Contact Information

APPLICANT:

Name: ABLX, LLC
 Address: c/o Brian Innes
 378 Caratoke Hwy
 Telephone: 252-453-2531
 E-Mail Address: brianinnes@remax.net

PROPERTY OWNER:

Name: Frank C. & Maria A. Mashuda
 Address: 1304 S. 19th Road
 Arlington, VA 22202
 Telephone: 703-909-6935
 E-Mail Address: mmashuda@hotmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: real estate agent under contract

Property Information

Physical Street Address: Patriot Way

Location: off the end of the cul-de-sac of Patriot Way

Parcel Identification Number(s): 0060000099E0000

Total Parcel(s) Acreage: 15.78

Existing Land Use of Property: vacant - wooded

Request

Current Zoning of Property: AG-Agricultural Proposed Zoning District: MXR-Mixed Reside+

Community Meeting

Date Meeting Held: 10-7-15 Meeting Location: Currituck Co. Public Libra+

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

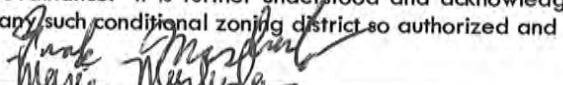
The proposed use is a 63 unit multi-family complex consisting of 8 buildings with 8 residential apartment units in each building with the exception of one building that will contain only 7 dwelling units and a management office and/or common space for residents.

Proposed Zoning Condition(s):

See attached list of conditions

An application has been duly filed requesting that the property involved with this application be rezoned from:
Agricultural to: Mixed Residential

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


Property Owner (s)

10/15/15
Date

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

Attachment to Mashuda Multi-Family Site Rezoning Request

Proposed Zoning Conditions:

The site will meet Currituck County sustainability requirements necessary to receive density bonus.

The proposed buildings will not exceed two stories in height.

The watermain for the site will be constructed such that a connection will be created between the watermain adjacent to Patriots Way and the watermain that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.

The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.

Passive recreational facilities will be provided on site including:

- a walking trail around the stormwater pond,
- seating benches adjacent to the walking trail,
- accessible picnic platforms adjacent to the pond,

Upon development of the County's trail system, the developer will provide a connecting trail from the development to the County's trail system in the Maple Commerce Park.

Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	
2	Site address and parcel identification number.	
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	
4	North arrow and scale to be 1" = 100' or larger.	
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	
6	Existing zoning classification of the property and surrounding properties.	
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development.	
11	Proposed building footprints and usages.	
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	
16	Proposed development schedule.	

Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Conditional Rezoning

Submittal Checklist

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

Conditional Rezoning Submittal Checklist	
1	Complete Conditional Rezoning application
2	Application fee (\$150 plus \$5 for each acre or part thereof)
3	Community meeting written summary
4	Conceptual development plan
5	Architectural drawings and/or sketches of the proposed structures.
6	5 copies of plans
7	5 hard copies of ALL documents
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)

For Staff Only

Pre-application Conference

Pre-application Conference was held on _____ and the following people were present:

Comments

Attachment to Mashuda Multi-Family Site Rezoning Request

Proposed Zoning Conditions:

The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development include:

Schedule A:

1. Use of central air conditioners that are Energy Star qualified
2. Use of only solar or tankless water heating systems throughout the structure

Schedule B:

1. Roof eaves or overhangs of three feet or more on southern or western exposures
2. Inclusion of shade features to shade all windows and doors on the southern building façade
3. Provision of 150-ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.
4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 sf in area.

The proposed buildings will not exceed two stories in height.

The watermain for the site will be constructed such that a connection will be created between the watermain adjacent to Patriots Way and the watermain that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.

The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.

Passive recreational facilities will be provided on site including:

- a walking trail around the stormwater pond,
- seating benches adjacent to the walking trail,
- accessible picnic platforms adjacent to the pond,

Upon development of the County's trail system, the developer will provide a connecting trail from the development to the County's trail system in the Maple Commerce Park.

Mashuda Multi-Family Site Conditional Rezoning Request Community Meeting Summary

The community meeting for the Mashuda Multi-Family Site conditional rezoning request was held at the Currituck County Public Library in Barco, NC on October 7, 2015 at 7:00 pm. The residents of the three occupied homes on Patriots Way as well as a few others were in attendance. (See attached list of attendees with addresses and phone numbers.)

Kimberly Hamby of Eastern Carolina Engineering, PC provided an overview of the proposed improvements associated with the rezoning request and provided an exhibit plan. She introduced the owners' representatives, Mr. Larry Gaither and Mr. Brian Innes. Mrs. Hamby made the attendees aware of the process and the fact that they would have additional opportunities to voice their concerns to the planning board and the county commissioners as this project moves through the process.

The attendees had a long list of concerns and ultimately stated that they and, in their opinion, the county are just not ready for this type of development. Some of their concerns are technical in nature and can be addressed during the design stage. Other comments are more subjective.

- It was stated that it takes approximately five minutes to pull out of Patriots Way onto US Hwy 158 in the morning. The group was told that traffic concerns can be addressed by a traffic impact analysis that would determine what level of service exists at the intersection currently and what impact this development will have on that level of service. Depending upon the impact determined, improvements such as turn lanes could be required.
- There is concern that the waterline does not provide sufficient flow for fire fighting at the site. This demand is evaluated during the design process and upgrades to the system will be required if the existing conditions are found to be insufficient.
- One resident was concerned that the detention pond would negatively impact wells and septic systems. Design plans will show that all minimum separations between these features will be exceeded.
- There is much concern that county fire and law enforcement could not handle the additional demand that would come from the 63 unit apartment complex. This can be addressed by each department as part of the review process.
- Concerns were expressed over the impact of this development on the school system.
- The impact on property values is another concern. It was stated that the one unoccupied home which is now HUD owned had not sold even at a reduced rate. The adjacent property owners would like to know how this development could further impact property values.

- The residents are aware that this proposal does not concur with the county's Small Area Plan with regard to density. This has been acknowledge and the applicants understand that planning staff cannot recommend approval due to this condition.
- The proximity to the airport was mentioned as there is a fear that an airplane crash could result in a higher casualty rate if density in the area is increased.
- The existing residents of Freedom Forest are very concerned that occupants of the proposed apartments will be low income people who will not be law abiding and will therefor present a danger to their safety and security. Mr. Innes explained that they are willing to dedicate space for occupancy by a representative of the sheriffs' department and that this has already been mentioned to Sheriff Johnson.

In addition to their concerns about the development itself, the existing residents are not in favor of the developer's approach to improving the residual property. They feel they were misled when they initially purchased their lots stating that they had been provided with a plan showing only 6 additional lots to be developed on this tract of land. One even stated that the restrictive covenants were not recorded until after he had closed on his lot which made him subject to conditions to which he never agreed; however, we did find that the covenants were referenced in the deeds to the current owners. If the project were to move forward, the owners of the three occupied homes stated that the only option that would meet their satisfaction would be for the developer to buy back their homes.

MASHUDA MULTI-FAMILY SITE PUBLIC MEETING SIGN IN SHEET

Project Representatives:	Mr. Brian Innes Mr. Larry Gaither	Date, Time:	October 7, 2015 @ 7:00 pm
Facilitator:	Eastern Carolina Engineering, PC	Location:	Currituck County Public Library, Barco, NC



Although we intend for garages to be detached rather than incorporated as is the case here, the space which they occupy can be very readily included as part of the living space of each dwelling.

The overall appearance of these, with the exception of garages, is what we would specify to a subsequent owner or builder, such that the facade and materials comply with the requirements of Currituck County.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1449)

Agenda Item Title

Public Hearing and Action: PB 15-26 Currituck County:

Brief Description of Agenda Item:

Request for a use permit to expand the existing Panther Landing Convenience Center located on Panther Landing Road in Moyock, Tax Map 14, Parcel 13B, Moyock Township.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 15-26 as presented based on a demonstrative community need, with Technical Review Committee recommendations, use permit and site plan corrections which include landscape plan, exterior lighting plan, stormwater management plan, site triangles, vehicular circulation layout and parking plan; adequate parking spaces for the number of employees, provide the proposed vehicular circulation layout, provide the location of any proposed exterior lighting, provide site triangle at driveways, full cutoff lighting, and work with staff on any clean-up efforts that are proposed. Mr. Craddock seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Donna Voliva,

Presenter of Agenda Item

Ben Woody



**STAFF REPORT
PB 15-26
BOARD OF COMMISSIONERS
MAY 2, 2016**

APPLICATION SUMMARY

Property Owner: Shepherd W. Smith PO Box 156 Moyock, NC 27958	Applicant: Currituck County 153 Courthouse Road Currituck, NC 27929
Case Number: PB 15-26	Application Type: Use Permit
Parcel Identification Number: 0014-000-013B0000	Existing Use: Agricultural and Public Convenience Center
Land Use Plan Classification: Rural Moyock Small Area Plan: Limited Services	Parcel Size (Acres): 67.77 acres Leased Area: 1.34 acres
Request: Currituck County is requesting a use permit to expand the existing Panther Landing convenience center.	

STAFF ANALYSIS

Currituck County is requesting a use permit to expand the existing Panther Landing convenience center located on Panther Landing Road. The expansion will provide a new traffic pattern, two compactors, and three bulk waste containers. The current lease area dedicated to the convenience center is 0.87 acres and the expansion will consist of 0.47 acres. A Type D bufferyard is proposed on the sides and rear property line and additional vehicular screening is also proposed.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends adoption of the use permit subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed prior to site plan approval:
 - a. A chain link fence is proposed along the new expanded area that matches the existing fencing. The applicant is requesting to use a 6' solid fence with canopy trees within the 10' type D buffer. The use of chain link fencing is limited to access gates only. A security plan may be submitted and reviewed by the Planning Department.
 - b. The caliper inches of the existing canopy trees shall be provided.

2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The major site plan shall be approved by TRC prior to commencement of construction.

PLANNING BOARD

Mr. Cooper moved to approve PB 15-26 as presented based on a demonstrative community need, with Technical Review Committee recommendations, use permit and site plan corrections which include landscape plan, exterior lighting plan, stormwater management plan, site triangles, vehicular circulation layout and parking plan; adequate parking spaces for the number of employees, provide the proposed vehicular circulation layout, provide the location of any proposed exterior lighting, provide site triangle at driveways, full cutoff lighting, and work with staff on any clean-up efforts that are proposed. Mr. Craddock seconded the motion and motion carried unanimously.

SURROUNDING PARCELS

	Land Use	Zoning
North	Agricultural	SFM
South	Residential/Undeveloped	AG/SFM
East	Agricultural/Undeveloped	SFM
West	Residential	SFM

INFRASTRUCTURE

Water	Existing county water
Sewer	No sewer proposed
Design Standards	No new buildings are proposed
Lighting	New full cut-off fixtures are proposed for the existing convenience area and in the proposed expansion
Parking	One existing parking space
Riparian Buffers	None required

USE PERMIT REVIEW STANDARDS

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary findings.

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The proposed expansion and improvements will allow for the proper disposal of solid waste.
2. The proposed expansion will provide one-way traffic flow.
3. The proposed expansion will enhance services to citizens and the materials collected will continue to be properly disposed of. The expansion includes two additional recycling compactors and an additional collection container for each of the following waste types: bulk, yard waste and scrap metals.
4. The expansion will also alleviate congestion while allowing additional services to be added as additional materials to be recycled are mandated by the State. The expansion will be helpful in accommodating future growth in the Moyock area.
5. The site supervisor for Waste Management reported the Panther Landing convenience site currently services an estimated:
 - a. 220-230 customers during the week;
 - b. 265 customers on Saturday; and,
 - c. 230 customers on Sunday.

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.

Preliminary Applicant Findings:

1. The Panther Landing convenience center is currently located on the property.
2. The proposed expansion will not change the use of the property.
3. The proposed expansion will provide one-way traffic flow.
4. The proposed expansion will have separate ENTRY ONLY and EXIT ONLY drives and the traffic will flow one way through the site where customers can stop at different stations to dispose of recyclables, mixed trash, yard waste, scrap metals, used oil, used cooking oil, batteries, etc. The two dedicated drives will also alleviate congestion at the intersection of Tulls Creek Road and Panther Landing Road by allowing more "stack" room on Panther Landing Road for vehicles entering the site rather than vehicles "stacking" on Tulls Creek Road.
5. Based on the Currituck County tax records, Cypress Landing subdivision values are as follows:

Cypress Landing	Number of Houses	Mean Tax Value	Median Tax Value
Phase 1 and 2	42	\$225,180	\$217,350
Phase 3 and 4	52	\$271,855	\$269,300

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

Preliminary Staff Findings:

1. The Moyock Small Area Plan classifies this property as Limited Services. The following policy supports the proposed use:
POLICY IS 2 Meet the infrastructure and service needs of the community at appropriate levels as the community continues to focus growth and public investment in areas identified as activity centers.
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 built step downs, or other architectural and site planning measures that encourage harmony.
2. The 2006 Land Use Plan classifies this area as Rural in the Moyock subarea.
POLICY SW7: Currituck County waste CONVENIENCE/COLLECTION AND RECYCLING CENTERS shall continue to be designed, located, improved and maintained to facility their use.

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Applicant Findings:

1. This use will improve an existing public facility and will not exceed the county's ability to provide adequate services.

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

Board of Commissioners (3/21/16)

This item was removed from the agenda.

Planning Board Discussion (2/9/16)

Brandon Harris, Quibble & Associates, Kurt Schmuhl, 100 Cypress Landing, Gloria Sivels, 496 Tulls Creek Road, and Coleman Bonney, 133 Northwest River Drive appeared before the board and were sworn in.

Ms. Voliva presented the staff report.

Mr. Craddock asked what type of lighting will replace the existing lighting.

Ms. Voliva said direct and full cutoff.

Mr. Cooper asked if the expansion is on the existing parcel.

Ms. Voliva said yes.

Mr. Cooper asked what is driving the expansion of this facility.

Ms. Voliva said it is her understanding that the facility has high traffic and the request will add two compactors and three bulk waste containers. The expansion will provide a new traffic pattern, one way in and one way out.

Mr. Cooper opened the public hearing.

Mr. Harris said the changes from the TRC meeting have been made.

Mr. Schmuhl said he is the president of the Homeowners Association for Cypress Landing, Phase 3. Their concern is the trash that builds up along Tulls Creek Road as a result of the solid waste convenience site.

Mr. Cooper asked if the contract with Waste Management, does it address trash that may fall out of these trucks as they leave the convenience site.

Mr. Woody said that staff can relay these concerns to the public works director, county manager, and sheriff's department.

Ms. Sivels said she too is concerned with the trash and debris along Tulls Creek Road living close to a convenience site. Ms. Sivels is asking as part of the approval that consideration is given to see what steps could be taken to help alleviate the problem.

Mr. Craddock asked who is responsible for clean-up along highways right-of-ways.

Ms. Voliva said NCDOT.

Mr. Craddock said many times trash and debris comes from citizens going to convenience sites rather than trash carrying trucks.

Mr. Bonney asked for clarification on the drive pattern.

Ms. Voliva showed him on the site plan.

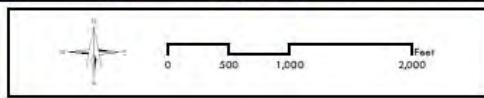
Mr. Cooper closed the public hearing.

Mr. Cooper moved to approve PB 15-26 as presented based on a demonstrative community need, with Technical Review Committee recommendations, use permit and site plan corrections which include landscape plan, exterior lighting plan, stormwater management plan, site triangles, vehicular circulation layout and parking plan; adequate parking spaces for the number of employees, provide the proposed vehicular circulation layout, provide the location of any proposed exterior lighting, provide site triangle at driveways, full cutoff lighting, and work with staff on any clean-up efforts that are proposed. Mr. Craddock seconded the motion and motion carried unanimously.

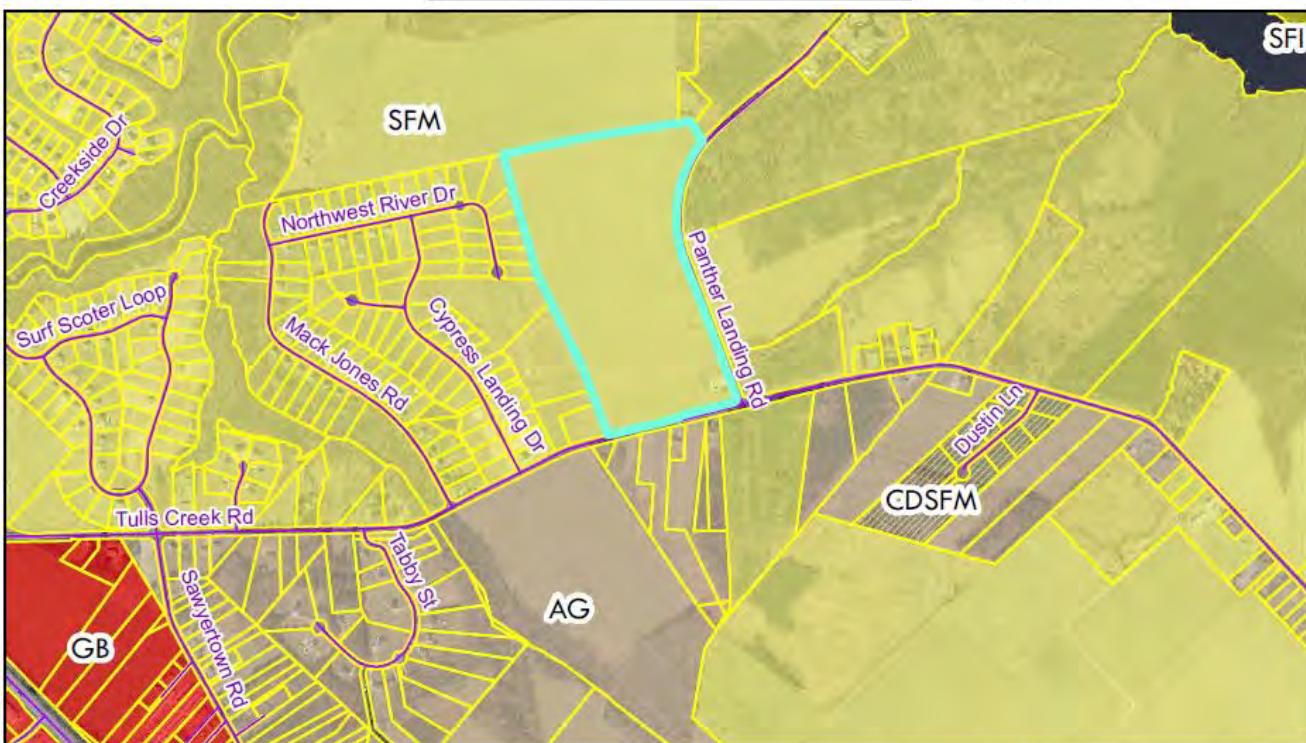
RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 3/7/2016 5:00 PM
MOVER:	John Cooper, Chairman	
SECONDER:	Steven Craddock, Board Member	
AYES:	John Cooper, Chairman, Carol Bell, Vice Chairman, Bobby Bell, Board Member, Clay Cartwright, Board Member, Mike Cason, Board Member, Steven Craddock, Board Member, Fred Whiteman, Board Member	
ABSENT:	Jane Overstreet, Board Member	



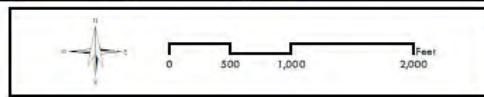
PB 15-26

Moyock Convenience Center
Aerial

Currituck
County
Planning and Community
Development

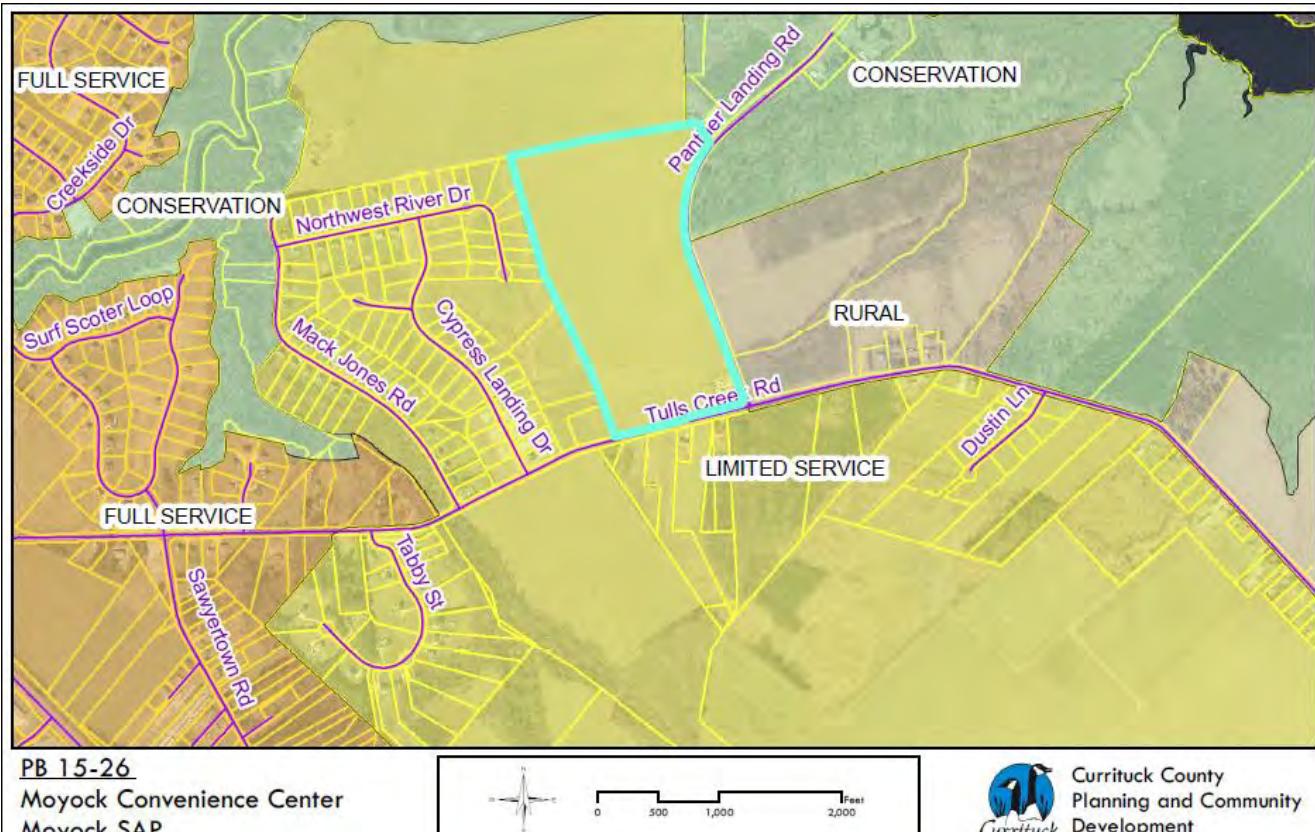


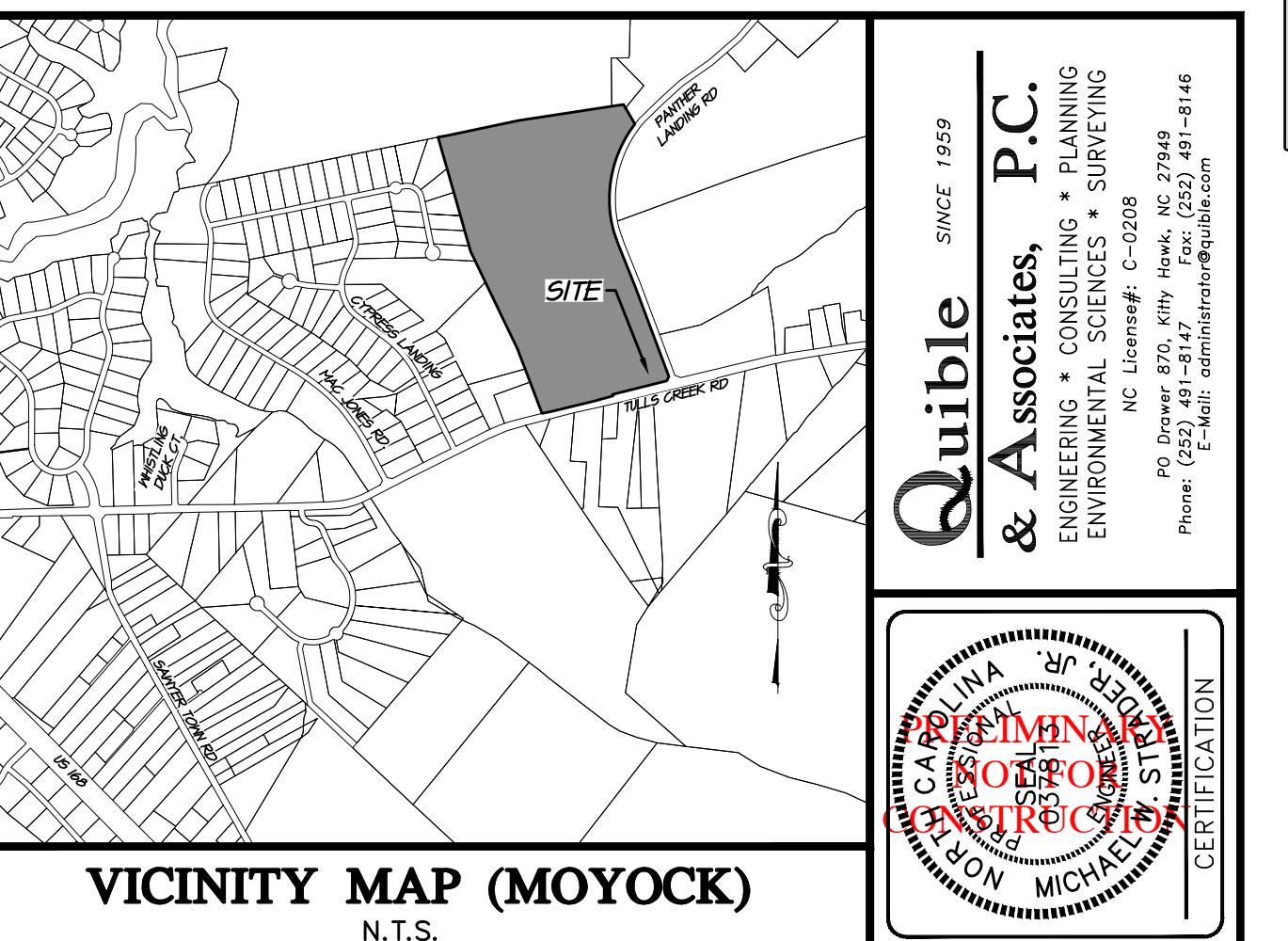
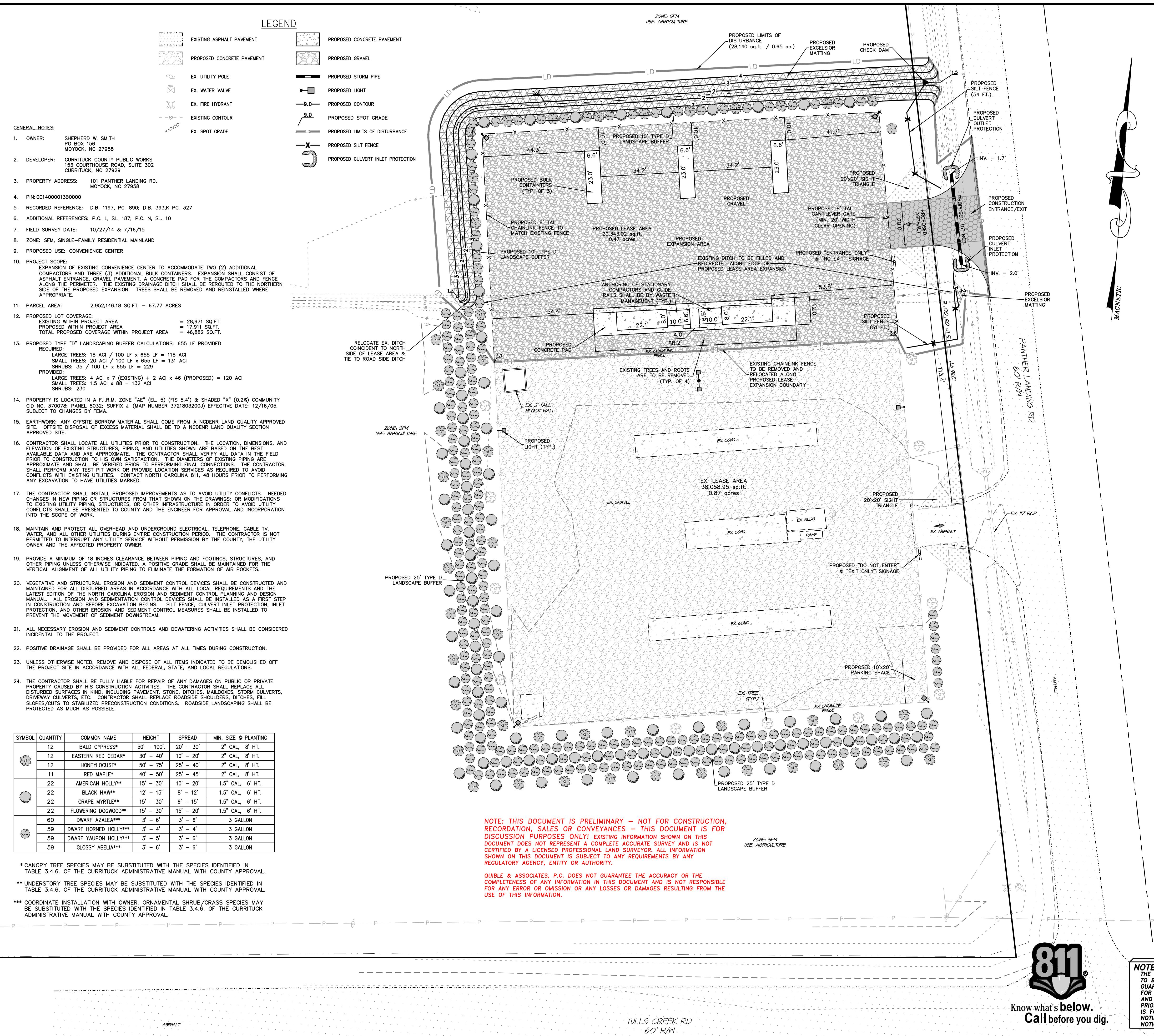
PB 15-26

Moyock Convenience Center
Zoning

Currituck
County
Planning and Community
Development

PB 15-26 Moyock Convenience Center –Panther Landing
Use Permit
Page 7 of 8





SOIL EROSION & SEDIMENTATION CONTROL NOTES:

- AREA TO BE DISTURBED: ±28,140 sq.ft. (±0.65 ac.)
- PROVIDE A GROUNDCOVER STABILIZATION (TEMPORARY OR PERMANENT) ON ALL DENUDED DOWNSTREAM SLOPES FOLLOWING THE COMPLETION OF LAND DISTURBING ACTIVITIES PER THE CRITERIA LISTED BELOW:
 - PERIMETER DIKES, BERMS, SWALES, DITCHES AND SLOPES SHALL BE STABILIZED IN 7 DAYS.
 - HIGH QUALITY WATER (HOW) ZONES SHALL BE STABILIZED IN 7 DAYS.
 - DOWNSTREAM SLOPES STEEPER THAN 3:1 SHALL BE STABILIZED IN 7 DAYS. IF SLOPES ARE 10' OR LESS AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE REQUIRED.
 - DOWNSTREAM SLOPES 3:1 OR FLATTER AND LESS THAN 50' IN LENGTH SHALL BE STABILIZED IN 14 DAYS. SLOPES 3:1 OR FLATTER EXCEEDING 50' IN LENGTH SHALL BE STABILIZED IN 7 DAYS.
 - ALL OTHER DOWNSTREAM AREAS WITH SLOPES 4:1 OR FLATTER SHALL BE STABILIZED WITHIN 14 DAYS.
- IF LAND DISTURBING ACTIVITIES OCCUR OUTSIDE THE PERMANENT VEGETATION SEEDING DATES (APR. 1 - SEP. 30) THEN TEMPORARY VEGETATION SEEDING SPECIFICATIONS SHALL BE FOLLOWED FOR PLANTING UNTIL THE NEXT APPROPRIATE PERMANENT SEEDING PERIOD, AT WHICH TIME PERMANENT VEGETATION SHALL BE ESTABLISHED ACCORDING TO PERMANENT VEGETATION SEEDING SPECIFICATIONS (SEE PERM. & TEMP. SEEDING SPECIFICATIONS).
- IF EXCESSIVE WIND EROSION OR STORMWATER RUNOFF EROSION DEVELOPS DURING TIME OF CONSTRUCTION ANY LOCATION ON THE PROJECT SITE, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IMMEDIATELY AS DIRECTED BY THE ENGINEER TO ADDRESS THE PROBLEM AREA AND PREVENT DAMAGE TO ADJACENT PROPERTIES.
- SOIL EROSION AND SEDIMENTATION CONTROLS TO BE INSPECTED, MAINTAINED AND REPAIRED AS NECESSARY UNTIL PERMANENT CONTROLS ARE ESTABLISHED.
 - A RAIN GAUGE MUST BE KEPT ON SITE.
 - DEDICATED DEMOLITION AND OTHER WASTE AREAS AND EARTHEN MATERIAL STOCKPILES SHALL BE LOCATED AT LEAST 50 FEET FROM DRAINS OR STREAMBEDS AND SHALL NOT EXCEED 10 FEET IN LENGTH.
 - ALL EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSPECTED AT LEAST ONCE A WEEK AND WITHIN 24 HOURS AFTER ANY STORM EVENT GREATER THAN A HALF INCH (DURING A 24 HOUR PERIOD). IMMEDIATE CORRECTIVE ACTION MUST BE TAKEN FOR ANY DEVICE FAILURE.
 - INSPECT ALL OUTLETS WHERE RUNOFF LEAVES SITE AND EVALUATE EFFECT ON NEARBY STREAMS. TAKE CORRECTIVE ACTION IF NECESSARY.
 - Maintain records of inspections and corrective actions.
 - EARTHWORK NOTE: OFFSITE BORROW MATERIAL SHALL COME FROM AN NCENDR LAND QUALITY SECTION APPROVED SITE. OFFSITE DISPOSAL OF EXCESS MATERIAL SHALL BE TO AN NCENDR LAND QUALITY SECTION APPROVED SITE.

