



**Board of Commissioners  
Agenda Packet**

**January 2, 2018**

**5:00 PM Work Session**

Beach Parking Pass

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Reverend Walter Gallop, US Air Force Chaplain, Retired

B) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Public Hearings**

- A) **Public Hearing & Action: PB 15-15 Countryside Estates:** Request for a conditional zoning amendment on property zoned C-MXR to remove the farmland buffer, reduce the width of the Type A perimeter buffer and clarify the pedestrian improvements on 55.66 acres. The property is located in Moyock on the west side of Caratoke Highway (NC 168) south of North Point Boulevard, Tax Map 9, Parcel 79B, Moyock Township.
- B) **Public Hearing & Action: PB 17-09 Mainstay Construction, Inc:** Request for conditional rezoning of 20.01 acres from Agriculture (AG) to Conditional Single-Family Residential-Mainland (C-SFM) for properties located at Tulls Creek Road, Tax Map 14, Parcel 18D & Parcel 18E, Moyock Township.
- C) **Public Hearing & Action: PB 17-15 Currituck County:** Currituck County requests to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

**New Business**

A) **Board Appointments**

1. Carova Beach Road Service District

B) **Consent Agenda**

1. Approval Of Minutes for December 4, 2017
2. Budget Amendments
3. Surplus Resolution and Authorization for Lieutenant Jason Banks and Sergeant Gary Dodd to Purchase their Service Weapons upon their Retirement
4. Inspections Dept-Records Disposal
5. Petition for Road Addition: Saddlebrook Estates-Canterbury Court, Briarcliffe Lane and Derby Drive

C) **Commissioner's Report**

D) **County Manager's Report**

**Adjourn**

**Special Meeting of the Ocean Sands Water & Sewer District Board**

Budget Amendment

**Adjourn Special Meeting**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2065)

**Agenda Item Title**

Beach Parking Pass

**Brief Description of Agenda Item:**

A discussion on the possible implementation of a beach parking pass for the Corolla 4-wheel drive beach.

**Board Action Requested**

Discussion

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Daniel F. Scanlon



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2060)

**Agenda Item Title**

Public Hearing & Action: PB 15-15 Countryside Estates:

**Brief Description of Agenda Item:**

Request for a conditional zoning amendment on property zoned C-MXR to remove the farmland buffer, reduce the width of the Type A perimeter buffer and clarify the pedestrian improvements on 55.66 acres. The property is located in Moyock on the west side of Caratoke Highway (NC 168) south of North Point Boulevard, Tax Map 9, Parcel 79B, Moyock Township.

**Planning Board Recommendation:**

**PLANNING BOARD RECOMMENDATION 12/12/17**

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Fred Whiteman, Vice Chairman

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Balance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Recommended approval for the request for conditional zoning modification by approving condition #1 Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage and condition #2 The development will be in conformance with the attached land plan for Countryside Estates and changing condition #3 to Type A Buffer along the northern property line (North Point boundary) shall be installed.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Donna Voliva,

**Presenter of Agenda Item**

Donna Voliva



**STAFF REPORT  
PB 15-15 COUNTRYSIDE  
ESTATES (NCBC)  
BOARD OF COMMISSIONERS  
JANUARY 2, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> Countryside Estates, LLC 1492 South Independence Boulevard Virginia Beach, VA 23462	<b>Applicant:</b> NCBC 1492 South Independence Boulevard Virginia Beach, VA 32462
<b>Case Number:</b> PB 15-15	<b>Application Type:</b> Conditional Rezoning, 1 <sup>st</sup> Amendment
<b>Parcel Identification Number:</b> 0009000079B0000	<b>Existing Use:</b> Residential Subdivision, under construction
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 55.363 acres
<b>Moyock SAP Classification:</b> Full Service	<b>Moyock Mega-Site Master Plan:</b> Low Density Residential (LDR)
<b>Zoning History:</b> AG and GB (1989); C-MXR (2015)	<b>Plan Request:</b> Residential Subdivision, Conditional Zoning 1 <sup>st</sup> Amendment
<b>Current Zoning:</b> C-MXR	<b>Proposed Zoning:</b> C-MXR

### SURROUNDING PARCELS

	Land Use	Zoning
North	Residential/Undeveloped	AG/GB
South	Cultivated Farmland/ Undeveloped	MXR/GB
East	Undeveloped	GB
West	Cultivated Farmland	AG

### STAFF ANALYSIS

#### REQUEST

The property is zoned Conditional-MXR (C-MXR) and is under construction for a 62 lot residential subdivision. The BOC approved the conditional zoning on November 2, 2015 with the following conditions:

1. Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage.
2. The development will be in conformance with the attached land plan for Countryside Estates.
3. The 50' vegetated farmland buffer shall be dedicated on the adjacent property to the south owned by Currituck F & W Land Company, LLC as an easement (recorded document).