SOIL EROSION & SEDIMENTATION CONTROL NOTES:

PRECONSTRUCTION:

- OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS.
- FLAG AND/OR ROUGH STAKE WORK LIMITS.
- HOST PRECONSTRUCTION CONFERENCE (OWNER, CONTRACTOR, ENGINEER, AND APPROPRIATE GOVERNMENT OFFICIALS) AT LEAST ONE WEEK PRIOR TO START OF CONSTRUCTION ACTIVITIES.

CONSTRUCTION:

- INSTALL SILT FENCING AT LOCATIONS SHOWN ON PLAN.
- INSTALL NEW CULVERT PIPE AND CONSTRUCTION DRIVEWAY ENTRANCE.
- GRADE SITE ACCORDING TO PLAN AND BEGIN CONSTRUCTION OF PROPOSED IMPROVEMENTS.
- INSTALL CONTRIBUTING STORM CONVEYANCES INCLUDING DITCH RELOCATION AND ALL ASSOCIATED EROSION CONTROLS.
- ALL EROSION & SEDIMENTATION CONTROLS SHALL BE INSPECTED WEEKLY AND MAINTAINED. EROSION AND REPAIRS AND MAINTENANCE WILL BE MADE IMMEDIATELY. FURTHERMORE, IF ANY WIND OR STORMWATER RUNOFF EROSION DEVELOPS DURING THE CONSTRUCTION OF THE PROJECT, ADDITIONAL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO ADDRESS THE PROBLEM AREA.
- ONCE THE SITE CONSTRUCTION IS COMPLETE AND DENUDED SURFACES ARE STABILIZED, ALL CONCRETE, STONE, ETC. DEBRIS AND OTHER MATERIALS AND BASINS SHALL BE CLEANED OF ALL SILT/DEBRIS WHICH MAY HAVE ACCUMULATED DURING CONSTRUCTION. CONTRACTOR SHALL VERIFY DESIGN GRADES OF ALL STORMWATER CONVEYANCES INCLUDING THE BASIN AND RESTORE TO DESIGN SPECIFICATIONS AS NECESSARY.
- UPON THE REMOVAL OF ACCUMULATED SEDIMENTS AND SITE STABILIZATION, ALL EROSION AND SEDIMENTATION CONTROLS SHALL BE REMOVED FROM THE DEVELOPMENT. ALL DOWNSTREAM EROSION CONTROLS SHALL REMAIN IN PLACE UNTIL THE COMPLETION OF ALL OTHER DEVELOPMENT CONSTRUCTION ACTIVITIES.

SITE PLAN
MOYOCK RECYCLING CENTER
SHEPHERD W. SMITH PROPERTY
CURRITUCK COUNTY
MOYOCK TOWNSHIP

COMMISSION NO. P14129
DESIGNED BY DLT
DRAWN BY JMH/ DLT
CHECKED BY MWS
ISSUE DATE 12/23/15

SHEET NO. 1
OF 2 SHEETS

GRAPHIC SCALE

20' 0' 20' 40'

(IN FEET)

1 inch = 20 ft.

1

OF 2

SHEETS

811®

GRAPHIC SCALE

20' 0' 20' 40'

(IN FEET)

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(IN FEET)

1 inch = 20 ft.

1

OF 2

SHEETS

811®

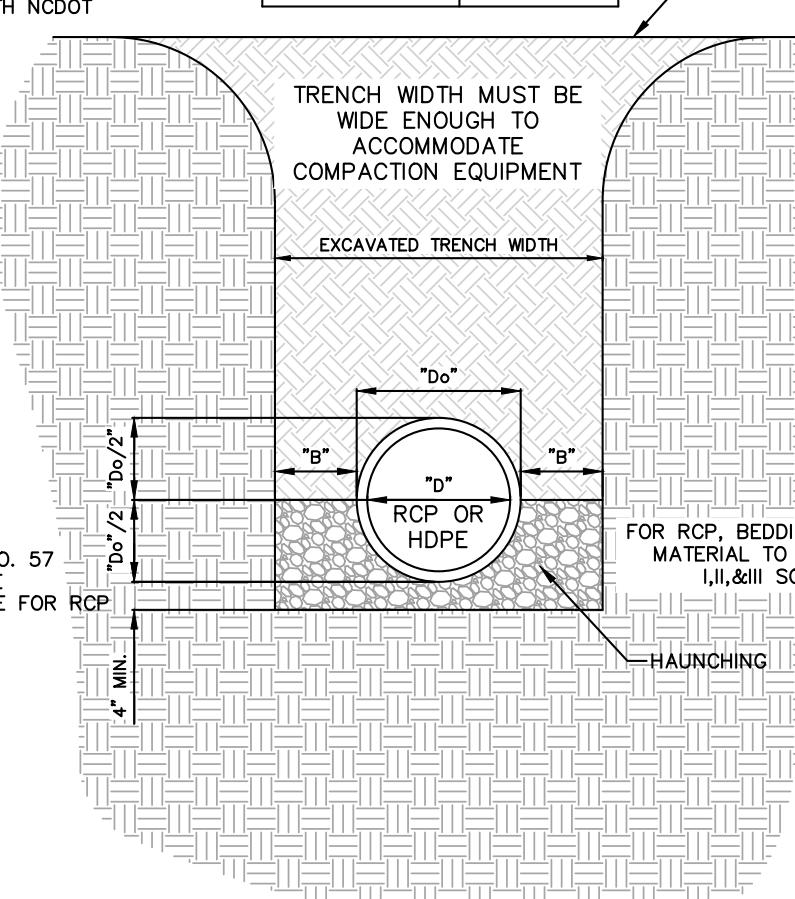
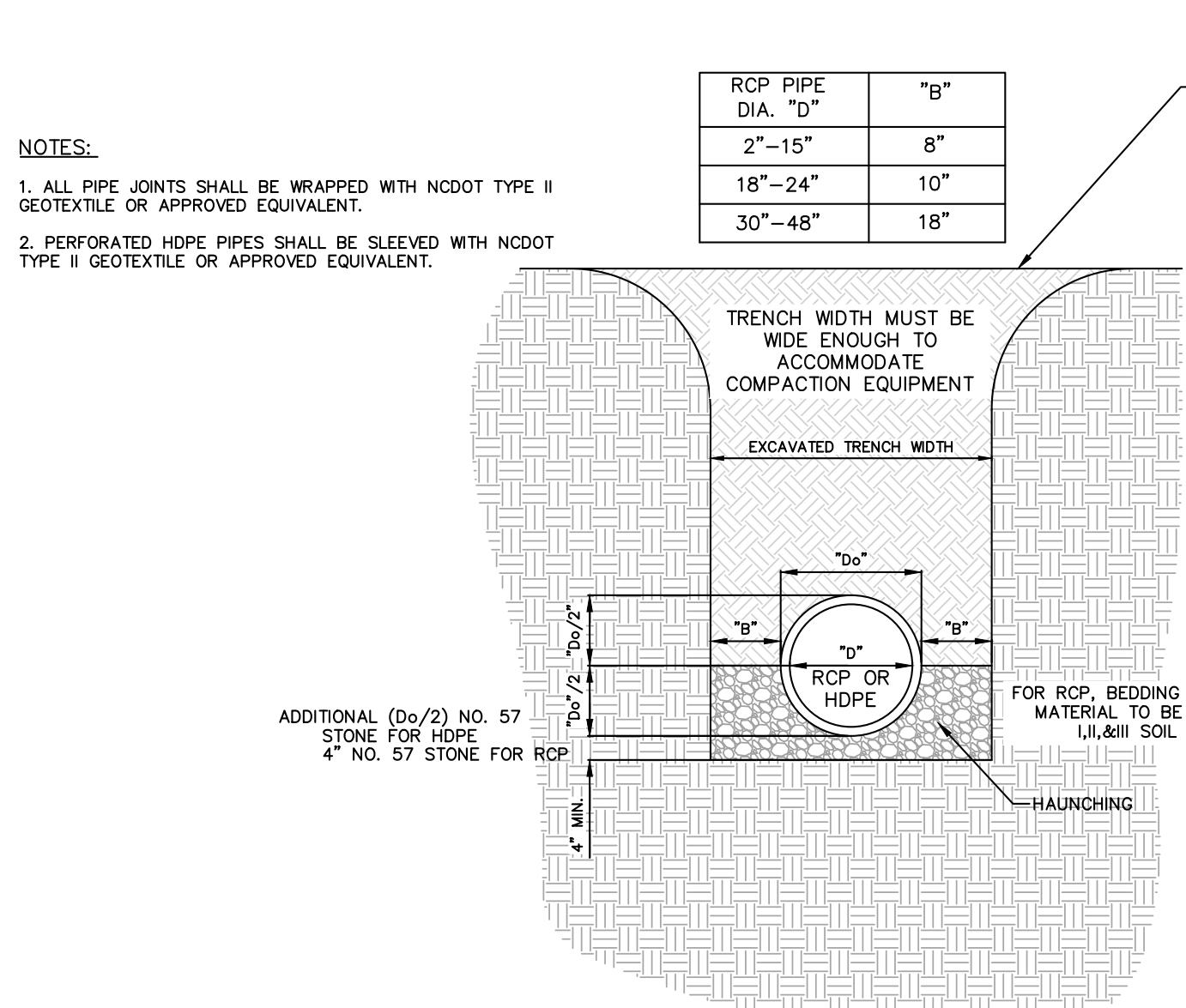
GRAPHIC SCALE

20' 0' 20' 40'

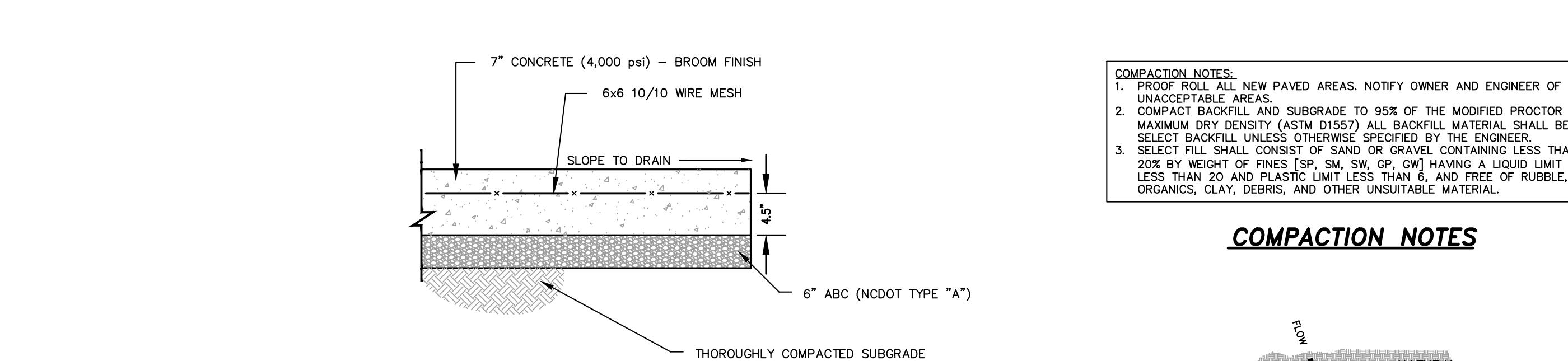
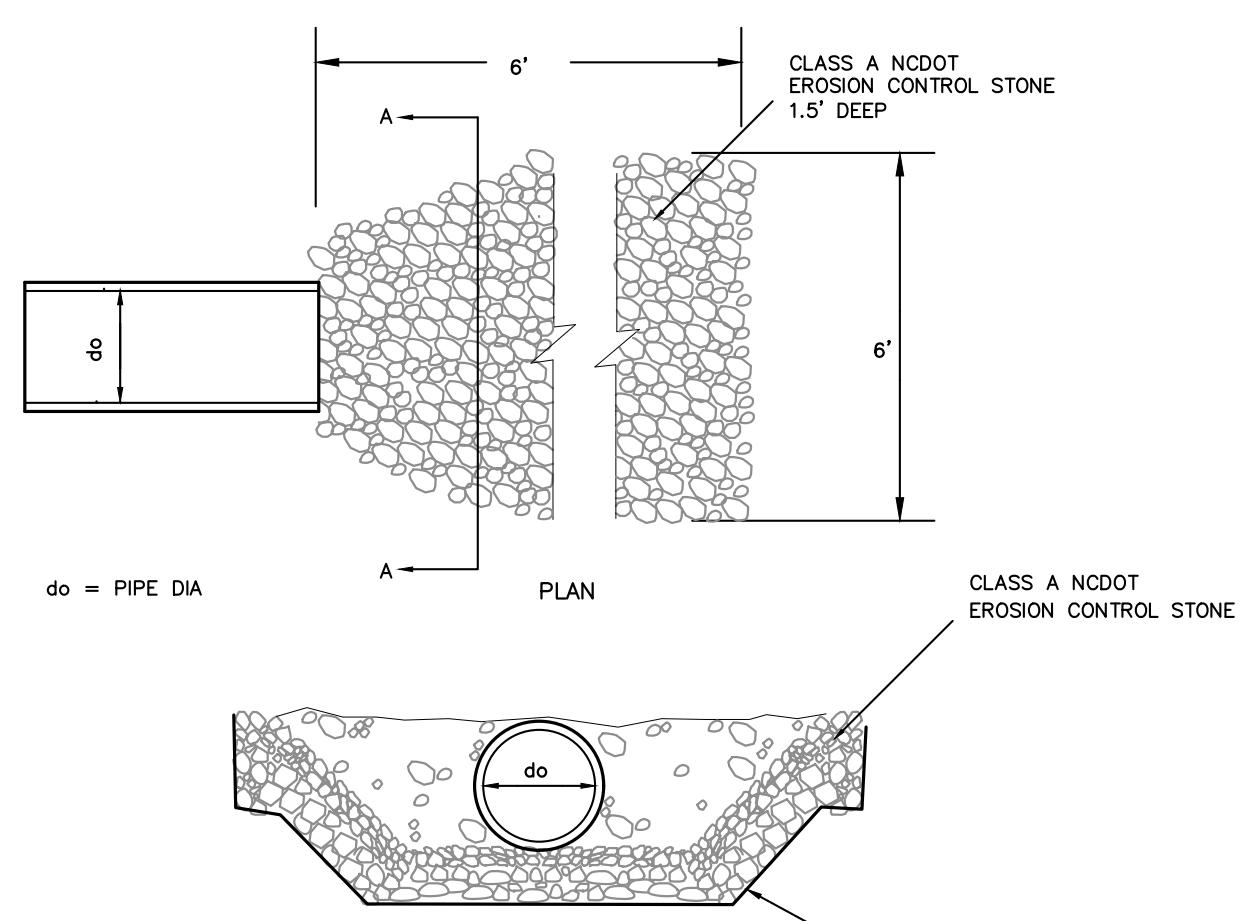
(IN FEET)

1 inch = 20 ft.

1



NOTES:
 1. ALL PIPE JOINTS SHALL BE WRAPPED WITH NCDOT TYPE II GEOTEXTILE OR APPROVED EQUIVALENT.
 2. PERFORATED HDPE PIPES SHALL BE SLEEVED WITH NCDOT TYPE II GEOTEXTILE OR APPROVED EQUIVALENT.

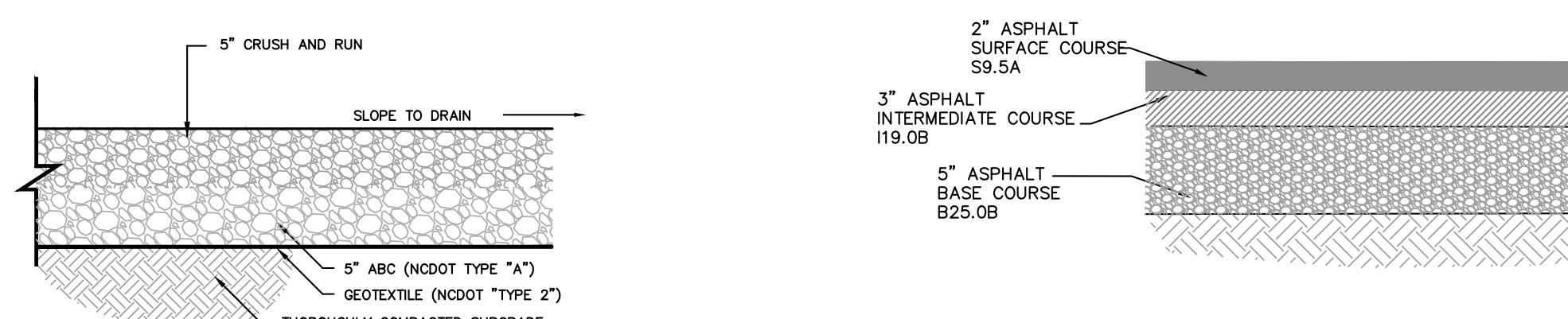


COMPACTON NOTES

1. PROOF ROLL ALL NEW PAVED AREAS. NOTIFY OWNER AND ENGINEER OF ANY UNACCEPTABLE AREAS.
2. COMPACT ALL SOIL AND SUBGRADE TO 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY (ASTM D1557) ALL BACKFILL MATERIAL SHALL BE SELECT BACKFILL UNLESS OTHERWISE SPECIFIED BY THE ENGINEER.
3. SELECT FILTER SHEET CONSIST OF SAND AND GRAVEL CONTAINING LESS THAN 20% SILT AND CLAY. SAND OR GRAVEL HAVING A LIQUID LIMIT LESS THAN 20 AND A PLASTIC LIMIT LESS THAN 6, AND FREE OF RUBBLE, ORGANICS, CLAY, DEBRIS, AND OTHER UNSUITABLE MATERIAL.

STORM PIPE TRENCH SECTION

N.T.S.



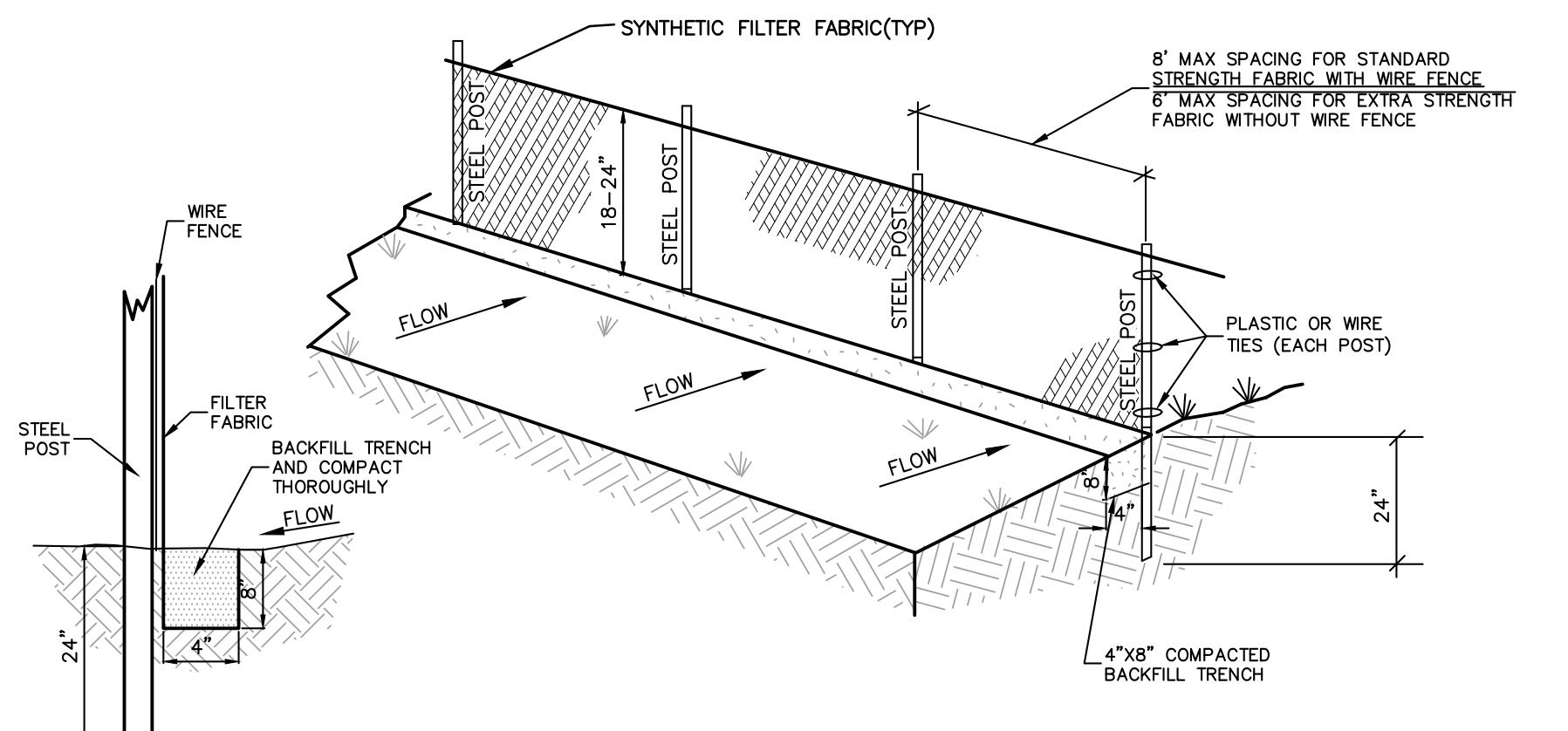
RIP-RAP OUTLET DETAIL

N.T.S.

SEE APPROPRIATE OUTLET DETAIL FOR DIMENSIONS

- A filter blanket or filter fabric should be installed between the riprap and soil foundation.

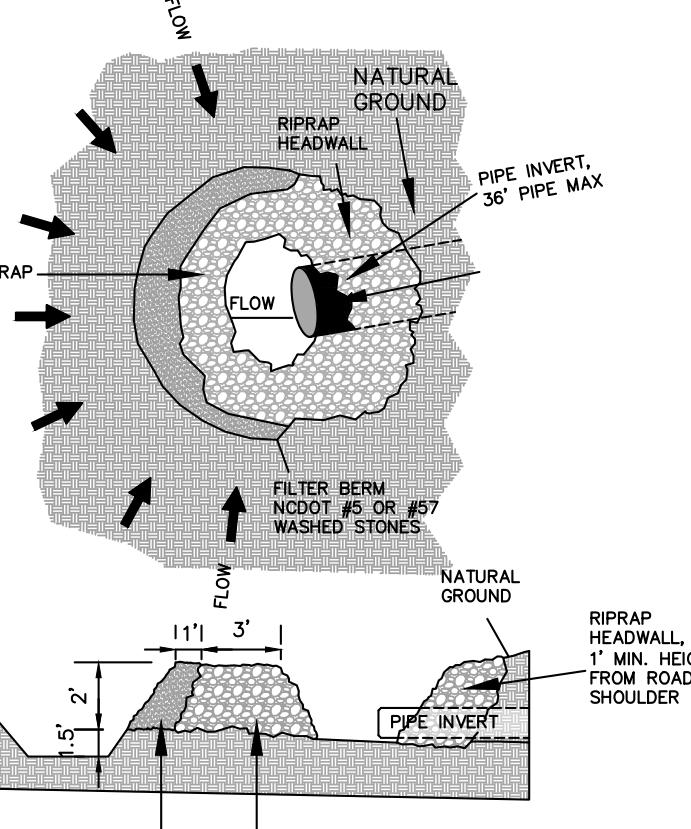
N.T.S.



CONCRETE PAVEMENT SECTION

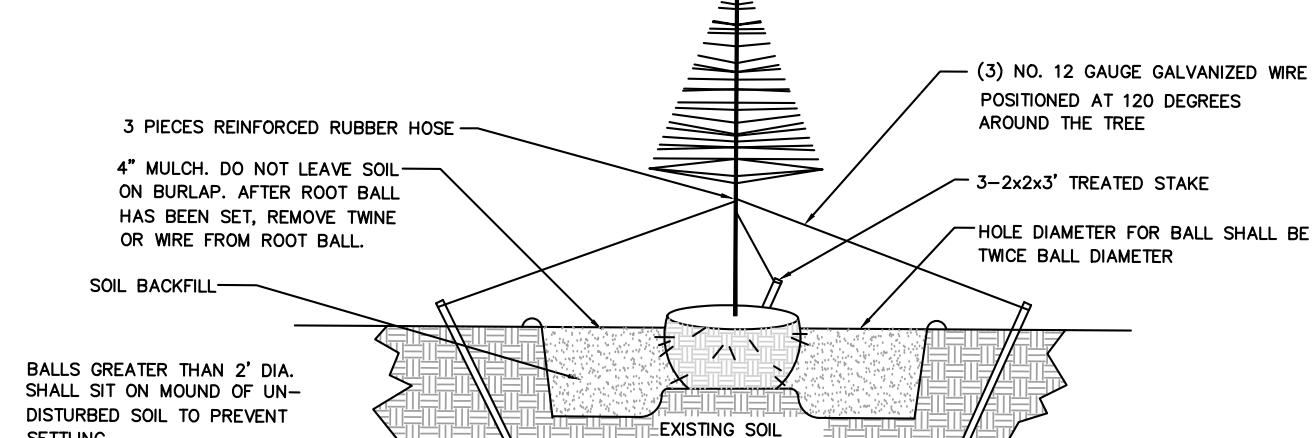
N.T.S.

NOTE:
 - PROVIDE 7" THICK CONCRETE SLAB-ON-GRADE
 - REINFORCING STEEL ASTM, A615, GRADE 60, WELDED WIRE FABRIC ASTM, A185.
 - 1-1/2" CLEAR CONCRETE COVER ON ALL REINFORCING.



CULVERT INLET PROTECTION

N.T.S.



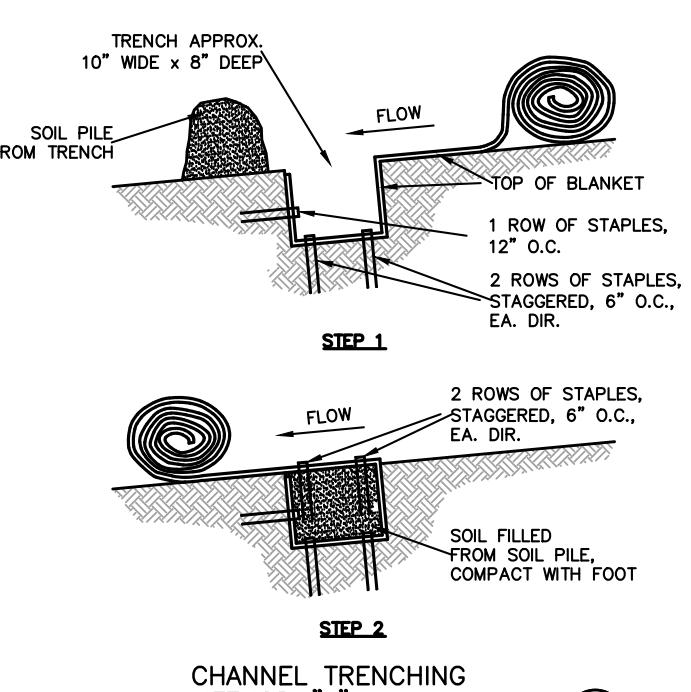
TREE PLANTING DETAIL

N.T.S.

SILT FENCE DETAIL

N.T.S.

SEE DETAILS 2/3 & 3/3



CHECK DAM DETAIL

N.T.S.

SEE DETAILS 2/3 & 3/3

SEE DETAILS 4/3 & 5/3

SEE DETAILS 6/3 & 7/3

SEE DETAILS 8/3 & 9/3

SEE DETAILS 10/3 & 11/3

SEE DETAILS 12/3 & 13/3

SEE DETAILS 14/3 & 15/3

SEE DETAILS 16/3 & 17/3

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SEE DETAILS 240/3 & 241/3

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage	Mounting Height
□	A	11	Lithonia Lighting	AS1 100M SR2 HS	ARCHITECTURAL ARM-MOUNTED CUTOFF LUMINAIRE WITH SR2 REFLECTOR, BLACK INTERNAL HOUSE SIDE SHIELD. MEETS THE 'NIGHTTIME FRIENDLY' CRITERIA	ONE 100-WATT CLEAR E-17 METAL HALIDE, HORIZONTAL POSITION.	1	AS1_100M_SR2_HS.ies	9000	1	140	20'

Statistics

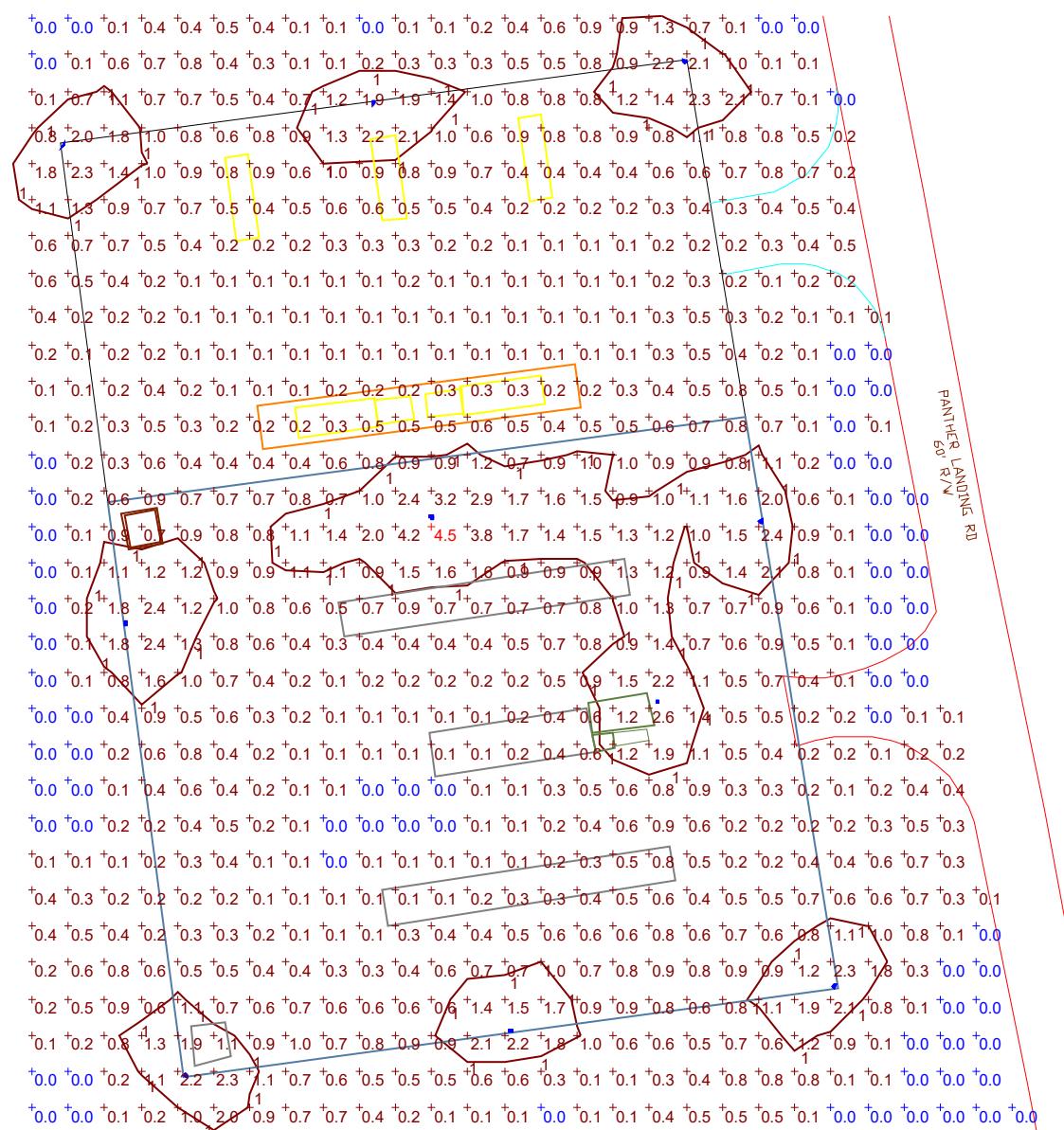
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.4 fc	4.5 fc	0.0 fc	N/A	N/A

MOYOCK RECYCLING CENTER
MOYOCK, NC

Designer: JMH
Date: 1/26/2016
Scale: Not to Scale
Drawing No.: P14129
Summary

1 of 1

3-B.b



Plan View - A



Currituck County

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

MEMORANDUM

To: Brenda McQueen,
 Shepherd W. Smith
 Quible and Associates

From: Donna Voliva, Sr. Planner

Date: January 14, 2016

Re: PB 15-26 Moyock Solid Waste Convenient Center – Panther Landing, Use Permit TRC Comments

The following comments have been received for the January 20, 2016 Technical Review Committee meeting. In order to be scheduled for the February 9, 2016 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on January 25, 2016. TRC comments are valid for six months from the date of the TRC meeting.

Planning, (Donna Voliva 252-232-6032)

Approved with corrections:

1. The request is for a use permit and the site plan submitted is considered a conceptual plan. The submitted plan does provide most of the required design features for the major site plan, but the plan must also contain the following information in order to meet the major site plan contents:
 - a. Landscape plan (species, caliper, spacing)
 - b. Exterior lighting plan (if proposed)
 - c. Minor stormwater management plan and form (SW-001)
 - d. Site triangles
 - e. Vehicular circulation layout and parking plan
2. The site shall provide an adequate number of parking spaces for the number of employees for the use. The parking space shall be screened. (Section 5.1.3.E.)
3. Provide the proposed vehicular circulation layout (one/two-way entrance/exit).
4. Provide the location of any proposed exterior lighting.
5. Provide site triangle at driveways.

Currituck County Building Inspections (Bill Newns, 252-232-6023)

Reviewed

Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6034/Currituck Soil and Water (Will Creef, 252-232-3360)

Approved

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

No comment

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

Reviewed

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

No comment

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

No comment

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

Reviewed

1. Need to improve lighting at facility which will improve safety for workers and citizens.
2. Need to improve facility in the storage and handling of oil and other petroleum based waste products in order to prevent spills on ground.

NC DOT, Division of Highways (Jim Hoadley 252-331-4737)

Reviewed

1. Site will need a driveway permit from NCDOT.

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

No comment

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

Reviewed with comment:

1. An archaeological survey is not recommended.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 – 11”x17” copies of the plan.
- 1- 8.5”x11” copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.

Community Meeting Summary

Use Permit Amendment – Panther Landing Convenience Center
Parcel ID No. 0014-000-013B-0000
Moyock, Currituck County, NC

Introduction

A community meeting for the proposed Amended Use Permit Application of the above referenced parcel in Moyock, Currituck County was held on Monday December 21, 2015 at 2:00 p.m. at the Moyock Public Library. The meeting was conducted by Quible & Associates, P.C. (Quible) and Currituck County Public Works. Ms. Brenda McQueen with Currituck County was in attendance.

Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcel of the intent to expand the current solid waste and recycling center located at 101 Panther Landing in Moyock.

Meeting synopsis

Brenda McQueen and Warren Eadus met with the property owner, Shepherd Smith and Ms. Judith Pinney—who were the only two attendees. We explained the purpose of the meeting and the proposed project. Both individuals stated their support for the project and we talked about landscaping, lighting and other requirements that were a part of the proposed expansion.

Copies of all attendees and an agenda that were made available at the meeting are provided as attachments. No written comments from any participant were generated at the meeting.



**Community Meeting for Amended Use Permit – Moyock Solid Waste and Recycling
Parcel Identification Number 0014000013B0000
101 Panther Landing, Moyock Currituck County, NC**

December 21, 2015

AGENDA

1. General Introduction

- a. Quible & Associates, P.C.
- b. Currituck County

2. Existing Information

- a. Location: 101 Panther Landing
- b. Lot Size: 67 Acres
- c. Current Land Use: Agricultural and Existing Solid Waste and Recycling Center
- d. Site Zoning: SFM; Site Use is Agricultural

3. Discussion

- a. Amend Use Permit to allow for expansion of existing facility
- b. Add new driveway
- c. Add two compactors and three bulk containers

4. Questions & Comments

- a. Quible & Associates and County Public Works employees are available to answer questions and comments
- b. Comments can be provided in writing on Comment Forms provided or they can be sent to Warren Eadus of Quible & Associates, P.C. by email at weadus@quible.com or by phone at 252-491-8147.

SIGN UP SHEET

community meeting for AMENDED
USE PERMIT - MOYOCK SOLID WASTE
AND RECYCLING 101 PANTHER LANDING

1. WARREN ETTERS	QUIBCE	491-8147
2. BRENDA MCQUEEN	Currituck Public Works	232-2504
3. Shepherd Smart		
4. JUDY PINNEY		232-435-6656

Jil Wilson
PO Box 235
Norfolk, VA 23501

Tony Brunson
7200 Springlake Dr.
Prince George, VA 23875

Donald Lane Trustee
2520 Centerville Turnpike S.
Chesapeake, VA 23322

James Spellman
Yolonda Saunders
Robin Saunders
536 Nelson St.
Norfolk, VA 23523

Elisie Saunders
James Spellman
Yolanda Saunders
508 Tulls Creek Rd.
Moyock, NC 27958

Marquis Sivels
Gloria Sivels
PO Box 123
Moyock, NC 27958

Ja'Net Clayton
3312 Woodbaugh Dr., C3
Chesapeake, VA 23321

The Joseph C. Harcum Revoc. Trust
32054 Sycamore Church Rd.
Franklin, VA 23851

Cypress Landing III Property Owners Association, Inc.
525 S. Independence Blvd., Suite 200
Virginia Beach, VA 23452

Jerry Old
1669 Tulls Creek Rd.
Moyock, NC 27958

Tamara Blowe
Demetrius Blowe
139 Northwest River Dr.
Moyock, NC 27958

Ryan Dorow
Christine Dorow
137 Northwest River Dr.
Moyock, NC 27958

John Putnam
135 Northwest River Dr.
Moyock, NC 27958

Coleman Bonney
Ashley Bonney
133 Northwest River Dr.
Moyock, NC 27958

Kyle Duncan
Sara Duncan
131 Northwest River Dr.
Moyock, NC 27958

Donald Boylen, II
Alisa Boylen
129 Northwest River Dr.
Moyock, NC 27958

Whitney Sessoms
Nevie Sessoms
127 Northwest River Dr.
Moyock, NC 27958

Raymond Jones
247 Mack Jones Rd.
Moyock, NC 27958

Effie Jones
George Jones, Jr.
PO Box 207
Moyock, NC 27958

Michael Coleman
Catherine Coleman
PO Box 22
Hamstead, NC 28443

Michael Coleman
Susan Kay
PO Box 22
Hamstead, NC 28443

Linda Vick
10453 Starlight Place
Waldorf, MD 20603

Bessie Jones
6974 Kim Lane
Friendship, MD 20758

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jerry O'd
1697 Tolls Creek Rd
Moyock NC 27958



2. Article Number

(Transfer from service label)

2013 1710 0000 2879 2956

PS Form 3811, July 2013

Domestic Return Receipt

3. Service Type

Certified Mail Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.



1. Article Addressed to:

MARSHAL POLEMON
SUSAN KAY
PO Box 22
Homestead NC
28443

2. Article Number

(Transfer from service label)

2013 1710 0000 2879 3007

PS Form 3811, February 2004

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Susan C. Kay Agent
 Address

B. Received by (Printed Name)

Susan C. Kay C. Date of Delivery

9/20/04
NC 28443

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jeffrey S. (1) houn
151 Bridgetop Drive
Bedford PA 15522



2. Article Number

(Transfer from service label)

2007 2680 0002 5929 6632

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Jeff houn Agent
 Address

B. Received by (Printed Name)

Jeff houn C. Date of Delivery

9/20/04
PA 15522

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph A. Johnson, Jr.
32054 Sycamore Church Rd
Front, NC 23851



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2932

PS Form 3811, July 2013

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Whitney Sessions
Neve Sessions
127 Northwest River Dr
MOYOK NC 27958



2. Article Number

(Transfer from service label)

7007 2680 0002 5929 6663

PS Form 3811, July 2013

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tony Brunson
7200 Springlake Dr
PRINCE GEORGE VA
23875



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2871

PS Form 3811, July 2013

Domestic Return Receipt

A. Signature

X M. Borden

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

MEL 10 2015

USPS 23851

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Whitney Sessions

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Tony Brunson

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TAMARA BLOWE
Demetrious Blowe
129 Northwest River Dr
MOYOK NC 27958



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2963

PS Form 3811, July 2013

Domestic Return Receipt

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Putnum
135 Northwest River Dr
MOYOK NC 27958



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 3052

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

John Putnum

Agent
 Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MICHAEL COLEMAN
MICHAEL COLEMAN
PO Box 92
Womstead NC
27844-2



2. Article Number

(Transfer from service label)

7007 2680 0002 5929 6649

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

M.B. Coleman

Agent
 Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ryan & Christine Dorow
137 Northwest River Dr
Moyock NC 27958



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2970

PS Form 3811, July 2013

Domestic Return Receipt

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DONALD LANE TRUSTEE
2500 Central, No Turnpike
Chesapeake VA 23322



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2888

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

J. J. Wilson
PO Box 225
Norfolk VA 23501



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2864

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3811, July 2013

Domestic Return Receipt

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.



Simplified Address If Mailed Directly

1. Article Addressed to:

EFFIE C JONES
George JONES JR
P.O. Box 207
MOYOK NC
27958

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

EFFIE C. JONES 12-11

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

2. Article Number

(Transfer from service label)

7013 1710 0000 2879 3014

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LINDA VICK
104 53 Starlight Pk
Waldorf MD 20603



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2994

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Linda C. VICK 12-10

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RAYMOND JONES
247 MOYOK JONES RD
MOYOK NC 27958



2. Article Number

(Transfer from service label)

7007 2680 0002 5929 6656

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Raymond Jones 12-11

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BESSIE JONES
6974 Kim Lane
Friendship, MD 20758



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2987

PS Form 3811, July 2013

Domestic Return Receipt

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JANET CLAYTON
3312 Woodbush Dr. #3
(Mailed to VA 2332)



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2925

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

James Clayton Agent
 Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Elsie B. Saunders
James S. Brown
508 Tull Creek Rd
Moyock NC 27958



2. Article Number

(Transfer from service label)

7013 1710 0000 2879 2901

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Elsie B. Saunders Agent
 Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes



Use Permit Application

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

Contact Information

APPLICANT:

Name: County of Currituck
 Address: 153 Courthouse Road
 Currituck, NC 27929
 Telephone: (252) 232-2504
 E-Mail Address: brenda.mcqueen@currituckcountync.gov

PROPERTY OWNER:

Name: Shepherd W. Smith
 Address: PO Box 156
 Moyock, NC 27958
 Telephone: (252) 207-3002
 E-Mail Address: currituckhomes@embarqmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lessee

Property Information

Physical Street Address: 101 Panther Landing Road, Moyock NC 27958

Location: Intersection of Tulls Creek Road and Panther Landing Road, Moyock NC

Parcel Identification Number(s): 0014-000-013B-0000

Total Parcel(s) Acreage: +/- 67.77 acres

Existing Land Use of Property: Agriculture and existing solid waste Convenience Center.

Request

Project Name: Moyock Solid Waste Convenience Site-Panther Landing

Proposed Use of the Property: Expansion of the existing solid waste convenience center

Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB 1197 PG 890; DB 393 K PG 327

Total square footage of land disturbance activity: 28,140

Total lot coverage: 46,882 sf (28,971 sf existing) Total vehicular use area: +/- 10,400 sf

Existing gross floor area: N/A Proposed gross floor area: N/A

Community Meeting

Date Meeting Held: 12/14/15 Meeting Location: Moyock Public Library

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____

Expansion of the existing Moyock Solid Waste Convenience Center. This request is the amendment of a use permit to allow for the expansion to accommodate the heavy volume of use this center (busiest in County) has. This expansion will allow for an additional point of ingress and one way traffic flow. In addition, two compactors will be added along with three bulk waste containers.

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

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

The proposed expansion and improvements will improve public health (by allowing for the proper disposal of solid waste) and provide for one way traffic flow which will make the site safer to use.

B. 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.

The expansion will be the same use and will not adversely impact surrounding lands and is in harmony with the Land Use Plan.

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

The use is in conformity with the Land Use Plan and is existing.

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

This use will improve a public facility and will not exceed the County's ability to provide adequate services.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Property Owner(s)/Applicant*

Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1492)

Agenda Item Title

Public Hearing & Action: PB 16-08 Aquatic Development Group:

Brief Description of Agenda Item:

Request a text amendment to allow outdoor recreation use to increase height limit to 110'.

Planning Board Recommendation:

Mr. Cartwright moved to approve PB 16-08 as presented. Mr. Bell seconded the motion and motion carried.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Ben Woody



Currituck County

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

To: Board of Commissioners
 From: Planning Staff
 Date: April 15, 2016
 Subject: PB 16-08 Aquatic Development Group Text Amendment

The enclosed text amendment submitted by Aquatic Development Group is necessary to make water parks a feasible use in Currituck County. A water park typically offers high waterslides and watchtowers. Exceeding the maximum structure height of 60 feet for outdoor recreation uses is imperative to the construction of a water park.

It is staff's opinion that exceeding the height limit of 60 feet for outdoor recreation uses is appropriate for the use. There is an increased setback to mitigate potential impacts of exceeding the height requirement.

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

POLICY ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available.

Recommendation:

Planning staff recommends **approval** of the text amendment because it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting new businesses that are compatible with the environmental quality of the county, and it is reasonable and in the public interest because a water park would provide a new type of outdoor recreational opportunity in the county.

Planning Board:

Mr. Cartwright moved to approve PB 16-08 as presented. Mr. Bell seconded the motion and motion carried.

Planning Board Recommendation (4/12/16)

Warren Eadus, Quibble & Associations, Shay Ballance, and Charles Jordan (8541 Caratoke Hwy. Mother's Home) appeared before the board.
Ms. Glave presented the staff report.

Mr. Craddock asked why 110 feet is being proposed vs. 100 feet.

Ms. Glave said this is the height of the tallest slide being proposed.

Mr. Eadus apologized that Aquatic Development Group was unable to make their flight. He was here to answer any questions the board may have and to provide an overview of the project.

Mr. Craddock asked if the measurement of the height of the slide is measured from grade level to the highest point on the slide.

Ms. Glave said it is measured from grade level to the mid-point of the highest roof surface, which is similar to a house.

Mr. Cooper opened the public hearing.

Mr. Ballance said he is in full support of this request.

Mr. Jordan is concerned with the height request due to power tension wires.

Ms. Glave said they are not allowed to develop within the power line easement.

Mr. Whiteman asked if the 110 feet starts at the edge of the easement or edge of the property.

Ms. Glave said the easement. Ms. Glave said the power company has the ultimate say in what can be built within the easement; but the building code and fire code say you can't build any habitable structures or restaurants. A restroom facility would be allowed if it is all concrete.

Mr. Cooper closed the public hearing.

Mr. Craddock said he does have some concern with the height, not for a water slide, but for other structures that may follow.

Mr. Cooper said this request will apply only to outdoor recreation uses.

Mr. Eadus said the applicant would be willing to entertain additional language to limit the height to water slides.

Mr. Whiteman said he agrees that language should be added so that the height request is specific to water slides.

Mr. Craddock asked what safeguards will exist during and after for aviation, i.e. lighting that makes things stand out.

Mr. Eadus said if the FAA does have any requirements, they will meet them.

Ms. Overstreet asked if there was an environmental concern with obstructing the visual environment.

Mr. Eadus said he was not aware of one.

Mr. Cooper asked if a use permit will be required. Ms. Glave said it depends on the zoning.

Mr. Cartwright moved to approve PB 16-08 as presented. Mr. Bell seconded the motion and motion carried.

**PB 16-08
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 10:

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 4.2.4 Commercial Uses is amended by adding the following underlined language:

(4) Recreation, Outdoor

Outdoor recreation uses shall comply with the following standards:

- (a) Outdoor recreation uses shall be screened from abutting major arterial streets with a Type D buffer.
- (b) Grading shall be limited to a maximum of five feet above or below the grade existing prior to development.
- (c) No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.
- (d) Structures associated with outdoor recreation uses may be increased to a maximum height of 60 110 feet. Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side and rear property lines for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

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

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____

MOTION TO ADOPT BY COMMISSIONER: _____

SECONDED BY COMMISSIONER: _____

VOTE: ____ AYES ____ NAYS _____

PLANNING BOARD DATE: 4/12/16

PLANNING BOARD RECOMMENDATION: _____

VOTE: ____ AYES ____ NAYS _____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____

BOARD OF COMMISSIONERS PUBLIC HEARING: _____

BOARD OF COMMISSIONERS ACTION: _____

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1506)

Agenda Item Title

Public Hearing and Action: PB 16-05 Aquatic Development Group:

Brief Description of Agenda Item:

Request for a conditional rezoning of approximately 52 acres from Heavy Industrial (HI) to Conditional General Business (C-GB) to allow a water park located at 8528 Caratoke Highway in Powells Point, Poplar Branch Township, Tax Map 124, Parcels 13, 137J, 137D, 137F, and 139N.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 16-05 as presented with staff recommendations due to its consistency with the Land Use Plan, it promotes new and expanding industry that diversifies the local economy, county water is available, it is located in an area that is intended to continue to evolve as a Full Service community, has the opportunity for commercial growth based on tourism lacking in this part of the county, and is reasonable and in the public interest because:

- It promotes economic growth.
- It will provide a new type of outdoor recreation in the county.
- It is in close proximity to other tourism related uses and has adequate separation from existing residential development and environmental resources.
- According to the Comprehensive Transportation Plan, US 158 has an existing capacity of 37,600 vehicles per day - the projected 2035 annual average daily traffic volume is 26,700.

Mr. Cartwright seconded the motion and motion unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Ben Woody



**STAFF REPORT
PB 16-05 AQUATIC
DEVELOPMENT GROUP
BOARD OF COMMISSIONERS
MAY 2, 2016**

APPLICATION SUMMARY

Property Owner: Bitter Sweet Farms LLC PO Box 154 Harbinger NC 27941 Griggs Investments LLC 101 W Main St Se 500 Norfolk VA 23510	Applicant: Aquatic Development Group 13 Green Mountain Dr Cohoes NY 12047
Case Number: PB 16-05	Application Type: Conditional Rezoning
Parcel Identification Number: * 0124-000-0013-0000 0124-000-137J-0000 0124-000-0137D-0000 0124-000-137F-0000 0124-000-139N-0000 *PINs will change once exempt plat is recorded	Existing Use: Vacant, Sand Mine, Material Storage
Land Use Plan Classification: Full Service	Parcel Size (Acres): 52 ±
Zoning History: M & A-40 (1975); HM & A (1989)	Plan Request: Water Park (Outdoor Recreation)
Current Zoning: HI	Proposed Zoning: C-GB

SURROUNDING PARCELS

	Land Use	Zoning
North	Commercial Park, Sand Mine, Vacant	HI & GB
South	Commercial Park, Residential	HI, GB, & AG
East	Residential, Vacant	GB & MXR
West	Sand Mine, Wetlands	HI, GB, AG

STAFF ANALYSIS

The applicant is requesting to develop an outdoor water park with the ability to add additional outdoor entertainment features (adventure course, etc.). Associated infrastructure and amenities are to include restaurants, water slides, restroom facilities, employee housing/dorms, stormwater management, on site sewer treatment and disposal, parking, and all other required features as required by county, state, and federal regulations. The applicant is requesting to exceed the 60' height limit for outdoor recreational facilities (slides and watch towers) and that request is being processed separately under a text amendment.

This conditional rezoning request for C-GB is reasonable because a water park will provide a new type of outdoor recreational opportunity in the county and will promote economic growth. The establishment of a destination oriented use in the Point Harbor area should be a catalyst for higher quality growth that will help the area transition from existing strip development patterns to compact nodal development. The close proximity of the subject parcel to The Pointe and Kilmarlic golf courses begins to create a critical mass of tourist oriented activities that would have an overall positive impact on the local economy of Lower Currituck.

The policy emphasis of the 2006 Land Use Plan is for this area of Point Harbor to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and natural features that make the area so attractive. The subject parcel has very little existing residential development in close proximity and provides a substantial buffer between the proposed development and Albemarle Sound. By clustering new uses in this area of Point Harbor, other more rural or residentially developed areas can remain relatively unaffected by intense commercial development patterns.

RECOMMENDATION

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **approval** of the conditional rezoning subject to the following:

1. The exempt lot must be subdivided out prior to the Planning Board meeting. (Planning)

PLANNING BOARD

Mr. Cooper moved to approve PB 16-05 as presented with staff recommendations due to its consistency with the Land Use Plan, it promotes new and expanding industry that diversifies the local economy, county water is available, it is located in an area that is intended to continue to evolve as a Full Service community, has the opportunity for commercial growth based on tourism lacking in this part of the county, and is reasonable and in the public interest because:

- It promotes economic growth.
- It will provide a new type of outdoor recreation in the county.
- It is in close proximity to other tourism related uses and has adequate separation from existing residential development and environmental resources.
- According to the Comprehensive Transportation Plan, US 158 has an existing capacity of 37,600 vehicles per day - the projected 2035 annual average daily traffic volume is 26,700.

Mr. Cartwright seconded the motion and motion unanimously.

CONSISTENCY STATEMENT

The conditional zoning request is consistent with the 2006 Land Use Plan because:

- It promotes a new and expanding industry that diversifies the local economy, trains and utilizes a more highly skilled labor force, and is compatible with the environmental quality of the county. (Policy ED1)
- County water is available to the site and the use will help grow the water system. The development will provide its own wastewater treatment plant. (Policy ES1)

- It is located in an area that is intended to continue to evolve as a Full Service community. (Point Harbor Policy Emphasis)
- With limited access from US158 and a focus on landscaping and appearance standards, the request can have a positive impact on the long-term economic prospects for residents and property owners (Policy ML4).

The request is reasonable and in the public interest because:

- It promotes economic growth.
- It will provide a new type of outdoor recreation in the county.
- It is in close proximity to other tourism related uses and has adequate separation from existing residential development and environmental resources.
- According to the Comprehensive Transportation Plan, US 158 has an existing capacity of 37,600 vehicles per day – the projected 2035 annual average daily traffic volume is 26,700.

CONDITIONS OF APPROVAL

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.

Suggested conditions of approval:

1. All proposed development will be consistent with and currently allowed within GB Zoning. (Applicant)
2. That the fire marshal comments be approved by the TRC at site plan submittal.
3. That a Traffic Impact Analysis (TIA) be provided prior to site plan submittal. All TIA recommendations be incorporated into the site design, consistent with NCDOT approval.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE

Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

Planning Board Discussion (4/12/16)

Warren Eadus, Quibble & Associations, Shay Ballance, Charles Jordan (8541 Caratoke Hwy. Mother's Home), and Ken Griggs appeared before the board.

Ms. Glave presented the staff report.

Mr. Cooper asked if the capacity of water supply will be a problem.

Ms. Glave said no.

Mr. Cooper asked if the onsite housing is for employees.

Ms. Glave said yes.

Mr. Cooper asked if the power lines were marked on the site plan.

Ms. Glave said yes and the only thing going there is parking and maybe pedestrian trails.

The Planning Board discussed access of the property.

Mr. Eadus said he would be glad to answer any questions.

Ms. Bell asked what is projected for employment opportunities.

Mr. Eadus said local construction will be involved, seasonable staff, and staff onsite during the off season. Hours will be much like the beach. The project will have its own wastewater treatment plant onsite. A soil and traffic study will be done.

Mr. Cooper said this could be a hub to bring in tourism to the lower part of Currituck. Mr. Cooper asked how many rides/slides are being proposed.

Mr. Eadus said eight to ten activities. Everything will be reviewed by Dominion Power because of the power line easement. There will be onsite dining as well.

Mr. Craddock asked if the water will get recycled onsite and filtered.

Mr. Eadus said the water will be filtered.

Mr. Cooper opened the public hearing.

Mr. Ballance said he is in full support of this request. This request will bring jobs and tourism to lower Currituck as well as the Outer Banks.

Mr. Jordan said he is here on behalf of his mom who lives across from the proposed project. Mr. Jordan mom is concerned about egress and ingress to the new entrance. Mr. Jordan said his mom is concerned about traffic into and out of Lucinda Lane for the first 100 feet and how this will affect his mom's ability to get onto 158 Hwy.

Mr. Cooper said a traffic study is required and will decide if a stop light is required. Mr. Cooper said his opinion is that most tourists heading to and from the beach on Saturday and Sunday will not be stopping at the water park; because they want to get to their cottage or they are leaving and heading home. This attraction will be more popular during the weekdays.

Mr. Jordan said his mom is concerned with traffic (being able to get in and out of her driveway), power lines, hours of operation, and noise level.

Mr. Cooper said the county does have a noise ordinance.

Mr. Eadus said the park will be open during daylight hours. The portion in the middle is family dining and the back is parking. Mr. Eadus said he can talk further with Mr. Jordan's mom regarding her concerns.

Mr. Cooper asked what is the required buffer along the front of the project.

Ms. Glave said a Type C buffering is most likely required.

Mr. Jordan asked what development will be done on the right side.

Mr. Eadus said at this time there are no plans.

Mr. Jordan asked about the runoff from water and how it would affect the adjacent property owners.

Mr. Cooper said the county has a stormwater drainage manual and it will be required to go through this process. Part of the process is you cannot increase runoff. Whatever is draining off the property now would have to be the same or less once it is developed.

Mr. Griggs said some of Mr. Jordan's concerns are across the road, 158 Hwy. The property that the water park is being proposed on drains very well and will not affect his mother's property. Most of the drainage his mother will see will be coming off 158 Hwy. His mom has a ditch behind her property which drains to the Pointe Golf course.

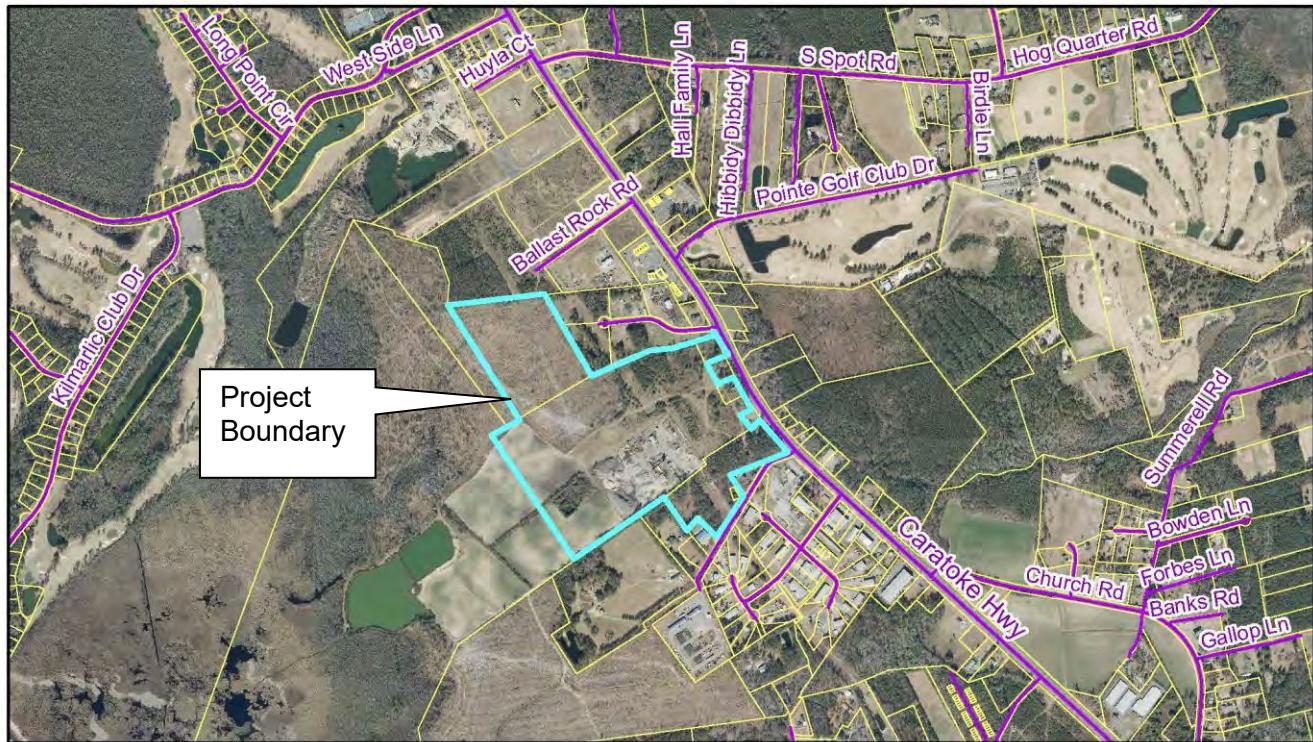
Mr. Cooper closed the public hearing.

Mr. Cartwright said a project like this will take all the people who drive through the county and bring them back to Currituck County.

Mr. Cooper moved to approve PB 16-05 as presented with staff recommendations due to its consistency with the Land Use Plan, it promotes new and expanding industry that diversifies the local economy, county water is available, it is located in an area that is intended to continue to evolve as a Full Service community, has the opportunity for commercial growth based on tourism lacking in this part of the county, and is reasonable and in the public interest because:

- It promotes economic growth.
- It will provide a new type of outdoor recreation in the county.
- It is in close proximity to other tourism related uses and has adequate separation from existing residential development and environmental resources.
- According to the Comprehensive Transportation Plan, US 158 has an existing capacity of 37,600 vehicles per day - the projected 2035 annual average daily traffic volume is 26,700.

Mr. Cartwright seconded the motion and motion unanimously.



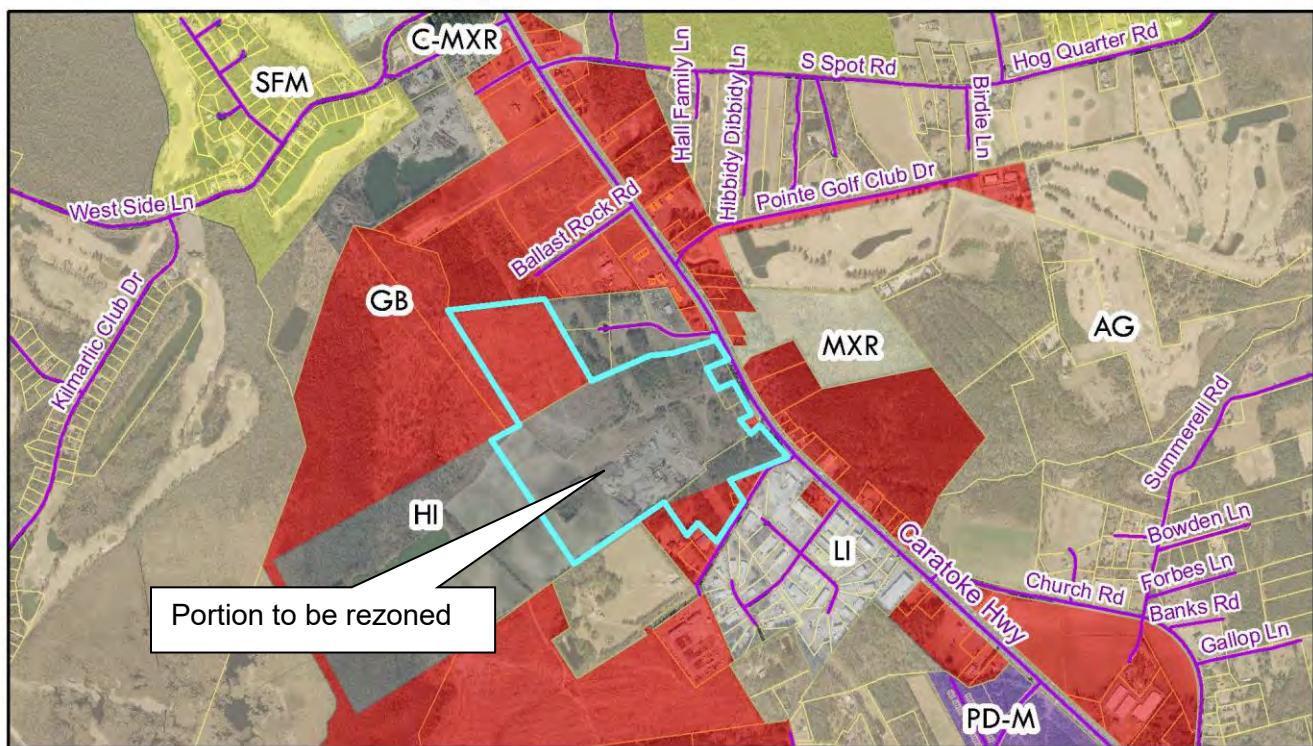
PB 16-08 ADG
Conditional Rezoning
Aerial



0 500 1,000 2,000 Feet



Currituck
County
Planning and
Community Development



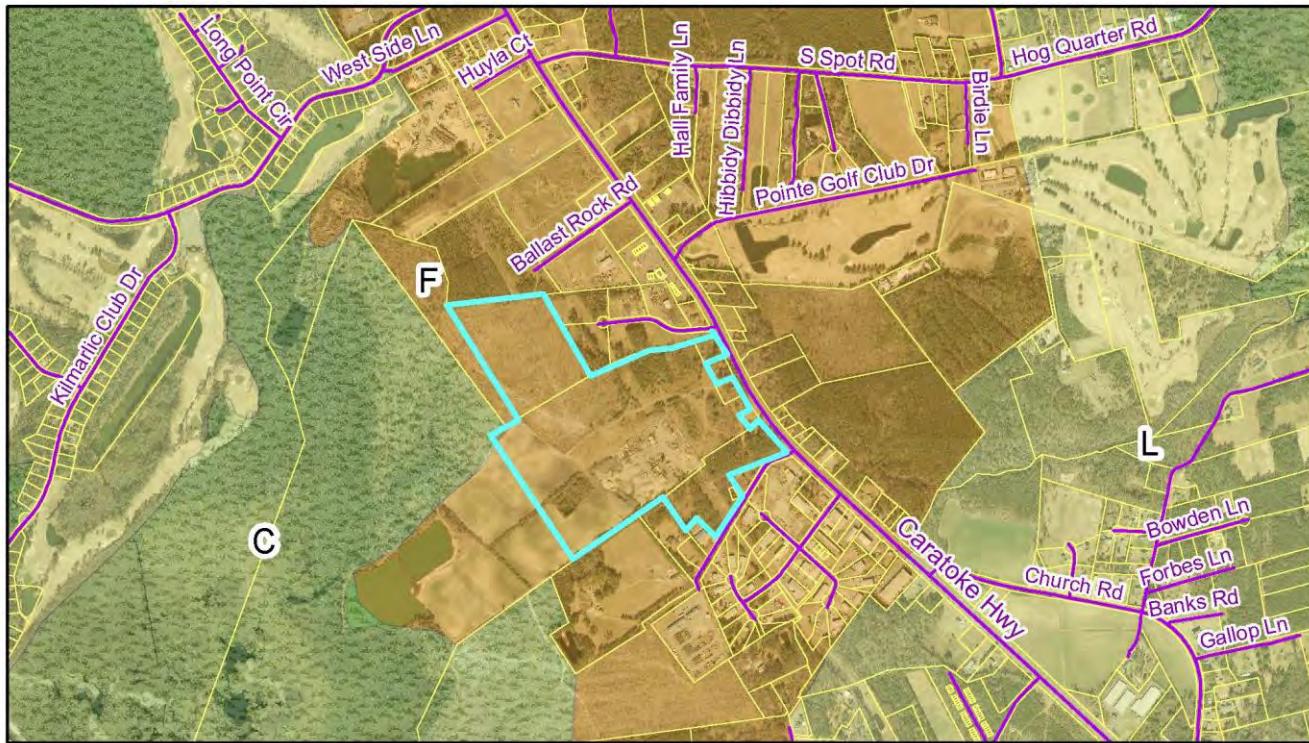
PB 16-08 ADG
Conditional Rezoning
Zoning



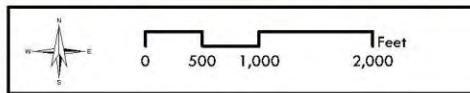
0 500 1,000 2,000 Feet



Currituck
County
Planning and
Community Development



PB 16-08 ADG
Conditional Rezoning
LUC



 Currituck County
Planning and
Community Development



Conditional Rezoning Application

OFFICIAL USE ONLY:

Case Number: _____

Date Filed: _____

Gate Keeper: _____

Amount Paid: _____

Contact Information

APPLICANT:

Name: Aquatic Development Group
 Address: 13 Green Mountain Drive
Cohoes, NY 12047
 Telephone: 518.573.0916
 E-Mail Address: chris.hewison@aquaticgroup.com

PROPERTY OWNER:

Name: Multiple Owners (see attached)
 Address: See Attached
See Attached
 Telephone: See Attached
 E-Mail Address: See Attached

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Potential Purchaser

Property Information

Physical Street Address: 8528 Caratoke Highway Powells Point NC 27966
Location: Powells Point (US Hwy 158) +
Parcel Identification Number(s): Mulitple Properties See Attached
Total Parcel(s) Acreage: +/- 340 Acres (Request to Rezone +/- 52 Acres HI to GB)
Existing Land Use of Property: Industrial (Sand Mine), Barnhill Contracting materials storage; undeveloped

Request

Current Zoning of Property: HI **Proposed Zoning District:** Conditional GB

Community Meeting

Date Meeting Held: March 3 and 14, 2016 **Meeting Location:** Kilmarlic/Quible Offices

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

Development of an outdoor water park with ability to add additional outdoor entertainment features (adventure course etc...).

Associated infrastructure and amenities to include restaurants, water slides, restroom facilities, employee housing/dorms,

stormwater management, on site sewer treatment and disposal, parking and all other required features as required

by County, State and Federal regulations.

Proposed Zoning Condition(s):

All proposed development will be consistent with and currently allowed within GB Zoning. The applicant will be requesting that two of the water slide towers (proposed 85 feet) exceed the currently allowed 60 feet height.

An application has been duly filed requesting that the property involved with this application be rezoned from: Heavy Industrial to: General Business

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

C. Shay Bellon
Property Owner(s)

Ray J. Bellon

3/16/16
Date
3/16/16

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

Conditional Rezoning Property Owner Attachment

Bittersweet Farms, LLC

PIN 012400001300000

PIN 0124000137J0000

PIN 0124000137D0000

PIN 0124000137F0000

PO Box 154

Harbinger, NC 27941

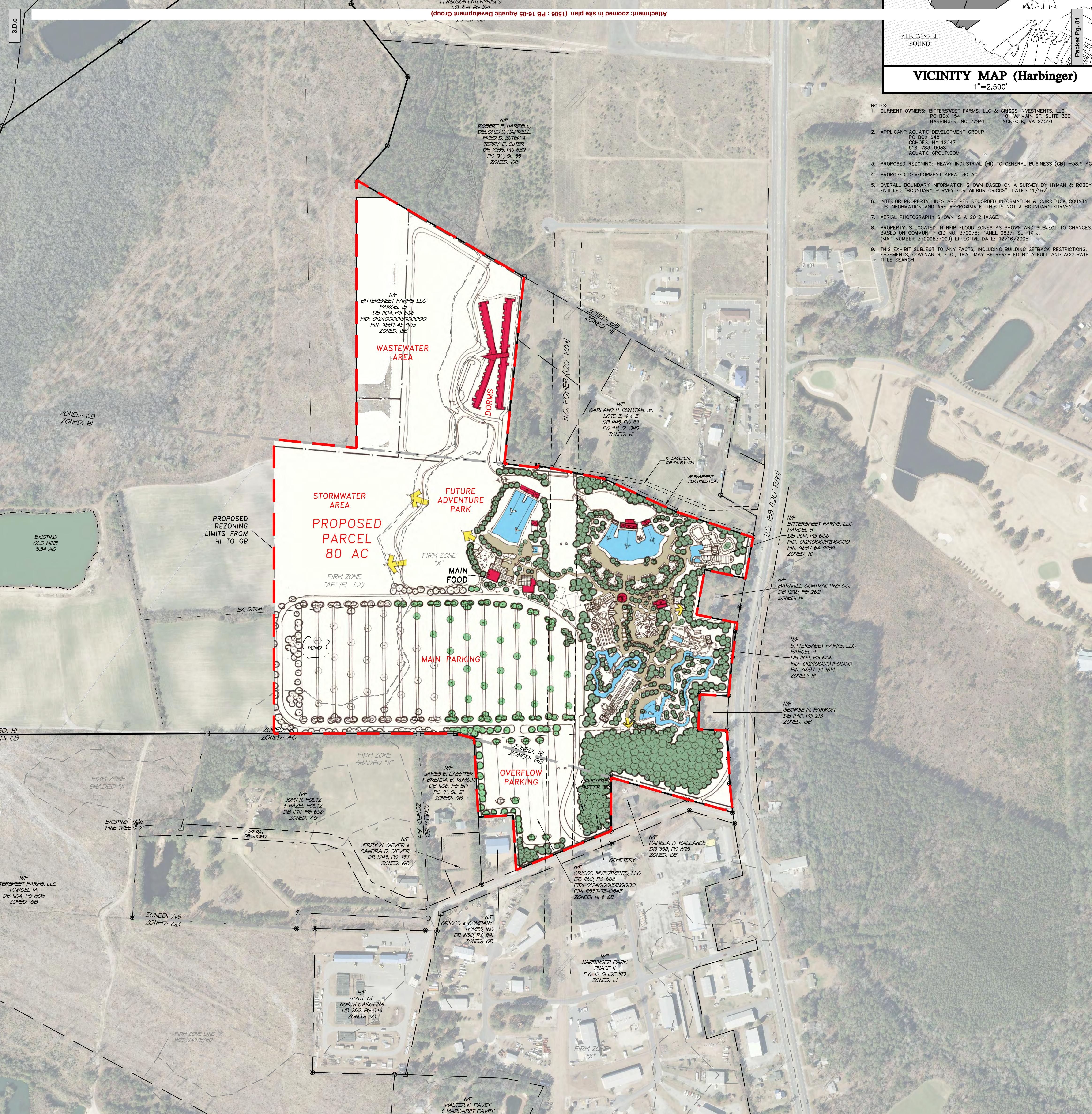
Griggs Investments LLC

0124000139N0000

VB Business Services LLC, Reg. Agent

101 W Main St., Suite 500

Norfolk, VA 23510





Currituck County

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

MEMORANDUM

To: Warren Eadus, Quible
 Chris Hewison, Aquatic Development Group

From: Tammy Glave
 Senior Planner

Date: March 10, 2016

Re: Aquatic Development Group Conditional Rezoning from HI and GB to C-GB, TRC Comments

The following comments have been received for the March 16, 2016 Technical Review Committee meeting. The conditional rezoning will require Planning Board recommendation and Board of Commission's action. The comments listed below must be addressed and resubmitted by March 21, 2016 in order to be placed on the April 12, 2016 Planning Board meeting. TRC comments are valid for six months from the date of the TRC meeting.

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

Approved with comments:

1. The application must be amended by adding all PINs and having all property owners sign the application. There are four lots shown on the site plan that are not on the application. This must be completed prior to the Planning Board meeting. (Missing PINs :0124-000-137D-0000, 0124-000-0137E-0000, 0124-000-137F-0000, and 0124-000-139J-0000)
2. The exempt lot must be subdivided out prior to the Planning Board meeting.
3. Please place the project property owner name and address on the plat. (Administrative Manual – Conditional Rezoning Conceptual Development Plan Design Standards Checklist)
4. Please show any existing items within the property and within 50' of the existing property lines such as structures, septic systems, wells, water lines, utility lines, culverts, ditches, etc. (Administrative Manual...)
5. Correct the flood zone to AE 7.2'. (Administrative Manual...)
6. Show proposed building usages. (Administrative Manual...)
7. Please clarify traffic circulation plans and show loading and service areas. (Administrative Manual...)
8. Please show the approximate location of storm drainage patterns and facilities intended to serve the development. (Administrative Manual...)
9. Please show anticipated landscaping plan, including buffers. (Administrative Manual...)
10. Please offer the proposed development schedule. (Administrative Manual...)
11. The maximum height for recreational structures is 60'. Are any of the slides/rides exceeding 60' in height? Please be aware that structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side and rear property lines

for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

12. What is the estimated maximum trip per peak hour? It appears that at least one deceleration lane must be provided in accordance with NCDOT standards since the access is located along a major arterial (Caratoke Highway) and the use is capable of generating more than 60 trips per peak hour.
13. Please verify with Dominion that the items shown in their easement are allowed.
14. Please confirm traffic study requirements with NCDOT.
15. Please be aware that after the conditional rezoning is approved, the project site plan must be reviewed through a non-residential site plan application. Development standards such as parking, landscaping, lighting, etc. will be reviewed at that time.

CURRITUCK COUNTY CODE ENFORCEMENT (Stacey Smith, 252-232-6027)

Reviewed without comment.

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

Reviewed with comment:

1. Stormwater reviewed at site plan submittal.

Currituck County Fire Marshal (James Mims, 252-232-6641)

Approved with comments:

1. The fire code limits construction under high power transmission lines. This appears to be significant to your plan.
2. Fire apparatus must be able to come within 150' of all structures.
3. The fire apparatus access must be at least 20' wide. It must not be forced to back greater than 150' without a turn around.
4. The fire apparatus access must be capable of 75,000 lbs. in all weather conditions.
5. No security gate in a fire apparatus access may have an opening less than 20' wide.
6. As I see a note for dorms I advise that structures over 30' mean roof height may have additional requirements in regards to aerial apparatus access.
7. As the site is pretty dense in design and security is a large issue in present day, possible attendance will be compared to egress design.
8. Fire hydrants are required to be within 400' of all exterior of structure.
9. No new construction may occur where the needed fire flow is greater than the available flow at the site. (Using the ISO method)
10. The NC fire prevention code does not differentiate between structures open air design and enclosed.

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

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. PLEASE CONTACT WESLEY NIXON RS AT 252-338-4490 CONCERNING ANY POOL OR WATER PARK PLAN APPROVALS.

NC DOT (Randy Midgett, 252-331-4737)

Reviewed with comment:

1. Traffic Impact Study required at appropriate design stage.

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

Reviewed without comment.

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

Reviewed without comment.

Comments not received from:

Currituck County Building Inspections (Bill Newns, 252-232-6023)

The following items are necessary for resubmittal:

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

Quible

Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

March 16, 2016

Tammy Glave
Currituck County Planning and Community Development
153 Courthouse Road
Suite 110
Currituck, NC 27929

RE: Community Meeting Report
Conditional Rezoning Application – OBX Waterpark
Powells Point, Currituck County, NC
Parcel ID Nos: 012400001300000; 0124000137J0000: 0124000137D0000;
0124000137F0000; 0124000139N0000

Ms. Glave,

Community meetings for the proposed Conditional Rezoning of the above referenced parcels in Powells Point, Currituck County were held on March 3, 2016 and March 14, 2016 at 2:00 p.m. a the Kilmarlic Clubhouse located at 215 Westside Lane, Powells Point and the offices of Quible & Associates, P.C.; respectively. The meetings were conducted Quible on behalf of Aquatic Development Group (ADG).

Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcels of the intent to rezone an approximately 80 acre parcel (made up of parcels as referenced above) from Heavy Industrial and General Business to Conditional District General Business for purposes of constructing an outdoor water park and associated amenities.

Meeting synopsis

At both meetings, proceedings began at 2:00 p.m. and Quible handed out an Agenda (attached), signed attendees in using a sign-up sheet (attached) and gave an overview of the rezoning request and County process. The conceptual development of the waterpark was depicted on an aerial photograph of the site and made available to the public.

During both meetings there was vocal support of the project. However, several adjacent residents voiced concerns about noise, security, traffic, views, lighting and etc... Attendees were encouraged to write down their comments and in some instances Quible wrote down concerns for attendees. Copies of the written comments are attached.

Upon conclusion of the discussion, attendees were again reminded that any further questions or comments not addressed at the meeting could be forwarded to Quible & Associates. The meetings lasted approximately one and a half hours each.



**Community Meeting for the Conditional Zoning – ADG Waterpark
Bittersweet Farms and Griggs Investments Properties
Powells Point, Currituck County, NC**

March 14, 2016

AGENDA

1. General Introduction

- a. Quible & Associates, P.C.
- b. Aquatic Development Group
- c. Currituck County

2. Property Location/Facts

- a. PIN 012400001300000
- b. PIN 0124000137J0000
- c. PIN 0124000137D0000
- d. PIN 0124000137F0000
- e. PIN 0124000139N0000

Current Lot Size: +/- 340 Acres, to be subdivided to +/- 80 Acres

- f. Current Land Use: Heavy Industrial and GB—Site of Barnhill Contracting Storage Yard
- g. Site Zoning: HI and GB

3. Development Proposal

- a. Rezone portion of HI property to GB for development of waterpark

4. Questions & Comments

- a. Quible & Associates, Owner and County will be available to answer questions and comments
- b. Comments can be provided in writing on Comment Forms provided or they can be sent to Warren Eadus, Quible & Associates, P.C. by email at weadus@quible.com, phone at 252-491-8147 or by mail addressed to Quible & Associates, P.C. 8466 Caratoke Highway Powells Point NC 27966.



Quible & Associates, P.C.
ENGINEERING • CONSULTING • PLANNING
ENVIRONMENTAL SCIENCES • SURVEYING
Project: (252) 481-8147
Fax: (252) 481-8148
Web: www.quible.com

Conditional Zoning ADG Waterpark Community Meeting
Powells Point, Currituck County, North Carolina
Quible & Associates Project No. 15004
The Following Persons Were in Attendance of the Community Meeting on March 3, 2016

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	Erin Lee Farrow				
2.	Cheriee Farrow				
3.	John Folte				
4.	Isabella Connerette to my i stacy				
5.	Sally Blumke				
6.	Wren Evans				
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					



Conditional Zoning ADG Waterpark Community Meeting
Powells Point, Currituck County, North Carolina
Quible & Associates Project No. 15004
The Following Persons Were in Attendance of the Community Meeting on March 3, 2016

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	WILKES DAVIS	QUILLER ASSOCIATES, P.C.	252-491-8147	252-491-8146	wdavis@quible.com
2.	HANK GERFFEN	HARRELL & ASSOCIATES	423-0248	444-8422	gsurfcast@aol.com
3.	Ken Griggs		491-8450		
4.	Brad Griggs				
5.	Jeff Maloney	Twiddy	252-487-1177		jeff.maloney@twiddy.com
6.	C. Sly Ballance	Bittersweet Farms	252-207-8656		slayballance@hotmail.com
7.	Timke Morrison	OBX MUD	252-277-2443		timke.morrison@bryankilmerli.com
8.	Bryan Morrison	Kilmurie Golf Club	252-491-4220		
9.	DeWayne Horner		252-491-8676		
10.	KEITH HALL	Pointe Golf Club	252-202-8132		khall@thepointegolfclub.com
11.	RICK HOUSE	House Engineering, P.C. (252) 202-8253	rick@houseengineering.net		
12.	DAVID NEFF	House Engineering	252-491-8765		david@houseengineering.net
13.	Gram Woodson	OBX HOA			gram.woodson@obxhoa.org
14.	Bobby Swanson	Admiry Property Owner	252-202-1100		grayduston@charter.net
15.	W. Thompson Jordan	8541 Canaveral Hwy P.O. Box PT	252-491-8272		
16.					
17.					
18.					

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 0124000137J0000; 0124000139N0000

Powells Point, Currituck County, NC

Comments: _____

I'm in favor of approval!

Keith Hall

KEITH HALL (POINTE GOLF CLUB)

Contact Information: *252-202-8732*

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 0124000137J0000; 0124000139N0000

Powells Point, Currituck County, NC

Comments:

*This project is a great idea for lower
Currituck and has my full support.*

Contact Information:

Bryan Sullivan

bryan@kilmorlic.com

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 0124000137J0000; 0124000139N0000

Powells Point, Currituck County, NC

Adjoining

Comments: GARY DUNSTAN, Property owner on North & East side
GREAT Project! Fabulous use for the property of N. Postoed
Preferences

- ① One Curb cut serving this Project + Balance of Prop.
- ② Buffers to adjoining properties
- ③ Low impact lighting
- ④ Drainage plan to keep all stormwater on site if possible.

I Fully support this project and it is a win-win ~~project~~ development for Lower Currituck and for the tax payers.

Contact Information: GARLAND H. "Gary" Dunstan JR.

Po Box 4

HARBINGER, NC 27941

GARYDUNSTAN@CHARTER.NET

252-202-1100

Quible

Quible & Associates, P.C.

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

February 22, 2016

Garland H. Dunstan Jr.
PO Box 402
Kitty Hawk, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning-Bittersweet Farms, LLC Parcel
Powells Point, Currituck County, NC

Dear Property Owner(s),

Please be advised that Quible & Associates, P.C. and Aquatic Development Group (Applicant) will conduct a community meeting on March 3, 2016 at 2:00 p.m. at the Kilmarlic Golf Course Clubhouse facility located at 215 West Side Lane, Powells Point, North Carolina 27966.

The purpose of the meeting is to inform the community of Aquatic Development Groups intention to submit an application for a Conditional Rezoning of 60 acres of a +/- 540 acres property for development as an outdoor "Water Park" currently owned by Bittersweet Farms, LLC. The property is currently zoned Heavy Industrial and the proposal is to conditionally rezone the property as General Business. The subject parcel is identified as a 60 acre portion of Parcel Number 0124000137J0000 and is located on Highway 158 at 8528 Caratoke Highway in Powells Point, Currituck County.

The Applicant proposes to construct an outdoor water park and all associated infrastructure on a 60 acre tract of land. The expansion will consist of the water park, wastewater and stormwater facilities, employee housing, restaurants, water slides, wave pools and etc...

All persons having an interest in this matter are invited to attend the informational meeting. Further information regarding the proposed Conditional Rezoning may be obtained by contacting Warren Eadus of Quible & Associates, P.C. by phone at 252-491-8147 or by email at weadus@quible.com.

Sincerely,
Quible & Associates, P.C.


Warren D. Eadus

cc file
ADG

*GREAT Project.
Best Possible use of that
Property!! Everyone's a win-win for
Currituck*

Gary

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 0124000137J0000; 0124000139N0000

Powells Point, Currituck County, NC

Comments: WILHELMINA JORDAN:

EXRESSED CONCERN IN ORDER OF IMPORTANCE

① PROXIMITY TO HER RESIDENCE
"RIGHT ACROSS THE STREET"

② "WHAT WILL IT LOOK LIKE?"

③ HOW WILL IT BE USED
IN THE OFF SEASON

④ UGLYTING?

⑤ NOISE?

THESE COMMENTS ARE MY (WILHELMINA JORDAN)

RECOLLECTION OF MY CONVERSATIONS w/

MS. JORDAN. 1/13/16 3/3/16

Contact Information:

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 012400001300000; 0124000137J0000; 0124000137D0000;
0124000137F0000; 0124000139N0000

Powells Point, Currituck County, NC

Comments:

George Farrow hatterasman1985@Hotmail.
P.O. Box 253 252-202-2266
Grandy, NC 27939

I have thought for years that this would a great
idea on the south end of the county.

I am willing to sell my parcel located at
8524 Caratoke Hwy.
Thank you!

Contact Information:

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 012400001300000; 0124000137J0000; 0124000137D0000;
0124000137F0000; 0124000139N0000

Powells Point, Currituck County, NC

Comments: CARRIE FOOTE

CONCERN/QUESTIONS:

① PRIVACY - CONCERNED ABOUT NOISE

② TRAFFIC

- INGRESS
- EGRESS
- BOTTLED UP

③ SECURITY

④ FUTURE EXPANSION

Contact Information:

Carrie L. Foote

Community Meeting for Conditional Zoning – ADG Waterpark

8528 Caratoke Highway-PIN#s 012400001300000; 0124000137J0000; 0124000137D0000;
0124000137F0000; 0124000139N0000

Powells Point, Currituck County, NC

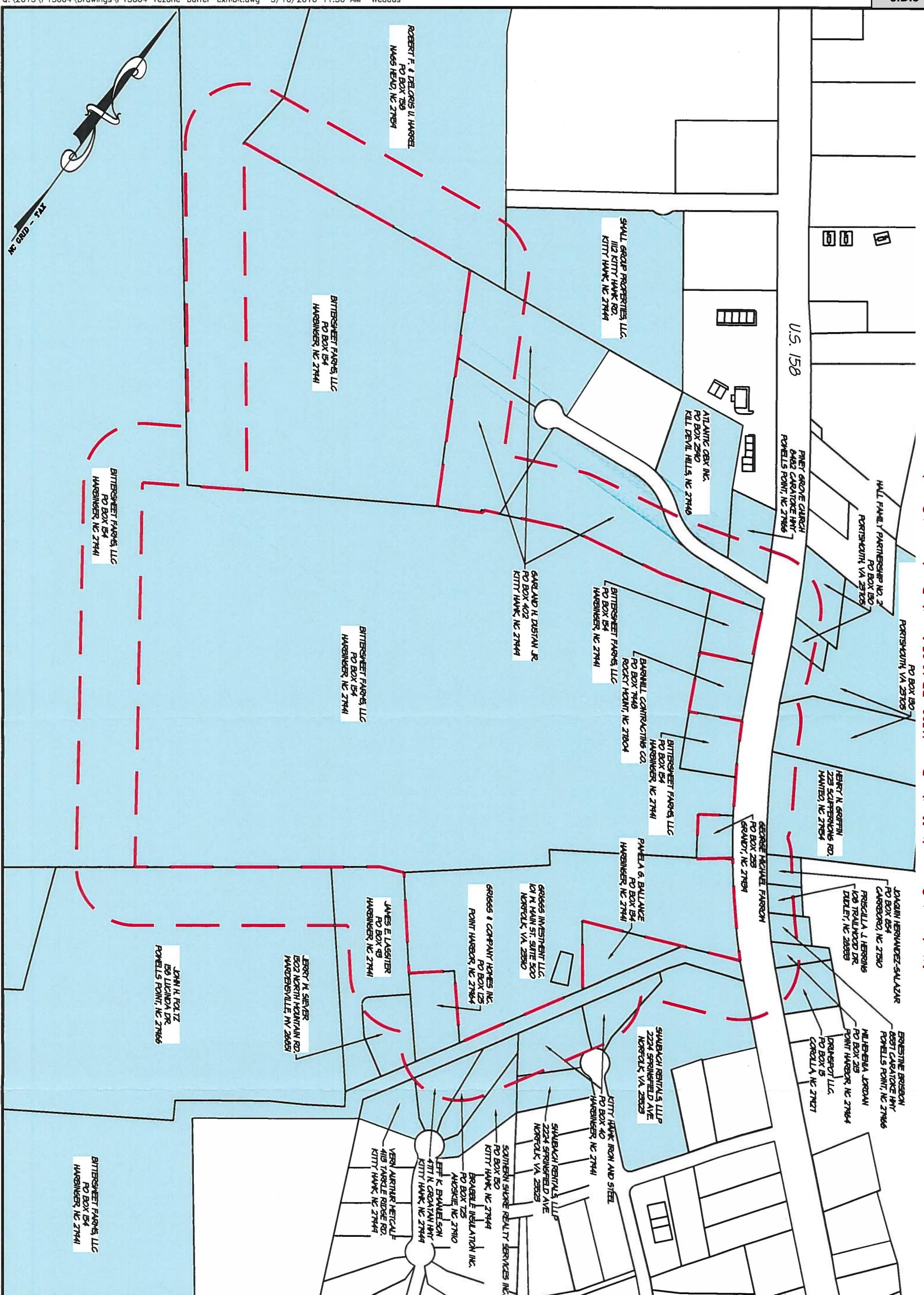
Comments: ~~Spoke w/ BOBBY HARRELL VIA~~

~~TELEPHONE ON 3/16/16. MR. HARRELL
SUPPORTS THE PROPOSED WATER PARK
DEVELOPMENT.~~

Contact Information:

~~WGA~~ 3/16/16

SENT VIA EMAIL TO B. HARRELL ON 3/16/16
@ 1130 AM



P15004 -
200' Adjacent Property Owner List

Hall Family Partnership No. 2
PO Box 130
Portsmouth, VA 23705

Fortune Bay Golf Club LLC
PO Box 279
Harbinger, NC 27941

Hall Limited Partnership No. 3 LLP
PO Box 130
Portsmouth, VA 23705

AKE Properties LLC
Attn: Russ Kirk
222 Central Park Ave, STE 2100
Virginia Beach, VA 23462

Henry N. Griffin
223 Scuppernong Rd
Manteo, NC 27954

James E Lassiter
PO Box 93
Harbinger, NC 27941

Joaquin Hernandez-Salazar
PO Box 854
Carrboro, NC 27510

Wilhermeina Jordan
8541 Caratoke Highway
Powells point

Griggs Investments LLC
101 W Main St, Suite 500
Norfolk, VA 23510

Priscilla J. Herring, et al.
108 Trailwood Dr.
Dudley, NC 28333

SIEVER, JERRY W
SIEVER, SANDRA D
1502 NORTH MOUNTAIN RD
WARDENSVILLE WV 26851

Garland H. Dunstan Jr.
PO Box 402
Kitty Hawk, NC 27949

METCALF, VERN ARTHUR
4113 TARKLE RIDGE RD
KITTY HAWK NC 27949

Atlantic OBX INC
PO Box 2590
Kill Devil Hills, NC 27948

EMANUELSON, JEFFERSON K
4717 N CROATAN HWY
KITTY HAWK, NC

BRABBLE INSULATION INC
BRABBLE, PAT
PO BOX 725
AHOSKIE NC 27910

KITTY HAWK IRON AND STEEL
PO BOX 40
Harbinger NC 27941

SMALL GROUP PROPERTIES LLC
1112 KITTY HAWK RD
KITTY HAWK, NC 27949

SCHAUBACH RENTALS LLLP
2224 SPRINGFIELD AVE
NORFOLK, VA 23523

PINEY GROVE CHURCH
8482 CARATOKE HWY
POWELLS POINT, NC 27966

John H. Foltz
158 Lucinda Dr.
Powells Point, NC 27966

Southern Shores Realty Services Inc.
PO Box 150
Kitty Hawk, NC 27949

Pamela G. Balance
PO Box 134
Harbinger, NC 27941

Barnhill Contracting Co.
PO Box 7948
Rocky Mount, NC 27804

George Michael Farrow
PO Box 253
Grandy, NC 27939

Ernestine Brisbon
8537 Caratoke Hwy
Powells Point, NC 27966

Robert and Deloris Harrell
PO Box 756
Nags Head, NC 27959



**Community Meeting for the Conditional Zoning – ADG Waterpark
Bittersweet Farms and Griggs Investments Properties
Powells Point, Currituck County, NC**

March 14, 2016

AGENDA

1. General Introduction

- a. Quible & Associates, P.C.
- b. Aquatic Development Group
- c. Currituck County

2. Property Location/Facts

- a. PIN 012400001300000
- b. PIN 0124000137J0000
- c. PIN 0124000137D0000
- d. PIN 0124000137F0000
- e. PIN 0124000139N0000

Current Lot Size: +/- 340 Acres, to be subdivided to +/- 80 Acres

- f. Current Land Use: Heavy Industrial and GB—Site of Barnhill Contracting Storage Yard
- g. Site Zoning: HI and GB

3. Development Proposal

- a. Rezone portion of HI property to GB for development of waterpark

4. Questions & Comments

- a. Quible & Associates, Owner and County will be available to answer questions and comments
- b. Comments can be provided in writing on Comment Forms provided or they can be sent to Warren Eadus, Quible & Associates, P.C. by email at weadus@quible.com, phone at 252-491-8147 or by mail addressed to Quible & Associates, P.C. 8466 Caratoke Highway Powells Point NC 27966.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1508)

Agenda Item Title

Public Hearing & Action: PB 16-06 Windswept Pines:

Brief Description of Agenda Item:

Request for preliminary plat/use permit for a 59 lot residential subdivision located off Baxter Lane in Moyock, Tax Map 9, Parcels 6 and 11G, Moyock Township.

Planning Board Recommendation:

Mr. Cartwright moved to approve PB 16-06 as presented with staff recommendations, use will not endanger the public health or safety, the use will not injure the value of adjoining or abutting land and will be in harmony with the area in which it is located; the use will be in conformity with the Land Use Plan or other officially adopted plans; and the use will not exceed the county's ability to provide adequate public facilities. Mr. Craddock seconded the motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Donna Voliva,

Presenter of Agenda Item

Ben Woody



**STAFF REPORT
PB 16-06 WINDSWEPT PINES
BOARD OF COMMISSIONERS
MAY 2, 2016**

APPLICATION SUMMARY

Property Owner: Virginia L. Parker, Jennifer P. Cahoon Cari C Parish, 508 Hollygate Lane Chesapeake, VA 23322 Mark A & Penny K. McCrary 131 Baxter Lane Moyock, NC 27958	Applicant: Allied Properties, LLC PO Box 743 Moyock, NC 27958
Case Number: PB 16-06	Application Type: Major Subdivision, Preliminary Plat/Use Permit (Type II)
Parcel Identification Number: 0009-000-0006-0000 0009-000-011G-0000	Existing Use: Undeveloped
Land Use Plan Classification: Rural and Full Service Moyock Small Area Plan: Full Service	Parcel Size (Acres): 65.39 acres (total) 15.06 acres (not a part of the development)
Number of Units: 59 residential lots (including existing developed lot)	Project Density: 1.17 units/acre
Required Open Space: 15.10 acres (30%)	Provided Open Space: 15.21 acres (30%)

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential	AG and GB
South	Office/ Residential	GB and AG
East	Undeveloped/Residential	AG
West	Office/Undeveloped /Cemetery	GB

STAFF ANALYSIS

- The applicant is requesting preliminary plat/use permit approval of a 59 lot residential subdivision. The property is conditionally zoned C-MXR and the following zoning conditions apply to this development:

- Use: Subdivision
- All lots to be greater than or equal to 20,000 square feet.
- Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
- Perform an evaluation of existing main ditch along Truran/Ward property line from site to Baxter's Lane and if warranted, seek permission to improve ditch cross-section.
- Explore the possibility of routing a portion of stormwater runoff to the northeast.
- All Residential development will be single family and will conform to sample building elevations provided.
- It is intended for the developed, reconfigured lot (N/F McCrary) indicated as lot 59 to be recorded as a recombination plat prior to recording the final plat of Windswept Pines. The Windswept Pines subdivision will contain 58 proposed lots.
- The applicant does propose deviations from the approved conceptual development plan. The UDO allows minor deviations provided they are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. The changes are as follows:
 - Slight shift in proposed lots, roads, and stormwater infrastructure.
 - Removal of the trail throughout the development and replaced with sidewalks along both sides of the street.
 - The development will be reviewed under the current UDO, as amended.
 - The perimeter buffers shall be increased from a Type A to a Type B where the boundaries adjoin residential development.
 - The property owner located along the northern property line (Bryant/Allison/Kemp) is requesting no connection to the northern property line at this time. The payment in lieu of construction shall be provided at final plat.
- A payment in lieu of recreation and park area dedication will be accepted for this proposed development since the offer of dedication (1.48 acres) does not provide adequate opportunities for on-site recreation and park areas. Since lot 59 is an existing lot that will be reconfigured and contains an existing single family dwelling the lot will not be subject the calculation. The recreation and park needs of the subdivision can be better met by site development outside of the subdivision but within the immediate area of the subdivision. Based on the current tax value of the property, the required payment in lieu of recreation and park area dedication for 58 lots is \$9,065.

INFRASTRUCTURE

Water	Public
Sewer	On-site septic
Transportation	Pedestrian: 5' wide sidewalks shall be installed along both sides of the streets Connectivity Score: 1.4
Stormwater/Drainage	Roadside swales and ponds
Schools	Elementary Students Generated: 14 students (159) Middle School Students Generated: 4 students (251) High School Students Generated: 8 students (89)
Recreation and Park Area Dedication	1.48 acres – Payment in lieu of dedication will be accepted in the amount of \$9,065.
Riparian Buffers	30' riparian buffer is required adjacent to all 404 jurisdictional wetlands (excluding man-made ditches)

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

1. The Technical Review Committee recommends adoption of the use permit and approval of the preliminary plat subject to the following conditions of approval:
 - a. All lots shall meet a minimum lot width of 100 feet.
 - b. Sidewalks shall be a minimum 5' in width.
 - c. The 25' drainage easement shall be measured from the top of bank and include the ditch where it drains more than 5 acres.
 - d. Based on the total number of lots, a minimum of two access points are required for this subdivision. During the conditional rezoning process, the applicant provided an access to the developed properties to the north. However, the land owner (n/f Allison/Kemp) has declined the required connection. Payments in lieu of the construction of the interconnection will be required or an alternate interconnection shall be provided and approved.
 - e. The preliminary plat shall contain the following additional information:
 - i. Wetland jurisdictional boundaries.
 - ii. Legend for sidewalks and other features on the plan. Crosswalk locations shall be determined at construction drawing review.
 - iii. Type B bufferyard along all perimeters that adjoin a residential single family development or AG zoning district with selected widths (10' or 25') and minimum planting requirements (including the entire n/f Allison/Kemp parcel).
 - iv. The eastern portion of the property is shown as not a part and the proposed lot line shall be completely closed.
 - v. All open space shall be clearly identified on the plan.
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.

3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. Plan corrections shall be submitted prior to issuance of the use permit.

PLANNING BOARD

Mr. Cartwright moved to approve PB 16-06 as presented with staff recommendations, use will not endanger the public health or safety, the use will not injure the value of adjoining or abutting land and will be in harmony with the area in which it is located; the use will be in conformity with the Land Use Plan or other officially adopted plans; and the use will not exceed the county's ability to provide adequate public facilities. Mr. Craddock seconded the motion carried unanimously.

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The use will adhere to county health and safety standards, the need to cross the railroad has been eliminated, all lots will front on low-speed interior streets, and will be served with public water supply. The project should not adversely affect the public health or safety.

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.

Preliminary Applicant Findings:

1. Land to the south has been developed into single family homes; the homes that will be constructed in this subdivision will be similar to existing homes in the area.
2. Appropriate landscape buffers and farm buffers are provided, and existing drainage concerns are being addressed.
3. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.

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

Preliminary Applicant Findings:

1. The Moyock Small Area plan classifies this area as Full Service. The proposed development density is only 1.24 units per acre, well below the densities of 1.5 to 3 units per acre envisioned in the Moyock Small Area Plan.

Relevant MSAP and 2006 LUP Policies:

1. 2006 LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the

surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

2. 2006 LUP POLICY HN2: Currituck County recognizes that large-lot mini-estates (i.e. 5 to 10 acres) consume large amounts of land, often without economic purpose. Estate lots having no relationship to agriculture or other resource-based activities promote sprawl and make the provision of infrastructure and services very costly. The County shall therefore encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDENCING ZONING techniques.
3. 2006 LUP POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning. Family subdivisions and non-asphalt roads serving the northern beaches are the only exception to this policy.
4. 2006 LUP POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.
5. 2006 LUP POLICY WQ3: Currituck County supports policies, plans, and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.
6. MSAP POLICY IS4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.
7. MSAP POLICY IS5: Encourage retrofitting of NCDOT drainage infrastructure to manage nuisance flooding.

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Applicant Findings:

1. Currituck County has adequate public facilities to serve the proposed subdivision.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE

Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

Planning Board Discussion (4/12/16)

Mark Bissell, Bissell Professional Group, Richard Truran (151 Baxter Lane), Ben Woody, and Donna Voliva appeared before the board and were sworn in.

Ms. Voliva presented the staff report.

Mr. Cooper asked how far off the property line will the cul-de-sac to the north be?

Ms. Voliva said it is just to the south of the ditch that exists, which is approximately a 5 to 10 foot separation. This project will be subject to the current stormwater manual.

Mr. Cooper asked what is the proposed density vs. the allowed density.

Ms. Voliva said the project density is 1.17 units per acre; and with the conditional rezoning, that was approved, they are allowed 20,000 sq. ft. minimum lot size and a total of 59 lots are proposed.

Mr. Bissell provided an overview of the project. The project will be done in the MXR District which has a higher level of design. All lots have been approved by the health department as provisional suitable. All lots back up to open space and buffering will be Type B. This request is consistent with the Moyock Small Area Plan and the Land Use Plan. Three community meetings have been held and the primary concerns were drainage. They have proposed improvements to the drainage onsite as well as off-site, which is more than what the conditional rezoning conditions call for. Mr. Bissell said they are constructing a new bypass drainage system that takes all the water coming from the northeast, under Hwy. 168 and the railroad and routing it around the site. The ditch that currently runs down the Truran property line and taking 80-90 percent of the water out of this ditch by bypassing it. They will be putting a new ditch and new culvert in, which will be a 60" pipe under Baxter Lane and moving the existing culvert.

Mr. Cooper opened the public hearing.

Mr. Truran said he is concerned with existing drainage issues, ditches not being cleaned out, and this request will decrease property values. Mr. Truran said he owns a 10 acre lot. When these lots were developed it was called Martha Vineyard. Because of the poor drainage on this property, the county would not put three acre lots on it. The last two 10 acre lots are currently zoned agricultural and cannot be subdivided unless retention ponds are installed. Mr. Truran provided pictures of his property during a heavy rain.

Mr. Cooper said this development will have to adhere to the new stormwater manual regulations.

Mr. Craddock asked Mr. Truran does the stormwater pond on his property help with his drainage on his lot.

Mr. Truran said yes.

Mr. Bissell said Mr. Truran is right that the drainage he has right now is terrible; but with what they are proposing will take approximately 80-90 percent of the water out of his ditch. The project will have two stormwater ponds onsite and this will help substantial help improve the drainage.

Mr. Whiteman asked what will be done to mitigate flooding to surrounding properties during construction.

Mr. Bissell said an erosion and soil plan will be submitted.

Mr. Bell asked if anything can be done to evaluate and improve the water downstream to the creek.

Mr. Bissell said there is a hairpin turn at the end of NCDOT maintenance where a substandard culvert is located and drains to the creek.

Mr. Cooper closed the public hearing.

Mr. Bell made a recommendation that it be looked into how culvert at the hairpin turn could be enlarged.

Mr. Cooper asked if a ditch or culvert that is on private property, which gets hundreds of acres of land that drains and gets clogged up; does the stormwater manual address this issue.

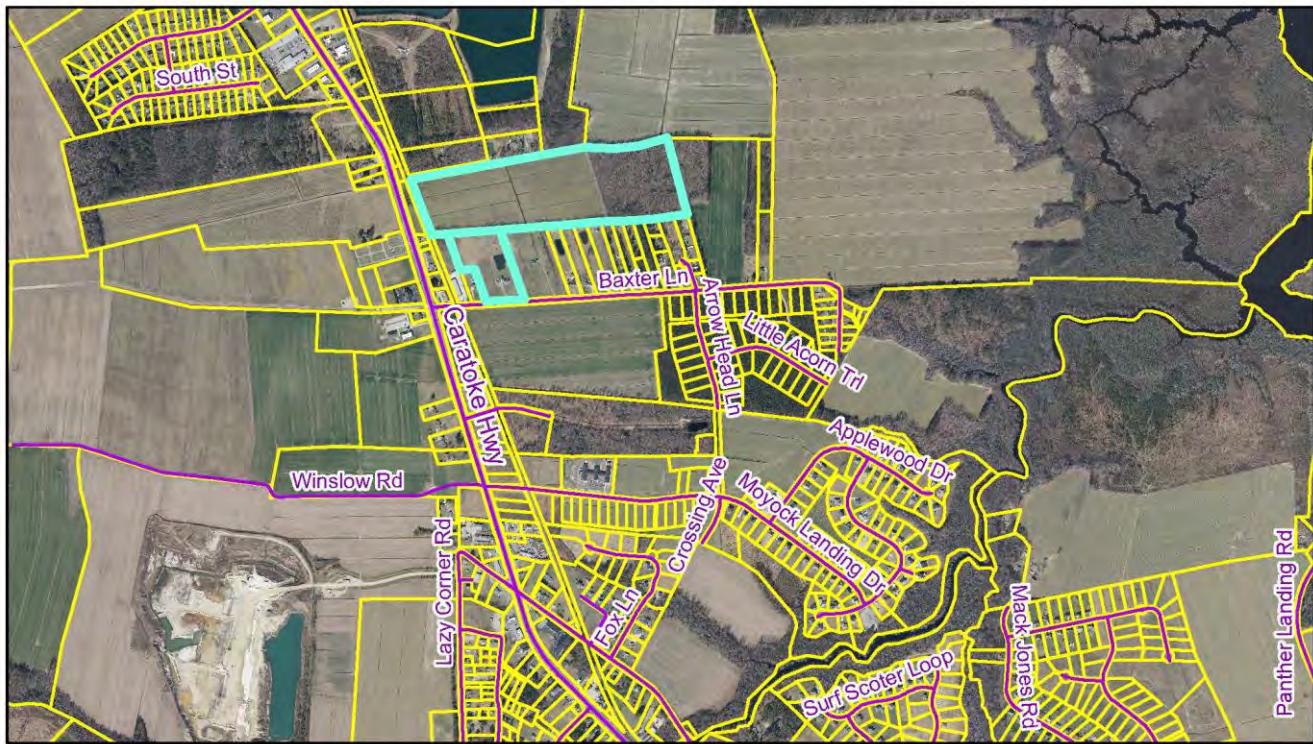
Mr. Woody said this is why there is a high retention standard onsite to avoid over straining the outfalls.

Mr. Craddock asked if there is a way the Planning Board could recommend to the Board of Commissioners to recommend to NCDOT to look into county ditches?

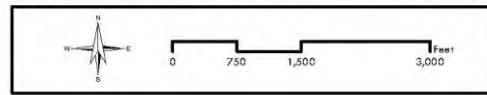
Mr. Woody said the board should provide a motion and vote for this request, then after this may make a statement asking the Board of Commissioners to look into the this issue.

Mr. Cooper said he and the board received an email from Charles and Kathleen Kemp and the majority of their concerns have been discussed by the board tonight.

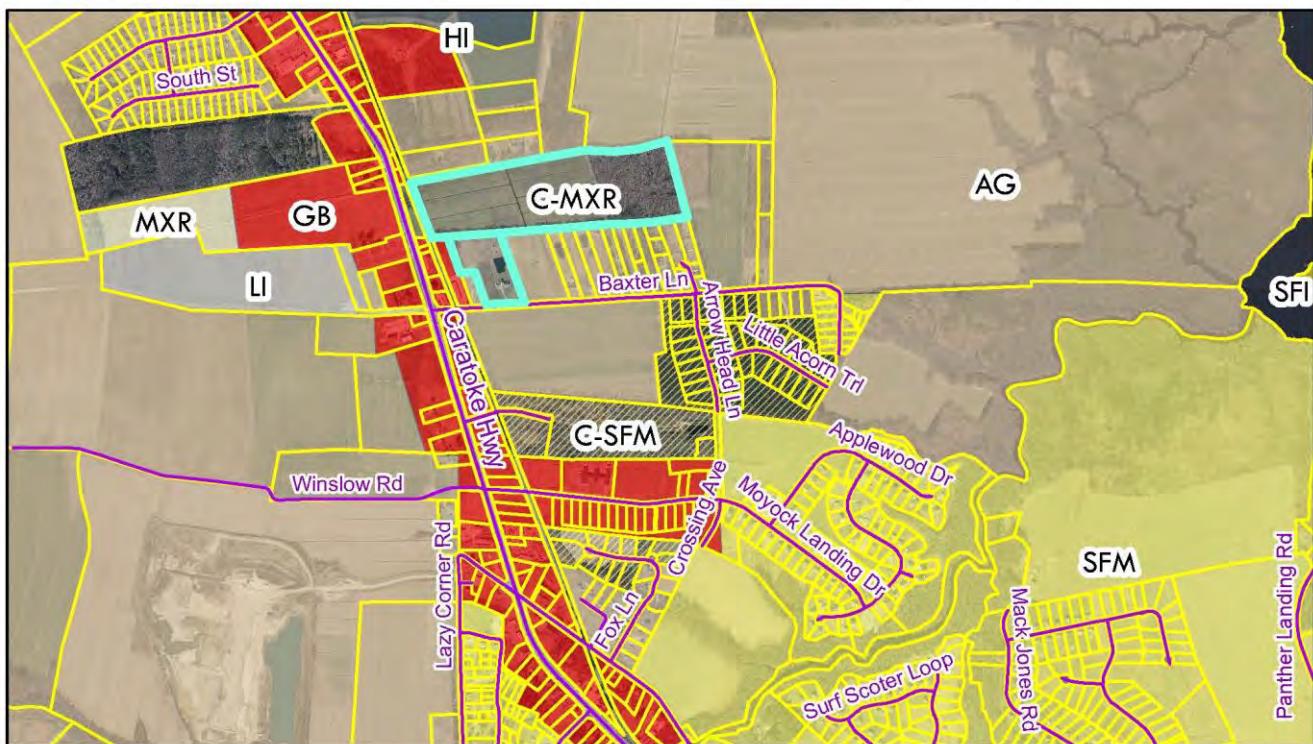
Mr. Cartwright moved to approve PB 16-06 as presented with staff recommendations, use will not endanger the public health or safety, the use will not injure the value of adjoining or abutting land and will be in harmony with the area in which it is located; the use will be in conformity with the Land Use Plan or other officially adopted plans; and the use will not exceed the county's ability to provide adequate public facilities. Mr. Craddock seconded the motion carried unanimously.



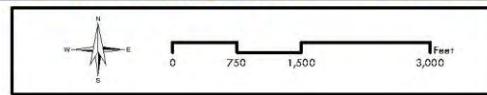
PB 16-06
WINDSWEPT PINES
Aerial Map



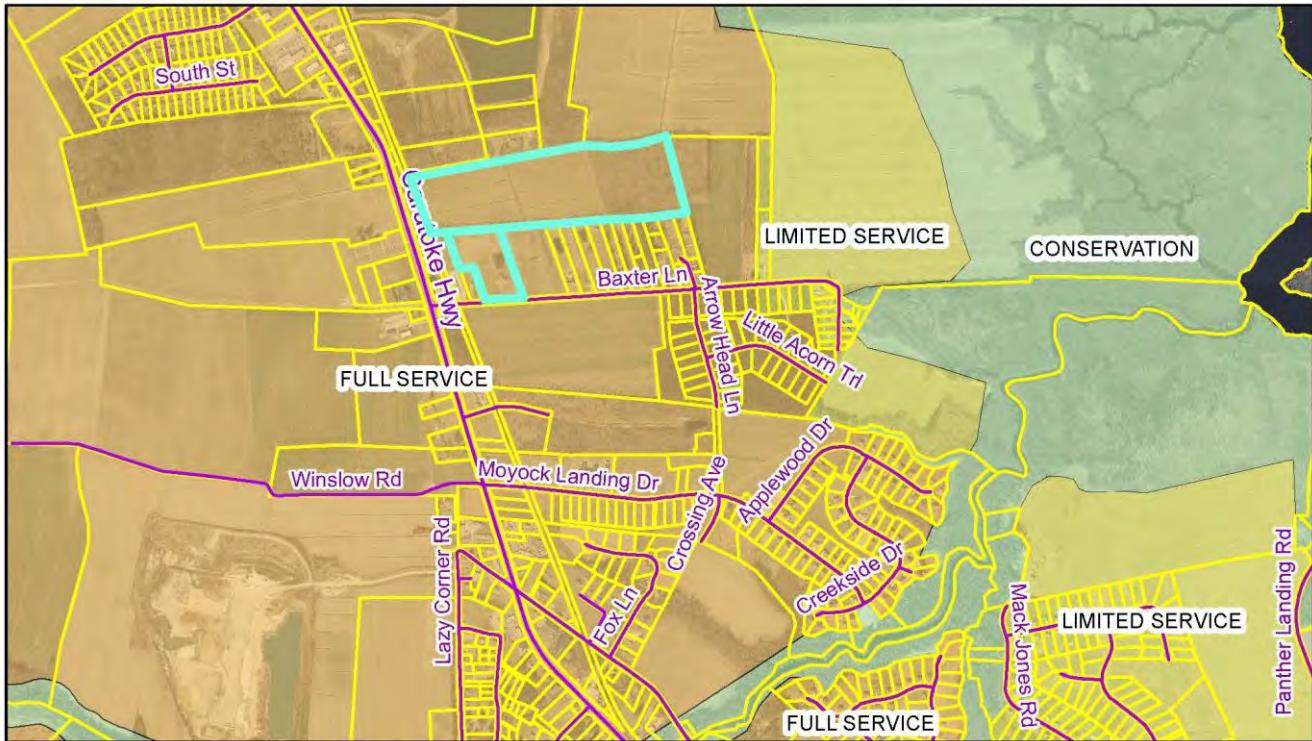
Currituck
County
Planning and Community
Development



PB 16-06
WINDSWEPT PINES
Zoning



Currituck
County
Planning and Community
Development



PB 16-06
WINDSWEPT PINES
Moyock SAP FLU Map



Currituck County
Planning and Community
Development



Major Subdivision Application

OFFICIAL USE ONLY:

Case Number: _____

Date Filed: _____

Gate Keeper: _____

Amount Paid: _____

Contact Information

APPLICANT:

Name: Allied Properties, LLC
 Address: P.O. Box 743
 Moyock, NC 27958
 Telephone: 252-435-2718
 E-Mail Address: jold@qualityhomesofcurrituck.com

PROPERTY OWNER: Virginia L. Parker, Jennifer P. Cahoon, Cari C. Parish, Mark A. & Penny K. McCrary

Name: _____
 Address: 508 Hollygate Lane 131 Baxter Lane
 Chesapeake, VA 23322 Moyock, NC 27958
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Request

Physical Street Address: NC 168 just north of Baxter Lane

Parcel Identification Number(s): 000900000060000, 0009000011G0000

Subdivision Name: Windswept Pines

Number of Lots or Units: 1 Developed; 58 New Lots

Phase: _____

TYPE OF SUBMITTAL

- Conservation and Development Plan
- Amended Sketch Plan/Use Permit
- Preliminary Plat (or amended)
 - Type I OR Type II
- Construction Drawings (or amended)
- Final Plat (or amended)

TYPE OF SUBDIVISION

- Traditional Development
- Conservation Subdivision
- Planned Unit Development
- Planned Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.


 Property Owner(s)/Applicant*

2-25-16

Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Community Meeting, if applicable

Date Meeting Held: February 22, 2016 Meeting Location: Moyock Library



Use Permit Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Allied Properties, LLC
 Address: P.O. Box 743
Moyock, NC 27958
 Telephone: 252-435-2718
 E-Mail Address: jold@qualityhomesatcurrituck.com

PROPERTY OWNER: Virginia L. Parker, Jennifer P. Cahoon, Cari C. Parish, Mark A. & Penny K. McCrary

Name: _____
 Address: 508 Hollygate Lane 131 Baxter Lane
Chesapeake, VA 23322 Moyock, NC 27958
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: Caratoke Highway, Moyock, NC

Location: NC 168 just north of Baxter Lane

Parcel Identification Number(s): 000900000060000, 0009000011G0000

Total Parcel(s) Acreage: 46.84

Existing Land Use of Property: Single Family Subdivision

Request

Project Name: Windswept Pines

Proposed Use of the Property: Single Family Mainland

Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB 44/Pg. 284 - DB 511/Pg. 741

Total square footage of land disturbance activity: _____

Total lot coverage: _____

Total vehicular use area: _____

Existing gross floor area: _____

Proposed gross floor area: _____

Community Meeting

Date Meeting Held: February 22, 2016 Meeting Location: Moyock Library

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____

Please see attached sheet.

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

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

Please see attached sheet.

B. 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.

Please see attached sheet.

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

Please see attached sheet.

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Please see attached sheet.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.


Property Owner(s)/Applicant*

2-25-16

Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Use Permit Application
Page 6 of 8

Purpose:

The Windswept Pines Subdivision proposes the division of approximately 47 acres into a subdivision of 58 single-family lots, along stormwater improvements and open space areas. Open space set-asides exceed the UDO requirements; stormwater management and erosion control are provided in accordance with the new Currituck stormwater manual and the new UDO, and in accordance with the conditional zoning conditions that were agreed to with the Board of Commissioners.

Suggested Findings:

- A. The use will adhere to County health and safety standards, the need to cross the railroad has been eliminated, all lots will front on low-speed interior streets, and will be served with public water supply. The project should not adversely affect the public health or safety.
- B. Land to the south has been developed into single family homes; the homes that will be constructed in this subdivision will be similar to existing homes in the area. Appropriate landscape buffers and farm buffers are provided, and existing drainage concerns are being addressed. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.
- C. The Moyock Small Area Plan classifies this area as Full Service. The proposed development density is only 1.24 units per acre, well below the densities of 1.5 to 3 units per acre envisioned in the Moyock Small Area Plan.

The following Land Use Plan policies are relevant to and support this request:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

POLICY HN2: The County shall ... encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.

POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development.

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development.

POLICY WQ3: Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.

In addition, the following policies from the Moyock Small Area Plan are applicable:

POLICY IS4: Insure that stormwater runoff, soil erosion and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

POLICY IS5: Encourage retrofitting of NCDOT drainage infrastructure to manage nuisance flooding.

- D. Currituck County has adequate public facilities to serve the proposed subdivision.



CURVE TABLE						CURVE TABLE						CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	10.58'	25.00'	10.50'	S33° 17' 31"E	2414'59"	C30	47.68'	60.00'	46.44'	N58° 07' 13"E	453'205"	C58	41.60'	25.00'	36.96'	N21° 09' 53"E	95'201"
C2	3.70'	60.00'	3.70'	S43° 39' 02"E	3'31'56"	C31	55.19'	60.00'	53.26'	S72° 45' 38"E	52'41'59"	C59	73.51'	775.00'	73.48'	N29° 13' 57"W	5'26'05"
C3	94.07'	60.00'	84.73'	S3° 01' 52"W	89'49'52"	C32	59.64'	60.00'	57.21'	S17° 56' 12"E	56'57'03"	C60	79.16'	775.00'	79.13'	N34° 51' 52"W	5'51'09"
C4	18.59'	60.00'	18.51'	S56° 49' 19"W	17'45'04"	C33	24.77'	60.00'	24.60'	S22° 21' 29"E	23'39'18"	C61	20.85'	825.00'	20.85'	N37° 04' 24"W	1'26'54"
C5	18.59'	60.00'	18.51'	N78° 44' 54"W	17'45'04"	C34	23.55'	25.00'	22.69'	S7° 12' 35"W	53'58'05"	C62	100.13'	285.00'	100.06'	N32° 51' 52"W	6'57'13"
C6	123.87'	60.00'	103.02'	N5° 39' 40"W	118'17'20"	C35	31.33'	25.00'	29.32'	S55° 40' 50"E	71'48'45"	C63	100.01'	825.00'	99.94'	S28° 54' 55"E	6'56'43"
C7	32.57'	25.00'	30.32'	N16° 09' 30"E	74'39'02"	C35	3.49'	275.00'	3.49'	S75° 32' 23"W	0'43'36"	C64	43.78'	825.00'	43.78"	N20° 55' 28"W	3'02'26"
C8	39.27'	25.00'	35.36'	N66° 10' 01"W	90'00'00"	C36	166.06'	947.18'	165.85'	N84° 08' 19"E	10'02'43"	C65	33.51'	325.00'	33.49"	N16° 26' 58"W	5'54'25"
C9	56.90'	325.00'	56.82'	S63° 49' 04"W	10'01'50"	C37	61.61'	947.18'	61.60'	N75° 43' 29"E	3'43'38"	C66	173.74'	789.96'	173.39'	N16° 20' 13"W	12'36'03"
C10	63.13'	325.00'	63.03'	S45° 36' 49"W	1107'48"	C38	109.89'	875.00'	109.82'	N77° 40' 42"E	71'44"	C67	29.42'	200.00'	29.39'	N26° 51' 04"W	8'25'38"
C11	36.69'	375.00'	36.67'	S42° 58' 29"W	5'36'20"	C39	44.09'	25.00'	38.60'	N30° 45' 03"E	1010'301"	C68	34.23'	1016.38'	34.23"	N31° 03' 53"W	1'55'47"
C12	100.82'	375.00'	100.52'	S53° 21' 42"W	15'24'17"	C40	38.92'	325.00'	38.90'	N23° 12' 18"W	6'51'40"	C69	69.10'	140.17'	68.40"	N17° 54' 27"W	28'14'38"
C13	96.91'	375.00'	96.64'	S68° 29' 59"W	14'48'24"	C41	23.55'	25.00'	22.69'	N53° 37' 10"W	53'58'05"	C70	51.26'	300.00'	51.19"	N8° 34' 52"W	9'47'21"
C14	73.96'	275.00'	73.73'	S67° 28' 19"W	15'24'32"	C42	79.75'	60.00'	74.01'	N42° 31' 25"W	76'09'36"	C71	37.17'	200.00'	37.12"	N18° 48' 01"W	10'38'57"
C15	26.37'	575.00'	26.37'	S61° 04' 53"W	2'37'39"	C43	45.50'	60.00'	44.41'	N17° 16' 46"E	4'32'64"	C72	346.36'	840.00'	343.91"	S12° 18' 44"E	2'33'30"
C16	103.70'	575.00'	103.56'	S70° 02' 58"W	10'19'59"	C44	39.97'	60.00'	39.24'	N58° 05' 21"E	3810'23"	C73	92.56'	275.00'	92.13"	N9° 45' 37"W	19'17'06"
C17	109.05'	575.00'	108.89'	S80° 38' 57"W	10'51'59"	C45	48.87'	60.00'	47.53'	S7° 29' 11"E	4'64'01"	C74	9.56'	775.00'	9.56"	S19° 45' 22"E	0'42'24"
C18	100.60'	825.00'	100.54'	S83° 02' 06"W	6'59'11"	C46	52.02'	60.00'	50.41'	S31° 18' 48"E	49'40'43"	C75	100.18'	784.63'	100.11"	S23° 48' 45"E	7'18'54"
C19	100.60'	825.00'	100.54'	S83° 03' 06"W	6'59'11"	C47	35.40'	60.00'	34.89"	S10° 25' 44"W	3'34'822"	C76	136.50'	768.09'	136.32"	S32° 33' 40"E	10'10'56"
C20	78.88'	825.00'	78.85'	S76° 49' 11"W	5'28'41"	C48	44.91'	375.00'	44.88"	S23° 12' 18"E	6'51'40"	C77	2.49'	775.00'	2.49"	S37° 41' 55"E	0'11'02"
C21	23.83'	1025.00'	23.83'	S74° 44' 47"W	1'19'55"	C49	33.17'	25.00'	30.79'	S57° 46' 45"E	76'00'35"	C78	100.83'	825.00'	100.77"	S34° 17' 22"E	7'00'09"
C22	105.82'	1025.00'	105.77'	S78° 22' 14"W	5'54'55"	C50	182.41'	525.00'	181.49'	N74° 15' 45"E	19'54'26"	C79	100.05'	825.00'	99.99"	S27° 18' 50"E	6'56'54"
C23	105.81'	1025.00'	105.76'	S84° 17' 06"W	5'54'52"	C51	16.55'	525.00'	16.55"	N60° 40' 15"E	1'48'23"	C80	38.48'	825.00'	38.48"	S22° 30' 12"E	2'40'22"
C24	30.40'	1025.00'	30.40'	S88° 05' 31"W	1'41'58"	C52	91.53'	325.00'	91.22"	N67° 00' 07"E	16'08'08"						
C25	66.36'	970.63'	66.34'	S87° 02' 23"W	3'55'01"	C53	7.42'	325.00'	7.42"	N75° 14' 55"E	1'18'32"						
C26	45.71'	25.00'	39.60'	N32° 42' 14"E	10'45'17"	C54	104.19'	325.00'	103.74"	N65° 24' 36"E	18'22'05"						
C27	23.55'	25.00'	22.69'	N46° 45' 30"W	5'35'05"	C55	91.56'	325.00'	91.26"	N48° 09' 19"E	16'08'30"						
C28	65.99'	60.00'	62.71'	N42° 14' 03"W	6'300'59"	C56	100.42'	375.00'	100.12"	N49° 04' 46"E	15'20'33"						
C29	48.36'	57.83'	46.97'	N12° 18' 51"E	475'453"	C57	59.07'	375.00'	59.01"	N64° 19' 12"E	9'01'33"						



Currituck County

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

MEMORANDUM

To: Allied Properties, LLC
 Bissell Professional Group

From: Donna Voliva, Sr. Planner

Date: March 11, 2016

Re: PB 16-06 Windswept Pines, Preliminary Plat/Use Permit TRC Comments

The following comments have been received for the March 16, 2016 Technical Review Committee meeting. In order to be scheduled for the April 12, 2016 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on March 21, 2016. TRC comments are valid for six months from the date of the TRC meeting.

Planning, (Donna Voliva 252-232-6032)

Approved with corrections:

1. Provide a copy of the written document identifying recognized interest in the land. We have a copy of the 2014 contract; is that contract still valid?
2. Please clarify which ordinance you are requesting this plan to be reviewed under.
3. Provide copies of the lot evaluations performed for each lot.
4. All lots shall meet a minimum lot width of 100 feet.
5. The reserve utility open space (RUOS) is identified on multiple areas of the proposed open space including ditches. Please demonstrate how this area will meet the requirements of the UDO to the satisfaction of the county engineer.
6. General Note #10 should reflect the riparian buffer restrictions of the UDO.
7. The conditional rezoning request included the lot (PIN 0009000011G0000) located at the entrance of the subdivision (as a lot) within the development and should be included in the overall calculations.
8. Clarify the total lot area. The total tract(s) should be identified on the plan and indicate which acreages are not a part of this preliminary plat review.
9. All corner lots shall contain a 5' non access buffer along the more travelled road.
10. Provide a description of how the zoning conditions are being met; specifically, conditions 3, 4, and 5).
11. Two minimum access points shall be provided. Provide legal documentation authorizing access connection to the private road to the north and intent to construct.
12. Clarify the intended maintenance of the proposed streets (HOA or NCDOT).
13. Without a legend, it appears that only two tree species are proposed along the proposed streets. The Administrative Manual will require four different species.
14. Drainage easements shall be identified along ditches that drain more than 5 acres.
15. The preliminary plat shall contain the following additional information:
 - a. Zoning conditions
 - b. Wetland jurisdictional boundaries
 - c. Riparian Buffers

- d. Legend for sidewalks and other features on the plan
- e. State route number for Baxter Lane
- f. Type A bufferyard along all perimeters that adjoin a residential subdivision or AG zoning district with selected widths (10' or 25') and minimum planting requirements.
- g. Adjacent land use and zoning district for each lot.

Currituck County Building Inspections (Bill Newns, 252-232-6023)

Reviewed

Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6034/Currituck Soil and Water (Will Creef, 252-232-3360)

Reviewed

- 1. No comment at this time. Stormwater reviewed at construction drawing submittal.

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

Reviewed

- 1. No new construction may occur where the needed fire flow is greater than the available flow (Using the ISO Method).
- 2. A not will be placed on the plan as to what the designed fire flow is.
- 3. Hydrant located on lot 41 appears to be 575' from lots 36 and 37.

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

Reviewed

- 1. Addresses will be assigned by GIS during Final Plat review.
- 2. Street Names:
 - a. Alden (name) Run (type) is approved.
 - b. Parrish Point (name) is approved, please include a street type (Ln, Cir, Dr, Rd, St, etc)
 - c. Anvil Bend (name) is approved, please include a street type.
 - d. Snoozy Manor (name) is approved, please include a street type.
 - e. Zeta Green (name) is approved, please include a street type.

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

No comment

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

Approved

- 1. Future comments for construction drawings:
 - a. Place two valves at all tees.
 - b. Use 4" water line from the 8" line to all cul-de-sacs.
 - c. Do a flow model for the subdivision.

Currituck County Code Enforcement (Stacey Smith, 252-232-6027)

No comment

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

Reviewed

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

NCDOT (Randy Midgett, 252-331-4737)

Reviewed

1. Driveway and Encroachment Agreement is required.

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

No comment

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

Reviewed

1. Two sites, 31CK70 and 31CK86 are nearby the proposed development. 31CK86 has been determined not eligible for the National Register of Historic Places. No further work has been recommended. 31CK70 is a cemetery and is located outside of the project footprint. As a result, an archaeological survey is not recommended.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 – 11"x17" copies of the plan.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.

Windswept Pines at Currituck Property

Third Community Meeting

Monday, February 22, 2016

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

We waited for late arrivals until about 6:10 pm

Attendees: (See attached sign-in sheet)

Arlene Vaughan
 Mark & Penny McCrary
 Ezza Bright
 Joe W. Bright
 Bertrille B. Lomax

Rich Truran
 Roy Cartwright
 Justin Old – Allied Properties
 Mark Bissell - Engineer

Comments from the Community	How Addressed
Still concerned about stormwater.	Plan has been changed to divert most of stormwater to Baxter Lane outfall via a new bypass ditch & large culvert.
Water from field to north drains to the north, northeast	A portion of drainage from land from the north will outfall to the northeast.
Are there deed restrictions to further dividing property?	Legal matters are outside our scope of work.
Williams pit pumps water into ditch before hurricane	Bypass should accommodate.
Water pushed up from sound during hurricanes.	Subdivision drainage cannot be designed to accommodate hurricanes.
Has the plan changed?	The drainage plan has changed but the subdivision plan is substantially the same.

Summary:

We took the opportunity to review the development plan and to explain the drainage improvements that the developer has proposed to improve existing drainage conditions. Those improvements include:

- **Installing a new large bypass ditch around the site to the drainage outfall; diverting most of the stormwater away from Truran/Ward ditch.**
- **Installing a new primary outlet culvert under Baxter Lane**
- **Isolating the subdivision drainage from the northern stormwater runoff can be routed to the northeast. Property line ditch that drains properties to the north, and allowing a portion of that off-site drainage to outlet to the northeast.**
- **Detaining the subdivision drainage from the design storm onsite in new stormwater ponds and outletting those ponds to the new bypass drainage ditch.**

The meeting was adjourned at about 7:20 pm.

Community Meeting Sign-in Sheet
2/22/16
Windswept Pines

NAME	ADDRESS	TELEPHONE	EMAIL
Mark & Bonnie McCown	131 Bayton Shore 433 Neck Rd Chesapeake, VA 23322		avanghan@embarcadero.com
Joe W. Bright	433 Neck Road Chesapeake, VA 23322		
Bertrille B. Lomax	437 Neck Rd Chesapeake, VA 23322		
Richter Rau	151 BAXTER Lane Moyock NC 27958		
Roy Cartwright	123 Cartwright Rd. South Mills N.C 27976		

Windswept Pines Community Meeting- Outline of Presentation

February 22, 2016

A. Housekeeping –

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

B. What is the Request?

- Preliminary Plat Application
- Next step in the approval process – after conditional zoning & before construction plans

C. The Process:

- Conditional Zoning approval
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

Then:

- Construction drawing application
- Construction
- Final plat application

D. The Plan:

- Still proposing 20,000 sq ft minimum lots
- Rework existing drainage to relieve flooding problem
- Then have 30% open space with stormwater ponds to hold 6"+/- of rainfall on site
- Woodlands reserved – not part of this plan

February 10, 2016

RE: Community Meeting for Preliminary Plat Application for Windswept Pines

Dear Property Owner:

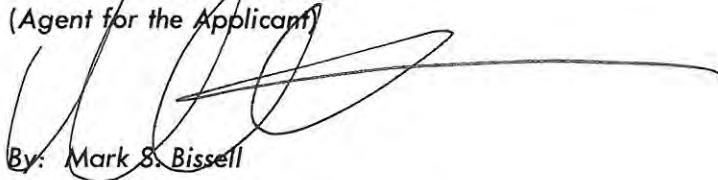
We would like to invite you and nearby property owners to another community meeting regarding an upcoming preliminary plat application for the undeveloped Windswept Pines subdivision. Allied Properties, LLC is proposing to develop approximately 69 acres for a residential subdivision. The property is described as tax parcels 0009-000-0006-0000 & 0009-000-011G-0000, located off Baxter Lane in Moyock, NC.

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

Since the last community meeting, comments regarding drainage have been considered, resulting in a re-design to significantly improve the existing drainage system. We look forward to the opportunity to share our proposed solution for the existing drainage problem.

The community meeting will be held on Monday, February 22, 2016 at 6:00 pm sharp, at the Moyock Library located on Campus Drive off Tulls Creek Road.

Sincerely,
Bissell Professional Group
(Agent for the Applicant)


By: Mark S. Bissell

cc: Currituck County Planning and Community Development

Currituck F & W Land Co., LLC
P.O. Box 7100
Virginia Beach, VA 23457

Moyock Memorial Cemetery Inc.
Memorial Cemetery Inc. .
230 Caratoke Hwy.
Moyock, NC 27958

Beatrice M. Franklin Trustee
P.O. Box 759
Moyock, NC 27958

William J. Busby
Anne J. Saunders Rev Trust
Luna J. Cuttino Estate
c/o Charles T. Busby
701 Blue Point Drive
Wilmington, NC 28411

James Eric & Rebecca Leigh Klotz
247 Caratoke Hwy.
Moyock, NC 27958

James L. & Tiffany G. Hargreaves
119 Baxter Lane
Moyock, NC 27958

Michael A. Eisel
Kathryn N. Russell
205 Baxter Lane
Moyock, NC 27958

C.H. & Catherine L. Bryant Trust
C/O C.W. Bryant
652 Independence Pkwy. Ste.#110
Chesapeake, VA 23320

Arlene W. Vaughan
187 Caratoke Hwy.
Moyock, NC 27958

Thomas E. & Margie P. Henderson
c/o Richard L. Rhine
P.O. Box 72
Moyock, NC 27958

Douglas B. Coleman & Donna B.
Coleman
110 Jae Court
Moyock, NC 27958

Shade Tree Custom Homes & Dev. LLC
231 Caratoke Hwy.
Moyock, NC 27958

Paulette R. Hill
16457 NC Hwy. 32 North
Roper, NC 27970

Roy Lee Cartwright
123 Cartwright Road
South Mills, NC 27976

Ronald A. Anoia
125 Vincent Drive
Moyock, NC 27958

William H. Vaughan
C/O Richard L. Rhine
P.O. Box 72
Moyock, NC 27958

Lynwood Lee Jones Jr.
201 Baxter Lane
Moyock, NC 27958

Danny Thomas Klein
119 Ferncliff Drive
Williamsburg, VA 23188

Robert & Leanne Klein
183 Baxter Lane
Moyock, NC 27958

William A. Woodard, Jr.
197 Baxter Lane
Moyock, NC 27958

Martin T. & Joy Roby Macvittie
179 Baxter Lane
Moyock, NC 27958

Deloris Michaelangelo
173 Baxter Lane
Moyock, NC 27958

Amanda & Jessie Ward
167 Baxter Lane
Moyock, NC 27958

Richard R. & Kate W. Truran
151 Baxter Lane
Moyock, NC, 27958

Mark A. & Penny K. McCrary
131 Baxter Lane
Moyock, NC 27958

ABLX LLC
378 Caratoke Hwy.
Moyock, NC 27958

Charles A. Jr. & Kathleen B. Kem
189 Caratoke Hwy.
Moyock, NC 27958

Ruby Bright
437 Neck Road
Chesapeake, VA 23322

NC Dept. Of Transportation
District Engineers Office
1929 N. Road Street
Elizabeth City, NC 27909

Virginia L. Parker
Jennifer P. Cahoon
Cari C. Parrish
508 Hollygate Lane
Chesapeake, VA 23322



The Coastal Experts

Currituck County

Engineering Stormwater Management Plan Report

Narrative and Basis of Design

Project:

Windswept Pines Subdivision

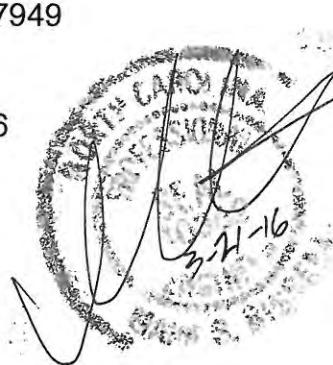
Moyock Township, Currituck County, North Carolina

Prepared By:

Bissell Professional Group

P.O. Box 1068
3512 N. Croatan Highway
Kitty Hawk, North Carolina 27949

February 25, 2016
Amended March 21, 2016



STORMWATER MANAGEMENT NARRATIVE:**PROPOSED DEVELOPMENTAL ACTIVITIES**

The intent of the stormwater management design, to the maximum extent possible, is to employ best management practices through the use of vegetative conveyances, vegetative buffers and wet-detention BMP's to serve the proposed development. As a whole, the development will consist of 58 residential single family home lots served by four roads located on a 46.84 acre tract of land. The proposed Windswept Pines subdivision is located off of Baxter's Lane, just east of NC 168 in Moyock Township, Currituck County, North Carolina.

The proposed developmental activities include the following:

- a) Construction of (58) single family residential home parcels with a minimum lot size of 20,000 square feet
- b) Construction of about 3,820 l.f. of typical asphalt subdivision road with swales and sidewalks on both sides of the street, and 2 cul-de-sacs
- c) Water line installation
- d) Drainage and Stormwater BMP Improvements

The project will be constructed in 2 Construction Phases.

SITE SOILS

The following is a summary of the soils typically found within the project boundary limits:

SOIL DESCRIPTION

The entire site has been mapped as:

Ro: Roanoke Fine Sandy Loam: Nearly level, poorly drained soil on broad flats and in slightly depressed waterways. Permeability is slow with a seasonal high water table at or near the surface. Permeability in the first 45" of soil is described as being 0.06 in/hr – 0.2 in/hr.

A seasonal high water table elevation of about 18" below land surface is approximated in the area of the development's proposed BMP's based on a preliminary site investigation.

- *Information referenced from United States Department of Agriculture, Soil Conservation Service, Soil Survey of Currituck County, North Carolina*

EXISTING SITE TOPOGRAPHY AND DRAINAGE FEATURES

The site's topography is gently sloping from west to east, with existing drainage outlets flowing south from the middle of the site, and to the northeast from the northern property line ditch.

Elevations across the property range from approx 7' to 9' msl. There is an existing drainage ditch network, which has been studied and will be treated as discussed below.

Land use in the area is predominately residential development and farmland.

METHODOLOGY OF MANAGING STORMWATER RUNOFF

In addition to NCDENR's low-density permitting requirements, the development will also be designed in accordance with Currituck County's UDO and the Stormwater Management Plan requirements for Major Subdivisions as outlined in the County's Stormwater Manual and as follows.

Currituck County requires that all major subdivisions provide adequate stormwater controls to retain the-post development 10-year, 24-hour peak discharge so that it does not release a peak discharge greater than the 2-year, 24 hour peak discharge using a wooded site condition, regardless of actual pre-development site conditions.

It will also be designed to meet the conditions that were placed on the conditional zoning approval by the Currituck County Board of Commissioners. Those conditions regarding drainage improvements are:

- Condition 3: Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
- Condition 4: Perform an evaluation of existing main ditch along Truran/Ward property line from site to Baxter's Lane and if warranted, seek permission to improve ditch cross-section.
- Condition 5: Explore the possibility of routing a portion of stormwater runoff to the northeast.

STORMWATER RUNOFF COLLECTION AND MANAGEMENT

Existing Drainage Pattern:

An analysis has been performed of both drainage patterns external to the site and within the site, as well as drainage along the Truran/Ward property line as requested by the County Commissioners. Exhibits A & B show the approximate drainage areas that contribute to the site. Exhibit A shows drainage that flows under NC 168 and the railroad to the northern property line ditch on this site. Exhibit B shows the approximate drainage area that is contributing to what we are referring to as Ditch "A", which is the ditch that runs along the northern property line of the development. Exhibit C shows the existing drainage pattern within and adjacent to the site. This exhibit shows the main drainage ditches labeled "A" thru "H" and "K", as well as existing farm ditches which drain to Ditch "B".

The majority of the stormwater that flows under NC 168 and the Chesapeake and Albemarle Railroad flows through Ditch "A" to Ditch "B" and then outlets along Ditch "F" through a 48" pipe under Baxter's Lane to the Baxter's Lane outfall ditch, although a portion of that stormwater appears to flow through Ditches "C" and "D". Ditch "C" also eventually connects to outlet Ditch "F", but Ditch "D" conveys a portion of the stormwater to the northeast.

Analysis and Action Plan:

It is apparent that the main outfall ditches across the site in the Truran/Ward property (Ditches "B" & "F") are undersized for the amount of stormwater that is conveyed through the site. Property owners to the north of the site have also complained of inadequate existing stormwater measures. During the analysis it became apparent that a good solution to these problems would be the construction of a new, large bypass ditch that will be designed to handle the entire flow of stormwater that is being received from off site from the northwest.

The proposed drainage plan is attached as Exhibit "B". This plan shows the following key elements:

1. Construction of a new main drainage Ditch "J" along the western property line of the residential development to a new 60" culvert under Baxter's Lane to the Baxter's Lane outfall. This outfall ditch will relieve Ditches "A", "B", "C", "E", "F", "G" by removing approximately 90% of the existing runoff from that drainage system, leaving only about 10% of the stormwater to flow through Ditch "F" along the Truran/Ward property line to the existing 48" CMP outfall.
2. Ditch "A" will be plugged at the northwest corner of the site and will then be available to handle stormwater that drains to the site from the northern drainage area shown in Exhibit "B".
3. Existing Ditch "B" will be plugged at the north property line and will be utilized for internal drainage.
4. Ditches "C" & "D" will remain open and will convey stormwater from Ditch "A" to existing outfalls both the northeast and the south.
5. Ditch "G" will be utilized only for onsite drainage.
6. Ditches "H", "K" & "L" will remain open to drain adjacent properties.
7. Three stormwater ponds labeled Stormwater BMP1, 2 & 3 will store runoff from the roadways and lots within the development and will then overflow to the new bypass drainage Ditch "J", and through the new 60" culvert to the Baxter's Lane outfall ditch.

In this manner, drainage that is internal to the development will be completely isolated from the surrounding drainage areas, will be managed through vegetative swales and onsite BMP's, and will flow to a completely new outfall. Since about 90% of the stormwater is being removed from Ditch "F", no improvements are being proposed to the Truran/Ward ditch at this time.

We believe that this plan meets and exceeds the conditions that were agreed to as part of the conditional zoning approval. Specifically, the conditions are being addressed as follows:

- Condition 3: A new culvert is being installed under Baxter's Lane to improve off-site drainage, in addition to leaving the existing culvert in place.
- Condition 4: As a result of the stormwater evaluation, the majority of the stormwater is being routed around the site and therefore eliminated from the Truran/Ward property line ditch; therefore, no improvements should be needed to the ditch cross-section.
- Condition 5: It was determined that a portion of the stormwater runoff does flow to the northeast, and stormwater will continue to flow in that direction based on that ditch's cross-sectional capacity.

For the internal drainage, in general, rainfall runoff from the residential lots will primarily sheet flow overland into vegetative swales. Runoff from the roadways will be collected in shallow swales and outlet periodically to new vegetative swales which will convey runoff to the wet-detention BMP's as illustrated on the preliminary drawings and as described above. Drawdown from the BMP's will be handled via typical drawdown devices and overflow be will be managed through typical spillways. Discharge from all three drawdown devices, and the overflow spillways will be directed to the new outfall ditch. Swales will act as broad, shallow, vegetative filters, constructed with side slopes of 3:1 or greater and vegetated with grass. Longitudinal slopes are being kept relatively flat, to provide for low velocity flows, thereby aiding infiltration and sediment removal in accordance with passive best management practices.

STORMWATER MANAGEMENT OVERVIEW

The following information is in conformance with the Currituck County Unified Development Ordinance:

- 1) Proposed impervious coverage of less than 30% for each residential lot.
- 2) Provision of vegetative conveyance swales to collect and transport stormwater runoff from all impervious surfaces to the three proposed BMPs.
- 3) Provision of three wet-detention BMP's with drawdown devices and overflow spillways that outlet to adjoining outlet ditches. The BMP's are designed with about 24 inches of storage depth to manage the design storm.
- 4) Provision of vegetative buffers.
- 5) The lower half of the site lies entirely in a Shaded X FIRM, so building pad and first floor elevations will be dictated by the stormwater analysis at the preconstruction approval stage, as well as by the Health Department. The higher half of the site is in a firm AE zone, and building elevations will be the higher of the stormwater analysis or the FIRM requirement.

A tentative grading plan is included as Exhibit "E", showing how lot areas will be elevated along with the stormwater management measures to provide both storm protection and vertical separation from the seasonal high water table.

OPERATION & MAINTENANCE

SCHEDULE OF COMPLIANCE

The developer shall maintain the responsibility for the stormwater management system until at which time a Property Owner's Association assumes responsibility. The stormwater measures are to be installed and maintained as follows:

- A. The BMPs, swales and other vegetated conveyances shall be constructed, vegetated, and maintained to be operational.
- B. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
- C. The following operation & maintenance measures must be performed on all stormwater management measures for optimum efficiency of the stormwater management system:
 1. Inspections- at least (1) every 6 months or after any significant rainfall event.
 2. Sediment Removal - at least (1) every 6 months or after any significant rainfall.
 3. Mowing, and revegetating of the side slope once a month.
 4. Immediate repair of eroded slopes.
 5. General maintenance of side slopes in accordance with approved plans & specs.

LIST OF EXHIBITS

Exhibit A: Approximate Drainage Area Contributing to Railroad Culvert

Exhibit B: Approximate Drainage Area Contributing to Ditch "A"

Exhibit C: Existing Drainage Pattern

Exhibit D: Proposed Drainage Plan

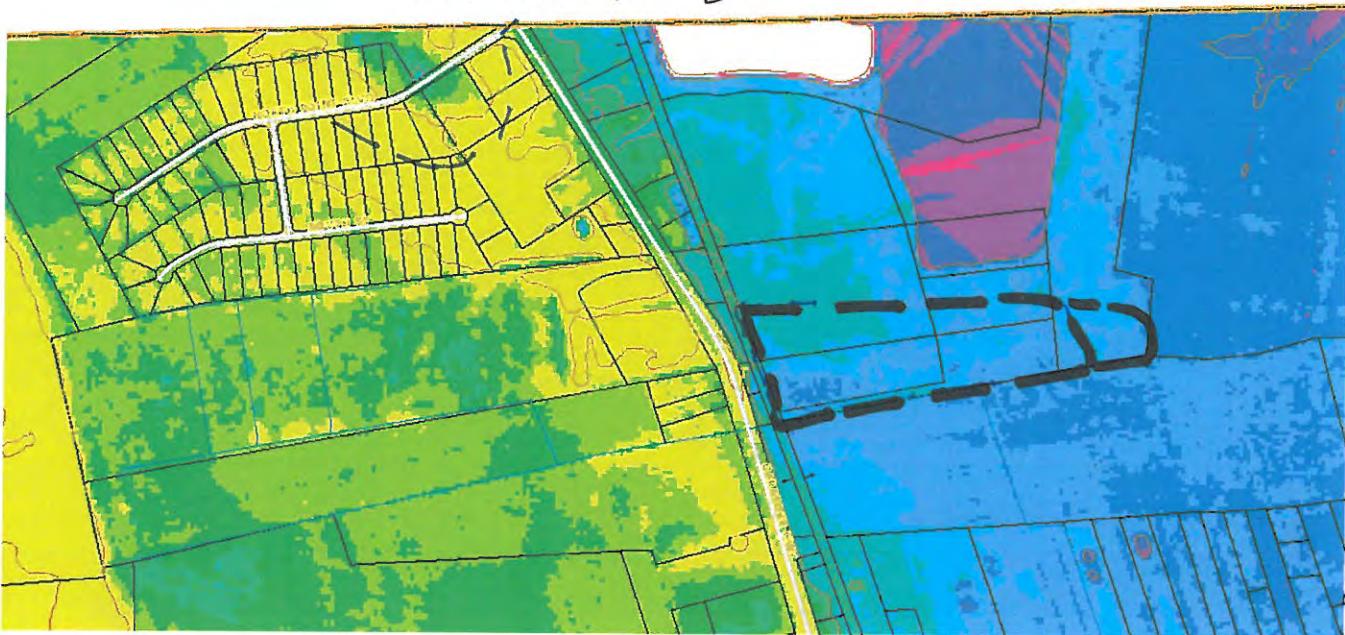
Exhibit E: Proposed Drainage Plan with Tentative Grades

EXHIBIT "A"



APPROX. DRAINAGE AREA CONTRIBUTING TO
RAILROAD CULVERT \approx 235 Ac.

EXHIBIT "B"



APPROX. DRAINAGE AREA CONTRIBUTING
TO DITCH "A" AFTER BYPASS DITCH IS
CONSTRUCTED (25 AC. ±)

EXHIBIT "C" - EXISTING DRAINAGE PATTERN

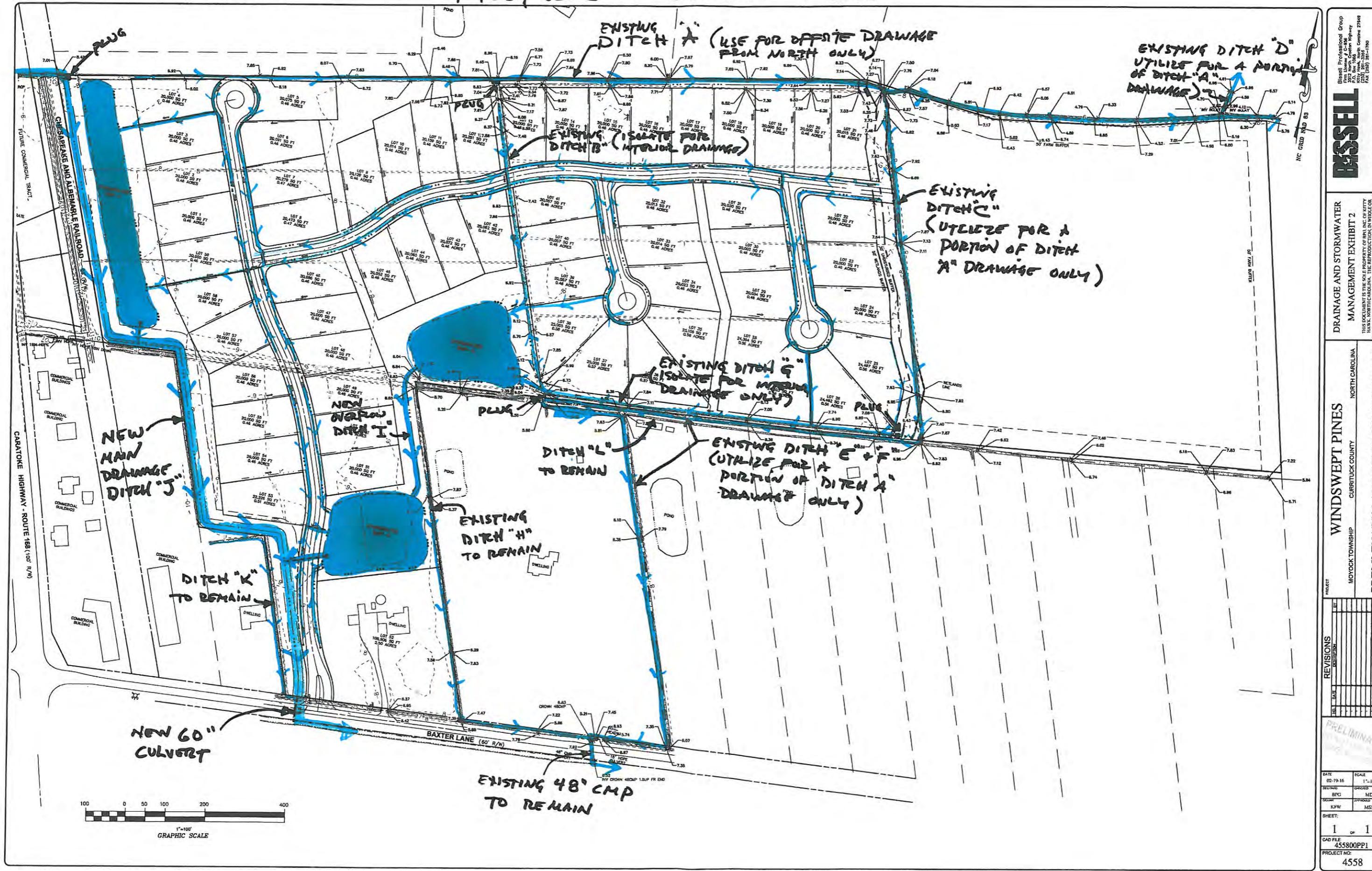
3.E.f



Attachment: Windswept Pines Amended Stormwater Narrative 32116 (1508 : PB 16-06 Windswept Pines)

EXHIBIT "D" - PROPOSED DRAINAGE PLAN

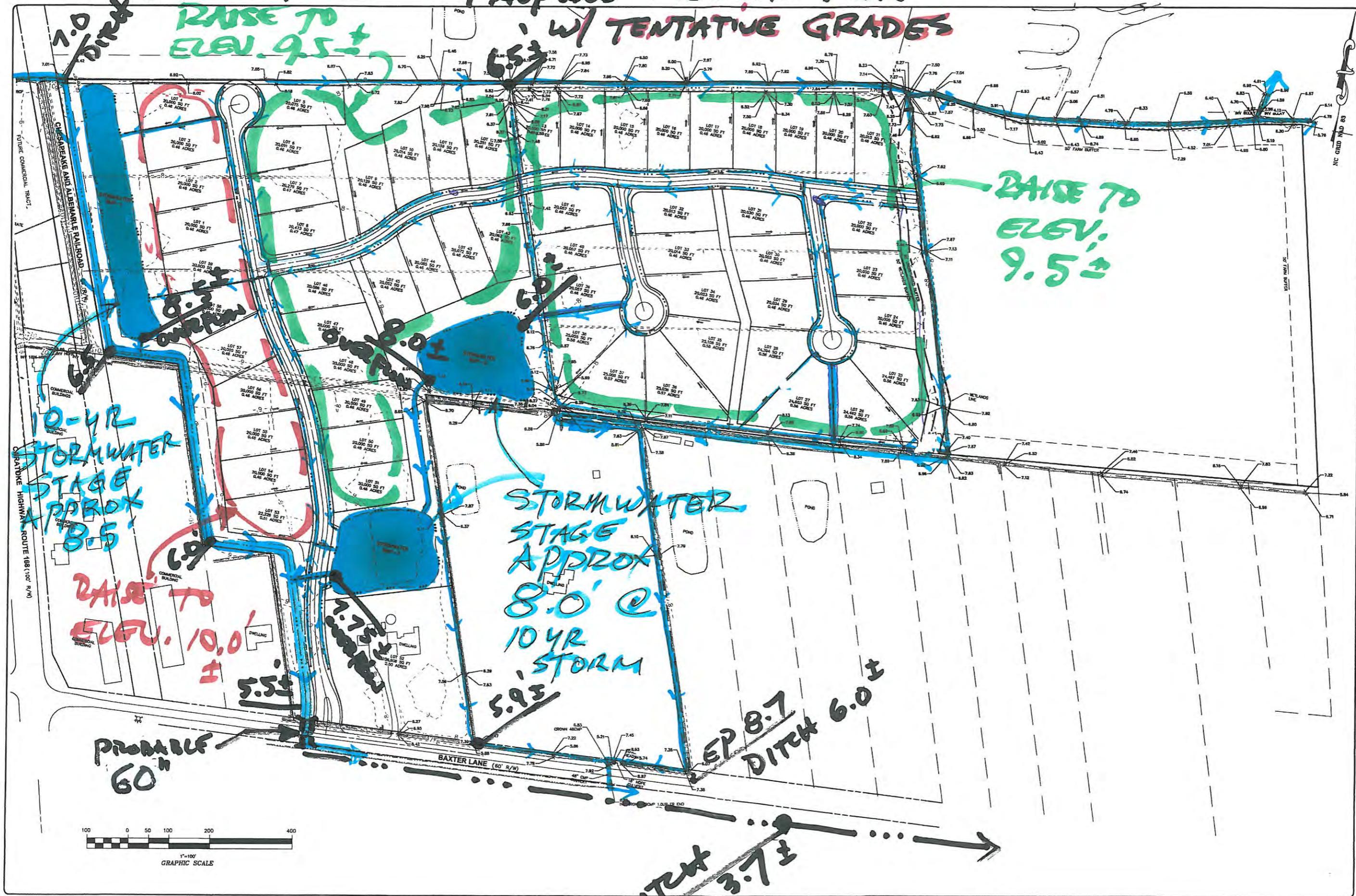
3.E.f



Attachment: Windswept Pines Amended Stormwater Narrative 32116 (15008 : PB 16-06 Windswept Pines)

EXHIBIT "E" - PROPOSED DRAINAGE PEARL

3.E.f



Bissell Professional Group
Tim Lusk, C-105
P.O. Box 1018
FAX (252) 281-7180

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Engineering, Planning, Surveying
and Environmental Specialists

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WINDSWEPT PINES
CURRITUCK COUNTY
MOYOCK TOWNSHIP
PRELIMINARY LAND DEVELOPMENT PLANS

REVISIONS
NO. DATE
REV. BY

PRELIMINARY
LAND DEVELOPMENT
PLANS

DATE: 02-19-16
SCALE: 1"=100'
REVISION: 1
DRAWN BY: KPW
CHECKED BY: MSB
SHEET: 1 of 1
CAD FILE: 455800PP1
PROJECT NO.: 4558

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): February 25, 2014

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Jennifer Cahoon, 508 Hollygate Lane, VA, 23322.

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington, Cahoon, Jennifer/Currituck/PreAp, SAW-2014-00023

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: NC County/parish/borough: Currituck City: Moyock

Center coordinates of site (lat/long in degree decimal format): Lat. 36.543968° N, Long. -76.181195° W.

Universal Transverse Mercator:

Name of nearest water body: Shingle Landing Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 4460 linear feet; 4 width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: 25.59 acres.

Cowardin Class: Forested

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLIES):

Office (Desk) Determination. Date:

Field Determination. Date(s): February 11, 2014

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Bay Environmental, Inc.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
 - Corps navigable waters' study:
 - U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
 - U.S. Geological Survey map(s). Cite scale & quad name: Moyock.
 - USDA Natural Resources Conservation Service Soil Survey. Citation:
 - National wetlands inventory map(s). Cite name:
 - State/Local wetland inventory map(s):
 - FEMA/FIRM maps:
 - 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 - Photographs: Aerial (Name & Date): Google Earth 2010.
 - or Other (Name & Date):
 - Previous determination(s). File no. and date of response letter:
 - Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Kyle Barnes 2/25/14

Signature and date of
Regulatory Project Manager
(REQUIRED)

John 3/1/2014

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the signature is
Impracticable)

Tammy Flegal

From: Mark Bissell [mark@bissellprofessionalgroup.com]
Sent: Wednesday, February 24, 2016 1:15 PM
To: 'Barnes, Kyle W SAW'
Cc: mbarr@bissellprofessionalgroup.com; 'David Klebitz'; 'Tammy Flegal'
Subject: RE: [EXTERNAL] 4588 Parrish Estate (Jennifer Cahoon) SAW-2014-00023

Kyle,

Thanks for this reply. If we get an overnight pak to you with the plat changes in the morning, is there a possibility we could get a signed copy faxed back from you in time for the county submittal at 2 PM?

Mark

-----Original Message-----

From: Barnes, Kyle W SAW [mailto:Kyle.W.Barnes@usace.army.mil]
Sent: Wednesday, February 24, 2016 11:17 AM
To: Mark Bissell
Subject: RE: [EXTERNAL] 4588 Parrish Estate (Jennifer Cahoon) SAW-2014-00023

Mark,

The PDF of the survey looks fine. I am ok with removing the wetland areas that were in the original review as depicted on the plat. The only change I see that needs to be made is the description of the ditches needs to be labelled as "Waters of the US". Additionally I cannot sign a plat that has be copied from an email. You will need to send me a hard copy that has the engineers seal. If you have any additional questions just let me know.

Kyle

Kyle Barnes
 Regulatory Specialist
 US Army Corps of Engineers
 Wilmington District
 Washington Field Office
 910-251-4584

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers. We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at:

http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0
<http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0>

Thank you for taking the time to visit this site and complete the survey.

-----Original Message-----

From: Mark Bissell [mailto:mark@bissellprofessionalgroup.com]
Sent: Wednesday, February 10, 2016 11:35 AM
To: Barnes, Kyle W SAW <Kyle.W.Barnes@usace.army.mil>
Cc: 'David Klebitz' <davek@bissellprofessionalgroup.com>; 'Tammy Flegal'
<admin@bissellprofessionalgroup.com>

Kyle,

As I indicated in my voice message, we are trying to finalize the Preliminary JD that you issued a couple of years ago on the Parrish Estate in Moyock, in connection with a site evaluation that was completed by Bay Environmental. It is our understanding that the JD was preliminary due to the lack of an actual field survey and plat that would typically accompany and document the confirmation of the line.

We have now performed a boundary survey of the property and have prepared a wetland map from coordinates of the jurisdictional determination, and are attaching it for your review. A copy of your preliminary jd and the preliminary map prepared by Bay at that time are also included as attachments.

Bay had indicated that a portion of the woodlands has the potential to be studied further, monitored and re-evaluated, so part of the property is being excluded from the mapping at this time at the request of our client.

Please review these and let me know if you have any questions or need any additional information in order to be able to issue an approved JD for this parcel.

Best regards,

Mark S. Bissell, PE

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Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1531)

Agenda Item Title

Public Hearing & Action: Ocean Sands Stormwater Service District

Brief Description of Agenda Item:

Planning Board Recommendation:

The Board of Commissioners will hear and consider testimony regarding the creation of a Stormwater Service District for the Currituck Outer Banks communities of Ocean Sands and Crown Point. A district Boundary map and report are included for review.

Board Action Requested

Action

Person Submitting Agenda Item

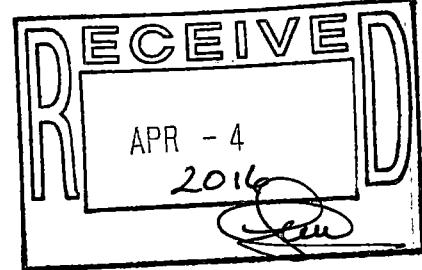
Leeann Walton, Clerk to the Board

Presenter of Agenda Item



REPORT ON THE CREATION OF THE OCEAN SANDS (NORTH) AND CROWN POINT STORMWATER SERVICE DISTRICT

March 30, 2016



REPORT ON THE CREATION OF THE OCEAN SANDS (NORTH) & CROWN POINT STORMWATER SERVICE DISTRICT

To establish an entity for the purpose of financing the design construction, and maintenance of a system for stormwater management within Ocean Sands (North) and Crown Point Subdivisions it is proposed to create the Ocean Sands & Crown Point Stormwater Service District.

Identified Need for Service District

Located in the community of Corolla on the Currituck Outer Banks, Ocean Sands (North) and Crown Point subdivisions are very attractive to tourists resulting in the weekly rental of a high number of the residential structures here particularly from May to September of each year. When Ocean Sands & Crown Point (hereinafter OS & CP) were originally platted in the early 1970s , there were no county, state or federal regulations with regards to stormwater management. Lack of foresight, ongoing development and loss of pervious surfaces, has led to the flooding problems facing the community today.

Currently the only stormwater infrastructure within OS & CP is a system of ditches leading from the lake in Sec. O and running through Sections K, L, M, N, P, and Q of Ocean Sands and Crown Point, which feed into the ground water lowering moats at the OSWSD wastewater treatment plant. There are pumps at the NW corner of the moat that convey the water to an outfall pipe that runs under Rt. 12, and then west across Sections X and Y of Ocean Sands, discharging into the sound.

The area located within the proposed district boundaries has a naturally high water table and essentially lies in a “bowl” between the dunes and The Currituck Club. In extremely heavy rains such as an “Ernesto” type event, or even on-going rain events on already saturated grounds, the stormwater overtaxes the moats and pumps at the wastewater treatment plant, which were not designed to handle stormwater. In fact, the abundance of stormwater into these moats has been one of the chief causes of the Notices of Violation (NOVs) received by OSWSD with respect to the wastewater treatment plant.

Furthermore, streets & intersections throughout the subdivisions are routinely flooded and often impassable even after periods of moderate rain. As there are fewer and fewer undeveloped areas with pervious surfaces to absorb the stormwater, streets and homes are flooded.

The standing water from flooding creates serious health impacts from bacteria, mosquitoes and viruses, not to mention the putrid smell. Accessibility to residences and vehicles becomes a problem, hampering both enjoyment of the property as well as the ability of emergency vehicles to respond to calls.

The flooding problems will only get worse as the remaining undeveloped lots are ultimately developed. As such, delay in addressing this issue will only exacerbate the problem; it must be affirmatively addressed on a comprehensive basis to prevent further

property and rental market devaluation, as well as casualty losses to individual homeowners.

The only feasible method to finance a comprehensive stormwater management plan is via community-wide funding through the formation of a stormwater service district.

At the Ocean Sands Property Owners Association Annual Meeting in May 2014, a decision was taken by the Association to form a Stormwater Committee to work on this issue; Crown Point POA board members subsequently joined in the effort. The Committee has been working diligently since then, and is composed of the following members: *Steering Committee*: Ed Pence (chair), Al Marzetti (OSPOA Board member), Rick Kinner (OSPOA board member), Gerrilea Adams (Crown Point POA board member), and Barbara Marzetti; Committee Members: Barrie McLeod (CP), Linda Garczynski, Karl Suter, Terry Anderson, Pat Riley, Jeanne Fitzpatrick, Bill Dondarski, David & Peggy Cowdrill. County Engineer, Eric Weatherly has provided invaluable assistance & guidance throughout the process.

Representatives from Coastland & their OSPOA/CPPOA board who have participated are: Bob DeFazio (Coastland's site manager, and President of OSPOA & CPPOA), Braxton Hill (Coastland's attorney), Carlos Gomez (Coastland's engineering consultant), and Jeff Shield (new POA consultant to Coastland).

The areas to be included in the proposed Stormwater Service District are as follows:

1. Ocean Sands (North) Subdivision, Sections D, E, F, H, I, J, K, L, M, N, O, P & Q consists of 1001 lots of which 925 are improved with single and multi-family residential dwellings, as well as common areas and facilities.
2. Section G, currently undeveloped, and owned by Coastland Corp
3. Section R, currently owned by Coastland Corp., serving as a real estate office.
4. Sections V & Z, owned by Currituck County, site of the Ocean Sands Wastewater Treatment Plant.
5. Section W, now known as **Crown Point**, consisting of 90 single family lots of which 87 are improved with single family dwellings, as well as common areas and facilities.
6. Sections U, X & Y, are undeveloped, and owned by James Johnson.

Resident Population and Population Density

Primarily a vacation destination area, the year round population of Ocean Sands (North) & Crown Point is approximately 150. There are presently 1012 structures located on the 1091 parcels of land within the two subdivisions. Coastland Corp. controls about 2% of the undeveloped lots within OS & CP. With most of these residential structures rented from May through September each year, it is estimated that the seasonal population swells to 11,000+ weekly during peak periods.

Appraisal Value of Property Subject to Taxation in the Proposed Service District

According to the County tax records, the assessed value of property subject to taxation in the proposed service district is \$483,818,504. The current real property tax rate, which includes the proposed service district area, is 48 cents (\$0.48) per \$100.00 valuation. The existing Ocean Sands Water & Sewer Service District for water & wastewater services has assessed a tax rate in the amount of 5 cents (\$0.05) per \$100.00 valuation.

A 5 cents (\$0.05) per \$100.00 valuation is the initial proposed tax for the OS & CP stormwater service district. This will raise an estimated \$241,909.25 per year. With the current real property rate, OSWSD tax rate plus the proposed tax rate for the new stormwater district the total tax rate for property in Ocean Sands (north) & Crown Point Subdivisions following creation of the stormwater service district will be 58 cents (\$0.58) per \$100.00 valuation.

It should be noted that, although this initial tax rate has been suggested by the OS & CP Stormwater Committee, the Currituck County Board of Commissioners, as the governing body of the service district, makes the final decision on the tax rate for the proposed district. The tax rate may be higher or lower, and it may change from year to year.

Plan for Providing Stormwater Improvements Within the Proposed Service District

A Preliminary Flooding & Stormwater Feasibility Study was completed by Moffatt & Nichol in June 2015 which had three options:

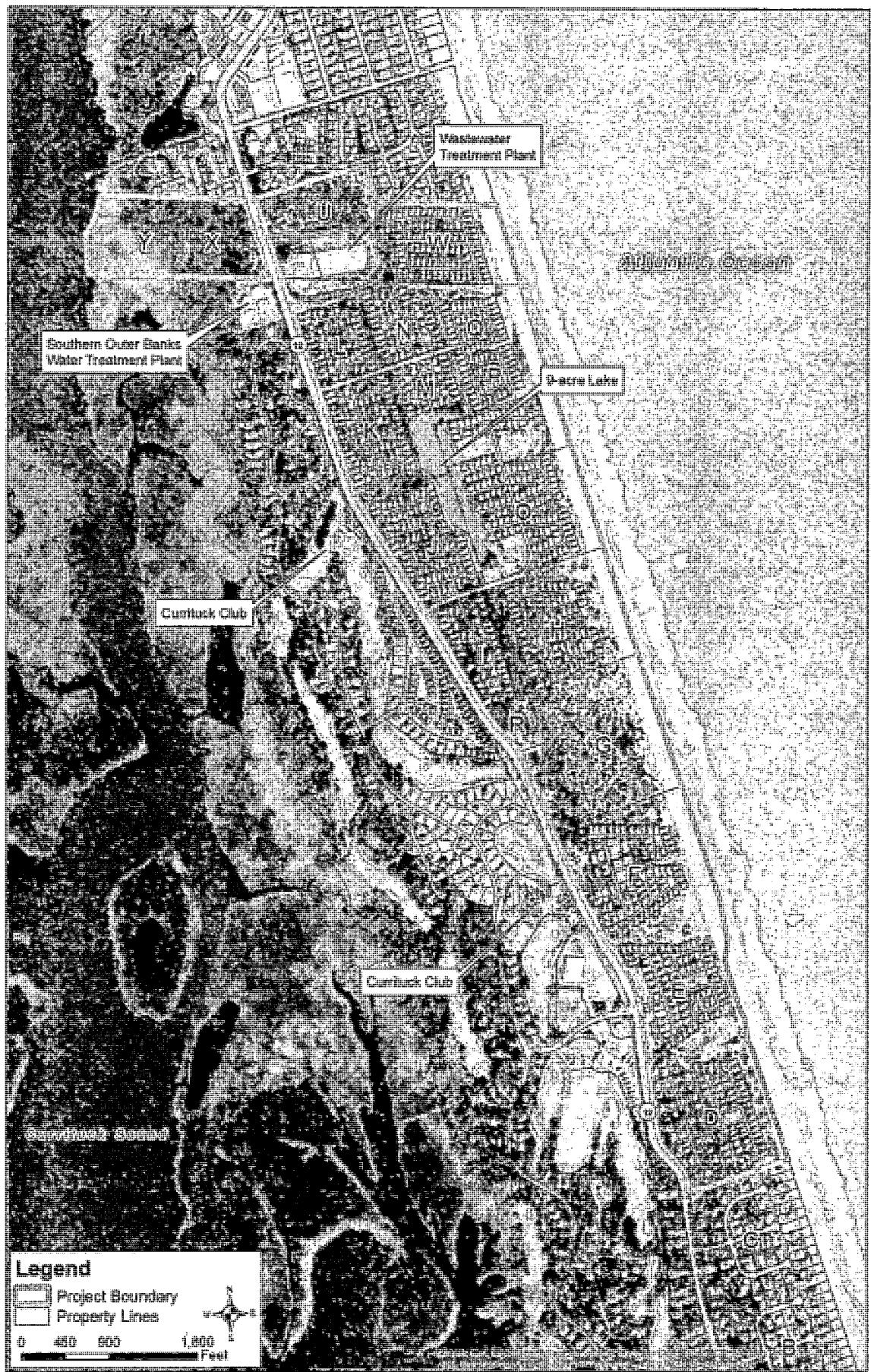
- a) "Do Nothing": This was eliminated due to the unacceptable effects of flooding on tourist rentals, access via NC-12, property values, flood damage repair costs, the negative effects of excess stormwater on the performance of the wastewater treatment plant, and the fact that the flooding problem will only get worse with further development. Additionally, a study performed for OSWSD by another consultant recommended that the existing stormwater ditches should be permanently disconnected from the wastewater treatment plant to improved its performance; this would essentially eliminate the only stormwater mitigation for Crown Point and the northern part of Ocean Sands.
- b) Pump water to the ocean via an outfall pipe: This was eliminated due to the extreme cost (\$47.3MM - \$79.8MM) and the major time & permitting hurdles involved. It was determined that even if the requisite permits could be obtained from federal and state authorities (which is doubtful), it would likely take decades to secure these permits.
- c) Groundwater Lowering System was identified as "the preferred alternative". This approach entails further study including additional data gathering, further analysis and modeling to refine the project design for: (1) a "Northern Study Area" – subsurface drainage to the lake & pumping from the lake (surface intake connection or subsurface intake connection" option 2B/2C for the North (Sections HIJO & north); and (2) the "Southern Study Area subsurface drainage systems in combination with localized dewatering" option 2D/2C studies, including potential outlet locations on the west side of Rt. 12.

The last alternative, Option c, appears to be the most economical, most easily permitted, and will result in the least amount of disturbance during construction. The total current estimated cost of this option is approximately \$9MM, with the design and construction done in phases. The first year's work, to be funded by the proposed tax assessment for the initial year, would be to complete the requisite data gathering and analysis of hydrology etc., perform a full detailed study of the conceptual drainage systems based on computer modeling of the collected data, and develop an overall master plan. It is expected that there

would also be funds remaining for seed money to begin the actual design and construction of Phase I.

MAP OF PROPOSED SERVICE DISTRICT

A map of the proposed service district area is attached.





Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1534)

Agenda Item Title

Nominations for Initial Appointments to the Animal Shelter Advisory Board

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

**ANIMAL SERVICES/CONTROL ADVISORY
2-YEAR TERMS**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
	Consensus				1st Term
	Consensus				1st Term
	Consensus				1st Term
	Consensus				1st Term
	Consensus				1st Term
Animal Services Director	Consensus				1st Term
Animal Control Officer	Consensus				1st Term
Commissioner	Ex-Officio				1st Term

Initial Terms to be designated-4 will serve 2 year terms, 3 will serve 1 year terms.

Animal Advocate	2
Vet Care/Admin	1
Handler/Training	1
Grant Writing/Research	1



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1537)

Agenda Item Title

Game Commission

Brief Description of Agenda Item:

Planning Board Recommendation:

Commissioner Aydlett wishes to reappoint his member to the Game Commission. There are two replacement appointments that will be needed when their terms expire in June, 2016.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

GAME COMMISSION
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Steven Lewark	District 1		Vance Aydlett	6/16/2014	1st term 6/1/2016
Jeremy Midgette	District 2		David Griggs	6/16/2014	2nd term 6/1/2016
Andy Newbern	District 3		Mike Payment	6/16/2014	2nd term 6/1/2016
Louis Davis	District 4		Paul Beaumont	9/21/2015	2nd term 6/1/2017
Richard Bell	District 5		Marion Gilbert	12/7/2015	1st Term 6/1/2017
Curtis Austin	At-Large		Mike Hall	9/8/2015	1st term 6/1/2017
James Guard	At-Large		Paul O'Neal	9/21/2015	2nd term 6/1/2017
Commissioner Aydlett-reappointment					

Replacements due June, 2016-members have served two consecutive terms.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1538)

Agenda Item Title

ABC Board

Brief Description of Agenda Item:

Planning Board Recommendation:

Gene Gregory has served consecutive, full terms on the ABC Board. A replacement nominee is required to fill his seat on the Board. Also, Chairman Griggs, as the Commissioner appointed to the membership, can be reappointed.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

ABC BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Gary Barco				9/13	1st 9/1/2016
David Griggs				2/2013	2/16/2016
Harold Capps, Sr.				9/21/2015	1st 9/1/2018
Joseph "Jerry" Malesky				9/21/2015	1st 9/1/2018
Gene Gregory				2/2013	2/16/2016
Replacement appointment needed Can be Reappointed					



CURRITUCK COUNTY NORTH CAROLINA

April 18, 2016
Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4 PM Large Residential Structures

The Currituck County Board of Commissioners met at 4 PM to attend a work session on Large Residential Structures. At the January 2016 Board retreat, Planning staff was asked to develop options for Board consideration to address issues related to the construction and use of large homes. Planning and Community Development Director, Ben Woody, and Assistant Planning Director, Laurie LoCicero, used a powerpoint to present various methods that can be used to alleviate risks and reduce impacts associated with large houses or event homes. Ideas and strategies relative to life safety features, compatibility, creating overlay districts and grouping like structures, proportionality, consideration of bedroom densities and secondary impacts such as noise, trash and parking were presented. After some discussion, and with time running short, the Board expressed their desire to move forward with the suggestions as presented, particularly related to compatibility, proportionality and life safety. Commissioners asked that the presentation be forwarded to them for further review, after which they planned to meet again and provide further direction.

5:00 CALL TO ORDER

The Currituck County Board of Commissioners met at 5 PM in the Historic Courthouse Board Meeting Room for a regular meeting of the Board.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
O. Vance Aydlett	Vice Chairman	Present	
S. Paul O'Neal	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	

Chairman Griggs called the meeting to order and announced the earlier work session on large residential structures.

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge, United Methodist Church

Reverend Dawne Hollis-Custer was not in attendance. Reverend Frank Custer of Mt. Zion United Methodist Church gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

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

Approved agenda:

Work Session

4 PM Large Residential Structures

5:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge, United Methodist Church

B) Approval of Agenda

Administrative Reports

A) Report to the People-NC Cooperative Extension

B) Moyock Middle School Technology & Design Students-

Food Desert Presentation**Public Hearings**

A) **Public Hearing and Action: PB 11-01 Monteray Greens:**

Request for a special use permit amendment to increase the height of miniature golf course features as measured from natural grade, located at 810 Ocean Trail in Monteray Shores and Buck Island, Tax Map 116, Parcel 3W and Tax Map 116D, Parcel 3D, Poplar Branch Township.

B) **Consideration and Action: PB 13-17 Moyock Crossing:**

Request for a preliminary plat extension for a 76 lot conservation subdivision located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.

C) **Public Hearing and Action: PB 16-07 Currituck County:**

Request to amend Chapter 2 of the Unified Development Ordinance to modify the use permit review procedures.

New Business

A) **Board Appointments**

1. Reappointment of Commissioner Hall to College of the Albemarle Board of Trustees
2. Moyock Watershed Advisory
3. Planning Board
4. Economic Development Advisory

B) **Consent Agenda**

1. Approval Of Minutes for April 4, 2016
2. Budget Amendments
3. Application to transfer Lottery Funds from Central Elementary Gym Roof and CCMS Auditorium HVAC projects to the MMS Energy Management Upgrades

4. Surplus Resolution-Communications Equipment
5. A Memorandum of Understanding between Currituck County 911 and Pasquotank County 911
6. Adoption of and Authorization for County Manager to Execute License Agreement With Saga Construction and Land Development for Construction of Pedestrian Access in Former Perch Street Right-of-Way
7. Consideration & Approval of Lease Agreement-Probation and Parole Offices
8. Proclamation Declaring General Federation of Women's Club Day

C) Commissioner's Report
D) County Manager's Report

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Adjourn

Special Meeting of the Tourism Development Authority

Budget Amendments
Project Ordinance-Moyock Park

Adjourn Special Meeting

Motion to Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

ADMINISTRATIVE REPORTS

A. Report to the People-NC Cooperative Extension

Cameron Lowe, Currituck County Cooperative Extension Director, presented their 2015 Report to the People. Ms. Lowe introduced several speakers, each of whom highlighted individual programs offered through Cooperative Extension, providing information on program content, data, statistics and their economic impacts on Currituck County.

- Teresa Dozier, Advisory Council President, reported on educational programs and services
- Morris West presented economic impact of Extension's agricultural programs
- Peggy Lilienthal, Advisory Council member, reported on the Master Gardeners program
- Evelyn Henley spoke about Family and Consumer Science programming
- Gregory Dozier, Jamie Gillespie, Tucker Melton and Abby Rippin presented information and highlights of 4-H youth programming.
- Shannon Rose, Advisory Board member, reported on activities and events at the Currituck County Rural Center.

Ms. Lowe thanked the Board for their support. She acknowledged staff in the audience and provided her website, www.currituck.ces.ncsu, for programming information.

Commissioners thanked and applauded Ms. Lowe and her staff and complimented their efforts, noting how their programs reach so many citizens and youth.

B. Moyock Middle School Technology & Design Students-Food Desert Presentation

Mr. John Roller, teacher of the Technology, Design and Innovation program at Moyock Middle School, presented information on a student project on Food Deserts. Mr. Roller introduced the students who participated in the project and explained the process followed by the students, which included research and analysis of Currituck County and ultimately development of solutions for the area identified being Crawford Township.

Mr. Roller reported information compiled by student Catitlyn Ferretti, who was not in attendance. Ms. Ferretti researched information about a long term solution, which is building a grocery store.

Student Andrew Bergen presented information on how to grow a container garden. Mr. Bergen presented date compiled on costs, soils and care for the garden.

Student Brenna Geloramine presented on canning foods as a solution. Ms. Geloramine reviewed pressure canning and water bath canning for the preservation of foods.

In conclusion, Mr. Roller presented a report summary and thanked the Board for allowing students to present their solutions. Commissioners thanked Mr. Roller and the students for their presentation.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 11-01 Monteray Greens:

Parties were sworn in and Chairman Griggs opened the Public Hearing. Ben Woody, Planning and Community Development Director, reviewed the applicant's request with the Board.

To: Board of Commissioners
From: Planning Staff
Date: April 8, 2016
Subject: Monteray Greens Special Use Permit - Request for Amendment

Request

G Holdings is requesting an amendment to PB 11-01 Monteray Greens special use permit to increase the maximum height of site features to 18 feet from natural grade as it existed prior to construction activities.

Summary

The Board of Commissioners approved the special use permit on March 7, 2011 and included a condition to restrict the maximum height of golf course features.

The site features were built and exceeded the maximum height requirement.

The applicant requested an amendment to the special use permit on February 27, 2012. The table below shows the elevation of the features at that time.

Feature	Existing (Natural) Grade Elevation	Proposed Grade Elevation	Feature Height	Proposed Feature Height Above Natural Grade	As-Built Height Above Natural Grade
Lighthouse	10'	9'	13'	12'	16.1
Rock Cave	5.35'	11'	9'	14.65'	17.25'

The amendment to the special use permit was denied by the Board of Commissioners on March 19, 2012.

The permit condition currently states:

12. Maximum height limit, excluding buildings, shall be 15' from natural grade as it currently exists.

The applicant is requesting that the condition be modified to the following:

12. Maximum height limit, excluding buildings, shall be 45'-18' from natural grade as it ~~currently exists~~ existed prior to construction.

John DeLucia, Engineer with Albemarle Associates, reviewed the history of the golf course, admitting the two features became too tall after some site work had been performed. He described the modifications made and noted safety concerns now, particularly with blowing water from a water feature after the cave roof was removed. Mr. Delucia described the course as first-class, providing entertainment for tourism. Using a powerpoint he showed pictures of the features at the course site and noted the course is near other commercial areas, not residential. He described the custom theme relating to Currituck County sites, with replicas of the Whalehead Club and the Lighthouse. Mr. Delucia said a public meeting was held with only two people attending, and asked the Board to allow the course features to be brought back to their original design.

With no one else wishing to speak Chairman Griggs closed the Public Hearing.

Commissioner Aydlett moved to approve with staff recommendations, also due to the fact that the use will not endanger the public safety or health, as it is the top on a lighthouse and cave; the use will not injure the adjoining property values or abutting land, and will be in harmony with the area in which it is located, as it is already built and is a commercial use in a commercial area; the use will be in conformity with the Land Use Plan and other officially adopted plans, as the area is designated full service; and the area will not exceed the county's ability to provide adequate public facilities because there are no public facilities or services required.

Commissioner Beaumont seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B. Consideration and Action: PB 13-17 Moyock Crossing:

Ben Woody reviewed the request, noting that the applicant was present if the Board wished to entertain comments:

To: Board of Commissioners
From: Planning Staff
Date: April 6, 2016
Subject: Moyock Crossing, Preliminary Plat Extension

On April 21, 2014, the Board of Commissioners voted to approve the preliminary plat/use permit for Moyock Crossing. This is a conservation subdivision consisting of 76 residential lots located on Shingle Landing Road; east of Fox Lane and south of Shingle Landing subdivision. The construction drawings were approved on January 21, 2016 and remain valid and in effect as long as the preliminary plat remains valid. The preliminary plat approval is due to expire on April 21, 2016.

On April 5, 2016 the developer, David M. Gianscoli - Gee's Group, submitted a request for preliminary plat extension of the subdivision citing construction delays with the redesign of the sewer line extension. The developer has proceeded with construction in good faith and anticipates the site work to be complete and ready for home construction by August, 2016.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may grant a two year extension of the preliminary plat one time for good cause.

After review, Mr. Woody clarified the delay was caused by the need to re-route the sewer line extension, which required re-permitting. Mr. Woody explained to the Board that the applicant originally routed the lines through Shingle Landing subdivision, which was not approved by the Board, requiring the applicant to stop and reroute the line down Shingle Landing Road. Commissioner O'Neal recalled the applicant had agreed to route the line through Moyock Village past the school, church and fire department. Commissioner Aydlett recalled similarly, with both stating it was an important consideration for approval at a very contentious hearing. Mr. Woody explained the new route is consistent with a proposed route that was submitted originally, explaining if the extension is not granted the applicant would have to resubmit for preliminary plat approval. Mr. Woody showed a slide of the proposed routes, noting the new route would be on Shingle Landing Road from the northwest. Commissioner O'Neal maintained the new route is not what the Board was told would be installed at approval.

David Gianascoli of Gee's Group said he has been working with staff, secured permits and began in August 2015, originally heading through Shingle Landing until they were told to stop. Since then, he said, they worked with staff on the new route and he reviewed the current sewer line installation. Mr. Gianascoli said the new route included going under the railroad and connecting to NC 168, for which a significant amount of money has been spent. Commissioner O'Neal said the preferred mode was heading north past firehouse & school, saying it was unfortunate that they were told to do something the Board did not approve. Mr. Gianascoli said they were in no way trying to mislead the county.

Chairman Griggs asked Mr. Woody to provide some background. Mr. Woody showed the slide exhibit presented the night the project was originally approved. He noted the two sewer line routes, one north and one south. With staff believing the exhibit was approved, he said, they chose which route the applicant would take.

Commissioners discussed what was in the original motion for approval and asked why they originally began going through Shingle Landing Subdivision. Mr. Gianascoli said they relied on staff, and stopped immediately when they were told to stop.

County Attorney, Ike McRee, recalled the item came before the Board on more than one occasion, with contentious issues being lot sizes and installation of the sewer line through Shingle Landing. When the applicant came back before the Board, it was agreed the sewer connection would run along Shingle Landing Road to the forced main. Mr. McRee submitted that any delay for initial permitting and application is the fault of the applicant, as they chose to go through Shingle Landing anyway. He reviewed the ordinance requirement and concluded the applicant failed to present their final plat within the two year period, and the expiration was not caused by the county or county staff.

Mr. Gianascoli requested a shorter, 6 month extension, stating he could have the roads and sewer line complete in six months.

Mr. McRee reviewed the minutes from the prior meeting, noting the applicant withdrew plans to run the sewer line through Shingle Landing subdivision. He said discussion mostly consisted of concerns with lot size and compatibility and public safety. Commissioner O'Neal reminded the Board that applicants make presentations and don't do what they say they are going to do, and Mr. McRee confirmed the importance of stating special conditions in motions.

Commissioner O'Neal moved to extend the permit to the second meeting in May, to give the Board the opportunity to speak with staff and legal team to decide what grounds there are to hold the applicant to the original approval that was presented and approved by this Board of Commissioners. The motion was seconded by Commissioner Aydlett.

Mr. McRee explained only one extension is allowed, and if the permit is extended until May no additional extension would be allowed.

Commissioner Payment expressed his concern as to why they chose to go through Shingle Landing. Mr. Gianascoli said going through Shingle Landing was his

misunderstanding and they reacted as quickly as possible, asking again for a six month extension. Commissioner O'Neal asked if he would be willing to do what was proffered originally, through the fire department and heading north. Mr. Ganascoli said he doesn't know if that is possible even with two years.

Commissioner O'Neal expressed his frustration with applicants presenting something but doing exactly what they said they would not, or were not allowed to do, and that constituents expect the Board to hold people accountable. Commissioner Beaumont added when we do ask for accountability we are accused of not being business friendly.

When asked, Mr. Woody confirmed that staff relied on the exhibit presented since there was no specific route named in the use with regard to issuing the permit. After some discussion, Commissioners O'Neal and Aydlett withdrew their motion and second, respectively.

Mr. Ganascoli of Gee's Group offered to do what was originally approved, if given the full two year extension.

Commissioner O'Neal moved to extend the permit for two years under option 1 of the two options that were presented, that being the Moyock Crossing forced main exhibit dated April 11, 2014, as prepared by Hyman & Robey, PC. Commissioner Aydlett seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVED:	S. Paul O'Neal, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

C. Public Hearing and Action: PB 16-07 Currituck County:

Ben Woody reviewed the application and proposed amendments with the Board, noted below, which removes the Planning Board from considering, reviewing and making recommendations regarding Use Permits.

To: Board of Commissioners
From: Planning Staff
Date: April 6, 2016
Subject: PB 16-07 Currituck County Use Permit Procedures

On behalf of the Board of Commissioners, Currituck Planning & Community Development submits this request to amend to the Unified Development Ordinance to modify the use permit review procedures.

The current Unified Development Ordinance requires the Planning Board to act as the advisory body to review and make a recommendation on a use permit application. Recently, the UNC School of Government has identified this method of review for a quasi-judicial decision as a potential legal risk. The decision making body for a use permit is the Board of Commissioners. The board making the quasi-judicial decision must conduct an evidentiary hearing and make a decision on the basis of competent, substantial, and material evidence that is presented to the decision making board (Board of Commissioners). The BOC may not consider hearsay testimony, opinions from non-expert witnesses, or evidence not presented at the hearing when making a quasi-judicial decision. Information provided at the Planning Board meeting that cannot be cross-examined, could present legal issues.

In order to address this potential legal concern, the BOC directed planning staff to prepare a text amendment that would remove the advisory body review and recommendation (Planning Board) from the use permit process. The Planning Board will continue to make recommendations on text amendments, zoning map amendments, conditional rezonings, planned developments, and development agreements. In addition, the Planning Board can focus more on planning issues referenced in the UDO and NCGS.

Staff recommends approval of this request as it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses (Goal 10).
2. Is reasonable and in the public interest because the proposed amendment will allow for constitutional due process whereby the board will make a quasi-judicial decision based on competent, substantial, and material evidence presented during the evidentiary hearing.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 16-07 because it is consistent with the goals, objectives, and policies of the Land Use Plan, specifically it allows the Board to properly (and legally) distribute development forms in accordance with the suitability of land, infrastructure, available and the compatibility of surrounding land uses with the following change:

1. Section 2.2.3.B (c) coincide with the language of the Rule of Procedures.
Ms. Bell seconded the motion and motion carried.

PB 16-07

CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 2. Administration, to modify the review process for use permits.

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 Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.1. **DEVELOPMENT REVIEW SUMMARY TABLE**

Table 2.1, Development Review Procedures, identifies the advisory and decision-making bodies responsible for making recommendations or decisions on development applications reviewed under this Ordinance. The table also identifies the development applications requiring a public hearing.

Table 2.1: Development Review Procedures					
D = Decide		R = Recommendation		A = Appeal <> = Public hearing	
Procedure	Advisory and Decision-Making Bodies				
	Board of Commissioners	Planning Board	Board of Adjustment	Technical Review Committee	Planning Director
Amendments					
Text Amendment	<D>	R			R
Zoning Map Amendment	<D>	R			R
Conditional Rezoning	<D>	R		R	
Planned Development	<D>	R		R	
Discretionary Review					
Use Permit [1]	<D>	R		R	
Site Development					
Site Plan					
Major Site Plan				D	
Minor Site Plan					D
Subdivision					
Major Subdivision					
Preliminary Plat, Type 1				D	
Preliminary Plat, Type II	<D>	R		R	
Construction Drawings				D	
Final Plat				D	
Minor Subdivision					D
Permits					
Zoning Compliance Permit [2]					D
Sign Permit					D
Temporary Use Permit				R	D
Floodplain Development Permit					D
Clear-Cutting Permit					D

Table 2.1: Development Review Procedures					
D = Decide R = Recommendation A = Appeal <> = Public hearing					
Procedure	Advisory and Decision-Making Bodies				
	Board of Commissioners	Planning Board	Board of Adjustment	Technical Review Committee	Planning Director
Relief					
Variance			<D>		R
Administrative Adjustment [3]					D
Interpretation					D
Appeal [14]			<D>		
Development Agreement					
Development Agreement	<D>	<R>		R	
NOTES:					
[1] This is the renamed special use permit.					
[2] This is the renamed zoning permit procedure.					
[3] This procedure is a broadened version of the administrative variance procedure.					
[14] Appeals of decisions by the Board of Commissioners or the Board of Adjustment are heard by the Superior Court for Currituck County.					

2.2.3.

Planning Board

The Planning Board is hereby established in accordance with Section 153A-321 of the North Carolina General Statutes.

A. Powers and Duties

The Planning Board shall have the following powers and duties:

(1) Recommendation Authority

To review and make recommendations to the Board of Commissioners on the following:

- (a) Text amendments;
- (b) Zoning map amendments;
- (C) Conditional rezonings;
- (d) Planned developments; and
- (e) Use permits;
- (f) Type II preliminary plats (for major subdivisions); and
- (g) Development agreements;

(2) Make Studies and Recommendations

To make studies and recommendations for the Board of Commissioners regarding growth, development, and redevelopment in the county.

(3) Other Powers and Duties

To carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

G. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department.

Item 2: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.4.6. Use Permit

A. Purpose

A use requiring a use permit in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review these kinds of uses to ensure they are appropriate for a particular zoning district.

B. Applicability

The following forms of development shall obtain use permit approval in accordance with the standards in this section:

- (1) Uses identifies as requiring use permits in Table 4.1.1, Summary Use Table, or Table 4.3.2.E, Table of Common Accessory Uses;
- (2) Type II preliminary plats;
- (3) Type I preliminary plats when one or more public facilities are at 85 percent or more of maximum capacity; and
- (4) Commercial structures exceeding 5,000 square feet in area proposed outside a Full Service area.

C. Use Permit Procedure

(7) Advisory Body Review and Recommendation

(a) Not Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.

(B) ~~During its review of the application, the Planning Board may propose conditions of approval in accordance with Section 2.3.11, Conditions of Approval.~~

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a quasi-judicial public hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Use Permit Review Standards. The decision shall be the one of the following:

- (i) Adoption of the use permit;
- (ii) Adoption of the use permit subject to conditions of approval; or
- (iii) Denial of the use permit; or
- (iv) ~~Remand of the use permit application back to the Planning Board for further consideration.~~

(B) The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public facilities remain sufficient to serve the development.

(C) Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

Item 3: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

E. Major Subdivision

(G) Advisory Body Review and Recommendation

Not applicable unless a use permit is required. When a use permit is required, the Planning Board, following a public meeting, shall make a recommendation on the application in accordance with the standards in Section 2.3.9, Advisory Body Review and Recommendation, Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

(H) Decision-Making Body Review and Decision

Not applicable unless a use permit is required.

- (1) When a use permit is required, the Board of Commissioners, following a quasi-judicial public hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Use Permit Review Standards.
- (2) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

(3) Type II Preliminary Plat / Use Permit Procedure

(a) Pre-Application Conference

Applicable (see Section 2.3.2).

(b) Community Meeting

Applicable for plats of 50 lots or more (see Section 2.3.3).

(c) Application Submittal and Acceptance

- (i) Applicable (see Section 2.3.4). An application for a type II preliminary plat shall also include an application for a use permit (see Section 2.4.6, Use Permit).
- (ii) Construction drawings may be submitted concurrently with a type II preliminary plat application, at the applicant's option.

(D) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation on the application in accordance with Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

(E) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(f) Public Hearing Procedures

Applicable (see Section 2.3.8).

(g) Advisory Body Review and Recommendation

~~Not Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with the standards in Section 2.3.9, Advisory Body Review and Recommendation, Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.~~

(E) Item 4: That Chapter 2: Administration is amended by adding the following underlined language and deleting the struck-through language:

Table 2.3.6.A: Required Public Hearings		
L =Legislative Public Hearing Q = Quasi-Judicial Public Hearing		
Application Type	Board of Commissioners	Board of Adjustment
Text Amendment [1]	L	
Zoning Map Amendment [1]	L	
Conditional Rezoning [1]	L	
Planned Development [1]	L	
Type II Preliminary Plat for Major Subdivision [1]	Q	
Use Permit [1]	Q	
Variance		Q
Appeal		Q
Development Agreement [1]	L	
NOTES:		
[1] The Planning Board conducts a public meeting prior to consideration by the Board of Commissioners, but the public meeting with the Planning Board is not a public hearing.		

With no questions from the Board after Mr. Woody's presentation, Commissioner Gilbert moved to approve PB 16-07 to amend Chapter 2 of the Unified Development Ordinance to

modify the Use Permit review procedures as recommended by staff. Commissioner Payment seconded and the motion carried on a 6-1 vote, with Commissioner O'Neal voting against.

RESULT:	APPROVED [6 TO 1]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner
NAYS:	S. Paul O'Neal, Commissioner

NEW BUSINESS

A) Board Appointments

1. Reappointment of Commissioner Hall to College of the Albemarle Board of Trustees

Commissioner O'Neal moved for the reappointment of Commissioner Hall to the College of the Albemarle Board of Trustees. Commissioner Payment seconded and the appointment was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

2. Moyock Watershed Advisory

Commissioner Gilbert nominated Stephen Vick to serve on the Moyock Watershed Advisory. Commissioner Aydlett seconded and the nominee was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

3. Planning Board

John McColley was nominated to the Planning Board by Commissioner O'Neal. Commissioner Payment seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

4. Economic Development Advisory

Ed Ish was nominated by Commissioner Hall as a consensus appointment to the Economic Development Advisory Board. Commissioner Aydlett seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike D. Hall, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B) Consent Agenda

Commissioner Gilbert, during approval of the consent agenda, asked Sheila Tyler to speak to Item #8, the proclamation for the General Federation of Women's Clubs. Ms. Tyler, a member of the Moyock Women's Club, highlighted some of the programs they are involved with. She gave a history of the General Federation of Women's Clubs, which consists of over 100 clubs in the state of North Carolina. Ms. Tyler thanked the Board for issuing the proclamation.

Commissioner Gilbert moved to approve the consent agenda. Commissioner O'Neal seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	S. Paul O'Neal, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

1) Approval Of Minutes for April 4, 2016

1. Approval of minutes for April 4, 2016

2. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-532000	Supplies	\$ 750	
10540-531000	Gas, Oil		\$ 750
10660-516200	Vehicle Maintenance	\$ 1,000	
10660-590000	Capital Outlay	\$ 150	
10660-531000	Gas, Oil		\$ 500
10660-532000	Supplies		\$ 650
		\$ 1,900	\$ 1,900

Explanation: Inspections (10540); Planning (10660) - Transfer funds for operations.

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-561000	Professional Services	\$ 18,000	
10340-454000	Building Permits		\$ 18,000
		\$ 18,000	\$ 18,000

Explanation: Community Development (10660) - To appropriate County match for NC Department of Transportation Pedestrian Planning Grant for the Currituck Outer Banks, Grandy and Moyock. This grant has a 30% County match of \$18,000. NC DOT will provide the additional \$53,000 funding and will administer the program.

Net Budget Effect: Operating Fund (10) - Increased by \$18,000.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10512-516200	Vehicle Maintenance	\$ 2,000	
10512-531000	Gas		\$ 2,000
		\$ 2,000	\$ 2,000

Explanation: Animal Services and Control (10512) - Transfer funds for emergency vehicle repair.

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-532000	Supplies	\$ 4,000	
10531-590000	Capital Outlay		\$ 4,000
		\$ 4,000	\$ 4,000

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

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

3. Application to transfer Lottery Funds from Central Elementary Gym Roof and CCMS Auditorium HVAC projects to the MMS Energy Management Upgrades

4. Surplus Resolution-Communications Equipment

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 18th, 2016 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset</u>
<u>Tag</u>		
DELL MONITOR FOR ANI/ALI		2572
FIRE/RESCUE QUANTAR BASE/REPEATER STATIO448CWF0017 BARCO		3820
ANI/ALI CONTROLLER	LL9409-10016	4188
MOTOROLA BASE STA	W/POWER	SUPPLY/CABINET
	780TEC0980	5872
MOTOROLA UHF BASE RADIO	103TJW7015	7050
MOTOROLA UHF BASE RADIO	103TJW7016	7051
MONITOR TABLE STANDS- BLACK		7120-D
MONITOR TABLE STANDS- BLACK		7120-E
POSITRON POWER 911 PHONE SYSTEM	I15419	7190
POSITRON POWER 911 PHONE SYSTEM	C09319	7191
POSITRON POWER 911 PHONE SYSTEM	125990	7192
POSITRON POWER 911 PHONE		7276
POSITRON POWER 911 PHONE		7277

5. A Memorandum of Understanding between Currituck County 911 and Pasquotank County 911

6. Adoption of and Authorization for County Manager to Execute License Agreement With Saga Construction and Land Development for Construction of Pedestrian Access in Former Perch Street Right-of-Way

7. Consideration & Approval of Lease Agreement-Probation and Parole Offices

8. Proclamation Declaring General Federation of Women's Club Day

A PROCLAMATION DECLARING GENERAL FEDERATION OF WOMEN'S CLUB DAY

WHEREAS, the General Federation of Women's Club, GFWC, is an international woman's organization dedicated to community improvement by enhancing the lives of others through volunteer service; and

WHEREAS, founded in 1890, the GFWC started with 60 clubs across the United States. This amazing organization has since expanded into an international organization, operating in all 50 states and more than a dozen countries. With more than 4,000 clubs, and over 100,000 individual members it is the largest volunteer organization in the world; and

WHEREAS, April 24, 2016 marks the 126th anniversary of the GFWC; and

WHEREAS, the Moyock Woman's Club is a proud member of the GFWC. The Moyock Woman's Club was organized in 1923 and currently has 41 active members; and

WHEREAS, the founding members started a legacy of volunteerism in Currituck County that continues to this day. Some of the club's projects for our community include:

Tree of Hope-This project supports the Backpack for Kids Program, Albemarle Hopeline and Currituck Kids.

Read 5, Take 5-Providing over 2800 books for elementary students to take home in the summer.

Currituck County Department of Social Services-Providing "first night" bags for foster children and adopting children for Christmas.

Currituck County High School and JP Knapp Early College-Donated personal hygiene products and food for students. Sponsored a scholarship for a student attending a four-year college in North Carolina and supplying that student with supplies to outfit a dorm room. A scholarship was also awarded to a student planning on attending a two-year college or trade/technical school in North Carolina.

Marion Fiske Welch Scholarship-This scholarship is offered to women over 30 returning to school to either finish their degree or just starting.

WHEREAS, these are just a few of the community projects the Moyock Woman's Club is invested in and there are many, many more of which our club proudly participates; and

WHEREAS, as the GFWC marks 126 years of community service, the Moyock Woman's Club humbly asks our Board of Commissioners to recognize April 24, 2016 as General Federation of Women's Club' Day, honoring 126 years of volunteerism to our county, state, country and the world.

NOW THEREFORE BE IT RESOLVED, that the Currituck County Board of Commissioners, in grateful recognition of the important volunteer services performed by the Moyock Woman's Club, hereby proclaim April 24, 2016, as General Federation of Women's Clubs' Day.

ADOPTED this, the 18th day of April, 2016.

C) Commissioner's Report

Commissioner O'Neal announced he wished to step down as an alternate on the Rural Planning Organization, suggesting someone be appointed now so they can familiarize themselves with the issues.

Commissioner Aydlett moved to appoint Commissioner Beaumont to serve as an alternate on the Rural Planning Organization. The motion was seconded by Commissioner Gilbert and carried unanimously.

Commissioner O'Neal said many people in the county, with different party affiliations, have asked him to discuss voting districts. He suggested staff research how other counties approach the issue. Commissioner Aydlett noted the large disparity among

districts now and suggested making seven districts with even number of voters for representation.

Commissioner O'Neal said he had the honor to serve on the teacher of year selection interview panel, speaking with ten teachers with amazing resume's. He noted that teachers and assistants did not ask for one thing for themselves, only enhancements for students and education, with all of them saying they were proud of Currituck's facilities and to work within the Currituck school system.

Commissioner Payment discussed the Lower Currituck Market feasibility study and presentation recently held at the Powells Point Senior Center. Topics included traffic, housing, agriculture and prospective businesses for Lower Currituck.

Commissioner Gilbert announced the free rabies clinic at the judicial center on April 30, 2016, from 2-4 PM. She announced Tuesday night's Shawboro Ruritans dinner. Ms. Gilbert, as Chairman of the ten county board of Albemarle Commission, believes we are losing momentum and support for the Mid-Currituck bridge. She encouraged all to continue to express support for bridge construction.

Commissioner Beaumont said he attended the Currituck County Economic Perspective and Issues, saying the information was sobering. He said with some aspects of the economy getting better, it is not what it used to be. He stressed vigilance, with budget time approaching, to be sure we are spending where we should and encouraged fellow commissioners and staff to conserve where possible.

Commissioner Hall echoed the sentiments of Commissioner Beaumont regarding the budget. He encouraged citizens to consider serving on advisory boards and make suggestions on ways to improve our services.

Commissioner Aydlett said he believes the county has been spending responsibly, providing infrastructure and helping schools. Commissioner Aydlett and Commissioner Griggs commended Mr. Scanlon, saying he has been a good steward and competent advisor to the Board of Commissioners.

- 1. Nomination of Commissioner Beaumont to serve as Alternate on the Rural Planning Organization**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

D) County Manager's Report

County Manager, Dan Scanlon, announced the Board's budget work sessions scheduled for the following week, April 28 & 29, beginning at 9 AM each day, with an additional day for follow up if needed.

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Chairman Griggs opened the Public Comment period.

Steve Fentress of Grandy thanked the Board for what they did for the community, referring to the denial of the development of the solar farm in Grandy, specifically thanking Commissioner Beaumont for insightful questioning about community harmony and drainage. He thanked Commissioner O'Neal for his comments about the economic benefits, and Chairman Griggs for holding an impartial and fair proceeding. He talked about investment tax credits, warning the Board that solar farms will continue to be developed in North Carolina and quoted portions of an article about solar and wind farms. He passed out some information to Mr. Scanlon for review.

Denise Hall of Moyock, and Currituck County's Register of Deeds, asked the Board to allow the opening of a satellite office in Corolla to issue wedding licenses and provide other services such as recording and copying records. She said no additional staff are needed, it can be done at minimal expense, and has calculated the county loses \$10,000 each wedding season. Ms. Hall presented a document containing signatures supporting the satellite office, and suggested the office be located in the welcome center at the south end of the county.

Commissioner Griggs commented that the request is a budgetary question, and noted that state law does not give the Board of Commissioners the authority to create a satellite office. The County Attorney confirmed it would take a local act of the general assembly.

Mary Etheridge of Shawboro, retired director of Elections and former member of the Board of Elections, spoke to district voting and suggested Commissioners be sure to allow the Director of Elections for Currituck County to be included in any discussion, as the change would require a significant increase in the number of ballots required resulting in a significant expense. She noted only thirteen of 100 North Carolina counties have district voting.

Commissioner O'Neal acknowledged the points raised by Ms. Etheridge. He suggested staff look at budgets and costs and allow the citizens to have input. Commissioner O'Neal said people are approaching him, and noted our geography is not like anywhere else in North Carolina. Commissioner Aydlett said people have discussed it with him also, and there should be fairness and equal districts. Chairman Griggs believes this is the beginning of the dialogue.

With no one else signed up to speak, Chairman Griggs recessed the meeting of the Board of Commissioners to convene a special meeting of the Tourism Development Authority.

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a special meeting sitting as the Tourism Development Authority to consider budget items.

County Manager, Dan Scanlon, reviewed the budget amendment and corresponding Project Ordinance with Commissioners, both related to the Moyock Park project.

Commissioner Aydlett moved to approve. The motion was seconded by Commissioner O'Neal. The motion carried unanimously.

With no further business, Chairman Griggs concluded the meeting of the Tourism Development Authority and reconvened the Board of Commissioners.

1. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587050	T T - County Govt Construction	\$ 6,500	
15380-481000	Investment earnings		\$ 6,500
		<u>\$ 6,500</u>	<u>\$ 6,500</u>
Explanation:			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$6,500.			

2. Project Ordinance-Moyock Park

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is to design a park that will be located in Moyock, NC near Shingle Landing.

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

Moyock Park, Shingle Landing	\$	6,500
	<hr/>	<hr/>

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

Transfer from Occupancy Tax	\$	6,500
	<hr/>	<hr/>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 18th day of April 2016.

MOTION TO ADJOURN

Motion to adjourn

After reconvening the meeting of the Board of Commissioners, and with no further business, Commissioner Aydlett moved to adjourn. The motion was seconded by Commissioner Gilbert, carried unanimously, and the meeting of the Board of Commissioners was concluded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1536)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

nber

2016076

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-536000	Uniforms	\$	10		
10795-545100	Credit Card Fees	\$	500		
10795-590000	Capital Outlay	\$	4,000		
10795-511000	Telephone & Postage			\$	260
10795-576010	Cheerleading			\$	250
10795-576009	Youth Soccer			\$	3,000
10795-514800	Fees Paid to Officials			\$	1,000
		<hr/> <u>\$</u>	<hr/> <u>4,510</u>	<hr/> <u>\$</u>	<hr/> <u>4,510</u>

Explanation: Parks and Recreation (10795) - Transfer budgeted funds to credit card fees due to higher utilization of payment of youth recreation registration with credit cards. Transfer to capital outlay to purchase additional soccer goals.

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

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Clerk to the Board

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2016077

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-514000	Travel	\$ 3,000	
10531-532000	Supplies	\$ 7,625	
10531-545000	Contracted Services	\$ 10,000	
10330-445000	Emergency Mgmt		\$ 20,625
		<u>\$ 20,625</u>	<u>\$ 20,625</u>

Explanation: Emergency Management (10531) - Increase appropriations for receipt of 2015 Emergency Management Planning Grant.

Net Budget Effect: Operating Fund (10) - Increased by \$20,625.

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Clerk to the Board

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2016078

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
66868-513000	Utilities	\$	60,000		
66868-514500	Training & Education	\$	248		
66868-532000	Supplies	\$	8,000		
66868-533800	Chemicals	\$	3,000		
66868-561000	Professional Services	\$	1,335		
66360-470000	Utilities Charges			\$	56,583
66868-531400	Equipment Fuel			\$	5,000
66868-590000	Capital Outlay			\$	11,000
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	72,583	\$	72,583

Explanation: Southern Outer Banks Water (66868) - Transfer funds for operations and increase appropriations for increasing utility costs.

Net Budget Effect: Southern Outer Banks Water Fund (66) - Increased by \$56,583.

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Clerk to the Board

per

2016079

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10445-532000	Supplies	\$ 400	
10445-511000	Telephone & Postage		\$ 400
		<u>\$ 400</u>	<u>\$ 400</u>

Explanation: Human Resources (10445) - Transfer funds for operations for the remainder of this fiscal year.

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

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2016080

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10380 484001	Insurance Recovery		\$ 4,113
10530 516200	Vehicle Maintenance	\$ 4,113	
		<u>\$ 4,113</u>	<u>\$ 4,113</u>

Explanation: Emergency Medical Services (10530) - Increase appropriation to record insurance proceeds to repair EMS vehicle involved in an accident.

Net Budget Effect: Operating Fund (10) - Increased by \$4,113.

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per 2016081

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
64848-545000	Contracted Services		\$ 6,000
64848-590000	Capital Outlay		\$ 1,100
64848-533200	Lab Test		\$ 2,000
64848-553000	Dues and Subscriptions		\$ 500
64848-513000	Utilities		\$ 600
64848-531000	Gas	\$ 50	
64848-532000	Supplies	\$ 9,050	
64848-516000	Repairs and Maintenance	\$ 1,100	
		<u>\$ 10,200</u>	<u>\$ 10,200</u>

Explanation: Maple Commerce Park (64848) - Transfer funds for operations for the remainder of this fiscal year.

Net Budget Effect: Maple Commerce Park Sewer Fund (64) - No change.

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Clerk to the Board _____

er 2016082

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-590000	Capital		\$ 20,500
61818-531000	Fuel		\$ 7,500
61818-557100	Software License Fees		\$ 172
61818-561000	Professional Services		\$ 3,000
61818-511000	Telephone and Postage		\$ 2,000
61360-471000	Tap and Connection Fees		\$ 14,828
61818-533800	Chemicals	\$ 2,000	
61818-545100	Credit Card Fees	\$ 5,000	
61818-532000	Supplies	\$ 25,000	
61818-533200	Lab Tests	\$ 1,500	
61818-513000	Utilities	\$ 14,000	
61818-514500	Training And Education	\$ 500	
		<u>\$ 48,000</u>	<u>\$ 48,000</u>

Explanation: Mainland Water (61818) - Transfer funds for operations for the remainder of this fiscal year and increase for increases in utility costs and utilization of credit cards by customers.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$14,828.

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Clerk to the Board

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2016083

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-513000	Utilities	\$ 2,000	
67878-516000	Repairs & Maintenance	\$ 2,000	
67878-533200	Lab Tests	\$ 2,000	
67878-533800	Chemicals	\$ 12,000	
67878-545000	Contract Services	\$ 8,500	
67878-511000	Telephone & Postage	\$ 75	
67878-532000	Supplies	\$ 500	
67878-545100	Credit Card Fees	\$ 2,000	
67878-553000	Dues & Subscriptions	\$ 730	
66878-557100	Software License Fees	\$ 39	
66878-590000	Capital Outlay	\$ 2,157	
67380-484001	Insurance Recovery	\$ 11,689	
67360-470000	Utility Charges	\$ 9,310	
		<hr/> \$ 26,500	<hr/> \$ 26,500

Explanation: Moyock Central Sewer (67878) - Transfer funds for operation and increase appropriations to record insurance recovery from storm damage and for chemicals.

Net Budget Effect: Moyock Central Sewer Fund (67) - Increased by \$20,999.

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Clerk to the Board

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2016084

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
68888-590000	Capital Outlay		\$ 6,500
68888-531000	Fuel		\$ 500
68888-532000	Supplies		\$ 2,500
68888-545000	Contract Services		\$ 2,000
68360-480700	Penalties & Interest		\$ 1,342
68888-516000	Repairs and Maintenance	\$ 5,500	
68888-533200	Lab Test	\$ 1,000	
68888-513000	Utilities	\$ 5,000	
68888-533800	Chemicals	\$ 532	
68888-553000	Dues & Subscriptions	\$ 810	
		<hr/> <u>\$ 12,842</u>	<hr/> <u>\$ 12,842</u>

Explanation: Walnut Island Sewer (68888) - Transfer for operations and increase appropriations for chemical and annual operation permit.

Net Budget Effect: Walnut Island Sewer Fund (68) - Increased by \$1,342.

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Clerk to the Board

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2016085

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10512-503000	Salaries - Part-time	\$	12,309		
10512-505000	FICA	\$	942		
10512-513000	Fuel			\$	1,000
10512-513000	Utilities			\$	12,251
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	13,251	\$	13,251

Explanation: Animal Services and Control (10512) - Transfer funds for additional part-time employees hours needs for the initial start-up and move to the new facility.

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

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Clerk to the Board

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2016086

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
30850-507100	Law Enf Separation Allowance	\$ 4,500	
30850-505000	FICA	\$ 345	
30850-545000	Contract Services		\$ 4,845
		<u>\$ 4,845</u>	<u>\$ 4,845</u>

Explanation: Post-employment Benefits (30850) - Transfer funds to increase the Law Enforcement Separation Allowance due to additional retiree.

Net Budget Effect: Post-employment Benefits Fund (30) - No change.

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Clerk to the Board _____

per 2016087

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63320-413000	Tire Tax	\$ 10,000	
63320-413600	Solid Waste Disposal Tax Revenue	\$ 11,000	
63340-462000	Tipping Fees	\$ 25,000	
63360-470000	Utilities Charges	\$ 45,000	
63380-482300	Recycling - Co-Mixed	\$ 15,000	
63390-499900	Appropriated Fund Balance	\$ 84,000	
63838-513000	Utilities	\$ 400	
63838-545001	Contract Services - Collection	\$ 120,000	
63838-545002	Contract Services - Disposal	\$ 80,000	
63838-545800	White Goods Disposal	\$ 10,000	
63838-545900	Tire Disposal	\$ 6,000	
63838-558400	Solid Waste Disposal Tax	\$ 8,000	
63838-571501	Recycling - Electronics	\$ 30,000	
63838-514000	Travel	\$ 150	
63838-514500	Training & Education	\$ 250	
63838-516000	Maintenance & Repair	\$ 1,000	
63838-545000	Contract Services	\$ 10,000	
63838-571500	Recycling	\$ 53,000	
		<hr/> \$ 254,400	<hr/> \$ 254,400

Explanation: Solid Waste (63) - Transfer funds and increase appropriations due to increases in cost of disposal and collection of solid waste.

Net Budget Effect: Solid Waste Fund (63) - Increased by \$190,000.

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Clerk to the Board

er

2016088

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-502100	Overtime	\$ 84,348	
10530-502200	Holiday	\$ 20,467	
10530-505000	FICA	\$ 8,019	
10530-507000	Retirement	\$ 12,735	
10530-511600	Uniforms	\$ 2,000	
10530-514000	Travel	\$ 1,000	
10530-514800	Fees pd to officials	\$ 500	
10530-553000	Dues and Subscriptions	\$ 500	
10530-561000	Professional Services		\$ 5,000
10530-590000	Capital Outlay		\$ 101,815
10541-502000	Salaries		\$ 16,000
10541-505000	FICA		\$ 1,224
10541-506000	Health Insurance		\$ 5,530
		<hr/> \$ 129,569	<hr/> \$ 129,569

Explanation: Emergency Medical Services (10530); Fire Services (10541) - Transfer budgeted funds for operations due to increased overtime and operating needs for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1539)

Agenda Item Title

Resolution Pedestrian Plan Funding:

Brief Description of Agenda Item:

This resolution authorizes staff to complete the agreement with NCDOT for completion of the Comprehensive Pedestrian Plan by NCDOT and that the County will provide their portion of the grant funds. The County applied for and was awarded an NCDOT Pedestrian Planning Matching Grant and the County's portion of the grant is \$18,000.

Board Action Requested

Action

Person Submitting Agenda Item

Susan Tanner, Administrative Assistant

Presenter of Agenda Item

Ben Woody

NORTH CAROLINA

DOT ADMINISTERED - BIKEPED PLANNING
PROJECT - FEDERAL

CURRITUCK COUNTY

DATE: 4/27/2016

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP Number: M-0492N

AND

WBS Elements: 44527.1.15

FEDERAL-AID NUMBER: 0SPR-0125

COUNTY OF CURRITUCK

CFDA #: 20.205

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the County of Currituck, hereinafter referred to as the "County."

W I T N E S S E T H:

WHEREAS, Section 52005 of the Moving Ahead for Progress in the 21st Century (MAP-21) allows for the allocation of State Planning and Research (SP&R) funds to be available for certain specified transportation activities; and,

WHEREAS, in accordance with G.S. 133-66.2.1, the NC General Assembly requires each County to develop a comprehensive transportation plan that will serve present and anticipated travel demand; and

WHEREAS, the Department has allocated state matching funds to augment the federal funds available for these activities; and,

WHEREAS, the Department's Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) have created a matching grant program to encourage the development of comprehensive bicycle (and/or) pedestrian plans, which may serve as a component of the comprehensive transportation plan; and

WHEREAS, the County has requested funding for a Comprehensive Pedestrian Plan, hereinafter referred to as the Project, in Currituck County, North Carolina; and,

WHEREAS, the County has requested that the Department develop the Plan in coordination with the County; and,

WHEREAS, the County has agreed to participate in the cost of the project as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

1. SCOPE OF THE PROJECT

The Project consists of the planning and production of a Comprehensive Pedestrian Plan in accordance with the Department's policies and procedures.

The Department's funding participation in the Project shall be restricted to development of this Plan, as further set forth in this Agreement.

2. DEVELOPMENT OF PLAN

The Department, and or its agent, shall prepare the Comprehensive Pedestrian Plan for the County of Currituck. The Comprehensive Plan will address (but not be limited to) the following:

- a. Introduction / Executive Summary
- b. Evaluating Current Conditions
- c. Existing Plans, Programs, and Policies
- d. Develop Bicycle or Pedestrian System Plan
- e. Facility Standards and Guidelines
- f. Ancillary Facilities and Programs
- g. Project Development
- h. Maps and Illustrations
- i. Recommendations for Projects, Programs and Policies
- j. Implementing the Plan

REVIEW REQUIREMENTS

The Department will submit two copies of the final draft of the Comprehensive Bicycle (and/or) Pedestrian Plan to the County for review and comment. The DBPT and the TPB shall review and approve said final draft and necessary revisions within six months.

3. COMPLETION

- a. The Commission for the County shall consider the adoption of the Comprehensive Bicycle (and/or) Pedestrian Plan, as approved by the Department. If the Commission requests significant changes prior to adoption, the County must resubmit the Commission -approved Comprehensive Bicycle (and/or) Pedestrian Plan to the Department for re-approval.
- b. The County shall receive digital files and five (5) hard copies of the approved Comprehensive Bicycle (and/or) Pedestrian Plan, in a format compatible with Department and Municipal requirements. Geodatabases/shapefiles shall adhere to the DBPT standard format regarding nomenclature, structure and minimal attributes/variables. Photo and map design/resolution shall also meet minimum DBPT standards. The County shall be responsible for the distribution of the final documents to the appropriate local agencies and interested parties.

4. PROJECT DOCUMENTS

All documents, including digital files, will become the property of the County and the Department. Any and all original graphics, technical drawings, photographs, maps, GIS files, and promotional items produced for the plan or for any public meetings shall be available for use by the Department in other publications, on the DBPT website and for display purposes. The Department shall be credited for its participation in all documents, publicity, announcements and materials prepared for/by the County for public meetings.

5. FUNDING

The total estimated project cost is \$60,000. The Department shall participate in 70% of the total cost, up to a maximum amount of Forty-Two Thousand Dollars (\$42,000). The County shall provide a (30%) local match of the total estimated project cost. The County shall submit a check for \$18,000 to the Department upon execution of this Agreement by the County. Upon completion of the project, if actual costs exceed the amount of payment, the County shall reimburse the Department any underpayment within sixty (60) days of invoicing by the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23. If

the actual cost of the work is less than \$60,000 the Department shall reimburse the County any overpayment.

6. ADDITIONAL PROVISIONS

- a. The Department shall not be liable and shall be held harmless from any and all claims that might arise on account of the County negligence and/or responsibilities under the terms of this agreement and/or project.
- b. All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
- c. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.
- d. The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.
- e. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
- f. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).
- g. Pursuant to GS 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq.

requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Disinvestment Act. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

- h. By execution of this Agreement each Party certifies that neither it nor its Agents or Contactors/Subcontractors 1) are on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran; 2) shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and 3) that the undersigned are authorized by the Parties to make this Certification.
- i. During the term of this Agreement, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and provided for by law, rule, or contract. Should this Act be voided by NC General Statute, this Agreement will remain valid; however this certification will no longer be required.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the County by authority duly given.

L.S. ATTEST:

COUNTY OF CURRITUCK

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

Approved by _____ of the local governing body of the County of Currituck as attested to by the signature of Clerk of said governing body on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

County of Currituck

DEPARTMENT OF TRANSPORTATION

BY: _____

(DEPUTY SECRETARY FOR TRANSIT)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

RESOLUTION AUTHORIZING CURRITUCK COUNTY TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DEVELOPMENT OF A PEDESTRIAN PLAN

Whereas, Currituck County is committed to improving public safety, promoting public health and creating recreation opportunities for its citizens through pedestrian pathways; and

Whereas, the North Carolina Department of Transportation's Division of Bicycle and Pedestrian Transportation and the Transportation Planning Branch have created a matching grant program to encourage the development of comprehensive bicycle (and/or) pedestrian plans, which may serve as a component of the comprehensive transportation plan; and

Whereas, Currituck County has requested and has been awarded funding for a Comprehensive Pedestrian Plan in Currituck County, North Carolina; and

Whereas, Currituck County has requested that the Department of Transportation develop the Plan in coordination with the County; and

Whereas, Currituck County has agreed to participate in the funding of the Plan development at a cost of eighteen-thousand dollars (\$18,000).

Therefore, Be It Resolved, that the Board of Commissioners of Currituck County authorizes staff to enter into Agreement #6370 with the North Carolina Department of Transportation to develop the Comprehensive Pedestrian Plan and submit the County's portion of funding to the North Carolina Department of Transportation.

Adopted this the 2nd day of May, 2016.

David L. Griggs, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

(SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1530)

Agenda Item Title

Dominion Power Right of Way Agreement

Brief Description of Agenda Item:

Dominion Power has requested a 20' easement along the boundary of the County owned parcel at the end of Inventors Way to serve the proposed Hidden Oaks subdivision. Attached is the Right of Way Agreement and Plat for the power line easement. Staff recommends approval and execution of this easement.

Board Action Requested

Action

Person Submitting Agenda Item

Eric Weatherly, County Engineer

Presenter of Agenda Item

Eric Weatherly



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into this _____ day of _____, _____, by and between

County of Currituck

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in North Carolina as Dominion North Carolina Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to:
Dominion North Carolina Power, 200 W. Vepco St. Roanoke Rapids, NC 27870.

(Page 1 of 5 Pages)
DNCPIDNo(s). 71-16-0017

Form No. 721043-1 (Jun 2015)
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Right of Way Agreement

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said easement shall extend twenty (20) feet in width across the lands of **GRANTOR**; and

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Currituck County, North Carolina, as more fully described on Plat(s) Numbered 71-16-0017, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

Initials: _____

(Page 2 of 5 Pages)
DNCPIDNo(s). 71-16-0017

Form No. 721043-2 (Jun 2015)
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Right of Way Agreement

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE** shall have the right to assign or transfer, without limitation, to any public service company all or any part of the perpetual right, privilege and easement granted herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 3 of 5 Pages)
DNCPIDNo(s). 71-16-0017

Form No. 721043-3 (Jun 2015)
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Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

COUNTY OF Currituck

By:

(Name)

Title:

(Title)

State of _____

County of _____, to-wit:

I, _____, a Notary Public in and for the State of _____ at Large, do hereby certify that this day personally appeared before me in my jurisdiction aforesaid

(Name of officer or agent)

(Title of officer or agent)

on behalf of Currituck County, North Carolina, whose name is signed to the foregoing writing dated this _____ day of _____, 20_____, and acknowledged the same before me.

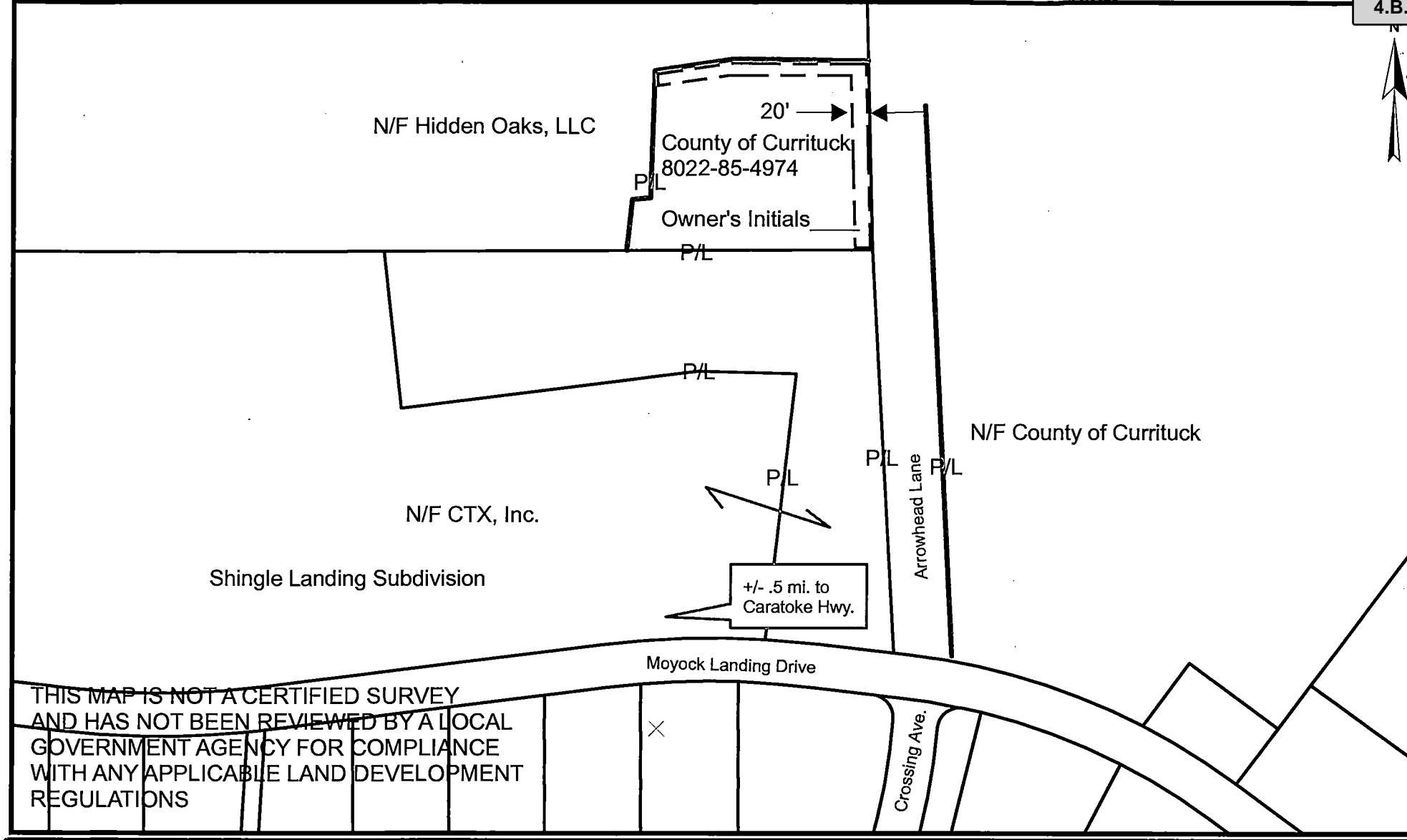
Given under my hand _____, 20_____.

Notary Public (Print Name)

Notary Public (Signature)

My Commission Expires: _____

(Page 4 of 5 Pages)

**LEGEND**

— — — Location of Boundary Lines of Right-of-Way

— P — — Indicates Property Line is Right-of-Way Boundary

NOT TO SCALE

<i>District</i>	Elizabeth City	
<i>District-Township-Borough</i>	<i>County - City</i>	<i>State</i>
Moyock	Currituck	NC
<i>Office</i>	<i>Plat Number</i>	
Elizabeth City	71-16-0017	
<i>Estimate Number</i>	<i>Grid Number</i>	
10034767	N0701	

**PLAT TO ACCOMPANY
RIGHT-OF-WAY AGREEMENT**VIRGINIA ELECTRIC AND POWER COMPANY
doing business as**Dominion North Carolina Power**

UG

DATE: 4/18/2016 BY: Norma N. Cook



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1533)

Agenda Item Title

2016-17 County Funding Plan Approval-NCDPS/Juvenile Crime Prevention Council

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Currituck County
NC DPS - Community Programs - County Funding Plan

Available Funds: \$ **\$81,830** Local Match: \$ **\$22,587** Rate: **30%**

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% Non DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State/Federal	Funds		
1	Partnership for Adolescents Support Services & Teen Court	\$67,378	\$20,213					\$87,591	23%
2	Currituck Restitution Program	\$7,914	\$2,374					\$10,288	23%
3	JCPC Certification	\$6,538						\$6,538	
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
TOTALS:		\$81,830	\$22,587					\$104,417	22%

The above plan was derived through a planning process by the Currituck County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2016-2017

Amount of Unallocated Funds _____

Amount of funds reverted back to DPS _____

Discretionary Funds added _____

check type initial plan update final

----DPS Use Only----

Reviewed by _____	Area Consultant _____	Date _____
Reviewed by _____	Program Assistant _____	Date _____
Verified by _____	Designated State Office Staff _____	Date _____

Chairperson, Juvenile Crime Prevention Council (Date) Jason S. Weeks 3/30/16

Chairperson, Board of County Commissioners or County Finance Officer (Date)