4. In the event the property to the south (N/F Currituck F & W Land Company remains in active cultivation at the time of final plat approval for Countryside Estates, the farmland buffer and 50' easement on the Currituck F & W Land Company property shall be recorded.

After the conditional zoning was approved for the subject property, the Moyock Mega Site Master Plan (Currituck Station) was adopted by the Board of Commissioners (June 2017). The Master Plan identifies the Countryside Estate property as low density residential (LDR) and the property immediately adjacent to the south as medium density residential (MDR). The property to the south is owned by N/F Currituck F&W Land Company and has a higher development potential than the subject property. If N/F Currituck F&W Land Company's property is developed with densities designated in the Master Plan, the farmland buffer would not be required. N/F Currituck F & W Land Company property is in active cultivation and the property owner has provided a written acknowledgement to remove the farmland buffer.

The property owner has requested amendments to the C-MXR district conditions that would:

- Remove Zoning Conditions 3 and 4 (farmland buffer)
- Modify the plan to:
  - Reflect the removal of the farmland buffer located on the Currituck F & W Land Company property (southern);
  - Reduce the Type A buffer along the North Point property line from 25' to 20'; and,
  - Reflect the pedestrian circulation.

### Community Meeting

A community meeting was held on October 9, 2017. The property owners in attendance were from North Point subdivision and were concerned about drainage and construction of the proposed subdivision. The reduction in buffer along the property line was a concern.

### 2006 Land Use Plan

The 2006 Land Use Plan (LUP) classifies the site as Full Service with the Moyock subarea. The policy emphasis for the Moyock subarea is properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential Development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. However, in areas where central sewer is proposed or existing, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

### The Moyock Small Area Plan

The Moyock Small Area Plan (MSAP) classifies the property as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. Typical densities in full service designations range from 1.5-3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.


The MSAP policy relevant to the request include:

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



## UDO

The UDO allows two options for the Type A buffer:

BUFFER TYPE	DESCRIPTION	MINIMUM SCREENING REQUIREMENT [1] [2]		
		OPTION 1: MIN. WIDTH: 25 FEET	OPTION 2: MIN. WIDTH: 10 FEET	VC/CC DISTRICT MIN. WIDTH: 5 FEET
TYPE A: BASIC BUFFER				
	This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	6 ACI of canopy trees + 6 ACI of understory trees per 100 linear feet	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	One 5-foot-high solid fence + 20 shrubs per 100 linear feet

Staff does have concerns reducing the width of the Type A perimeter buffer along the North Point subdivision. The UDO does allow two options for the Type A perimeter buffer width and the request is generally consistent with the UDO. The applicant shall demonstrate that adequate area can be provided for the continued maintenance of the drainage ditch located along the northern property line and the installed buffer will maintain the 10' screening requirement (species description) with an increased width to 20' (total width). If Option 2 is used, the buffer area will be reduced but more plantings are required.

## REVIEW STANDARDS

In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and to the extent to which the proposed amendment:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance;
  - The removal of the farmland buffer along the southern property line appears to be consistent with the goals, objectives, and policies of the Land Use Plan, and other county adopted plans.
  - The farmland buffer on the adjacent southern property is located within the boundaries of the Currituck Station master plan. The master plan affords

- higher development densities on the adjacent southern property. A perimeter buffer, if required, will be provided as outlined by the UDO.
  - The request is consistent with the purpose and intent of the perimeter landscape buffer, and as proposed will mitigate and separate the Countryside Estate development zoned C-MXR from North Point development zoned AG.
- Is in conflict with any provision of this ordinance, or the County Code of Ordinances;
  - The UDO allows two options for the Type A perimeter buffer; Option 1: 25' width and Option 2: 10' width. A 20' width is not an option in the UDO. The project would be subject to 10' plant materials in the 20' width. The owner agrees to incorporate an additional 10' buffer for planting and drainage.
- Is required by changed conditions;
  - The adoption of the Moyock Mega Site (Currituck Station) master plan could allow for increased residential densities along the adjacent southern property line and no longer require the farmland buffer, once developed.
- Addresses a demonstrated community need;
  - Staff is not aware of a demonstrated community need for amendment to the conditional zoning.
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The requested amendment appears to be consistent with the surrounding land and the appropriate zoning district and uses of the land.
- Adversely impacts nearby lands.
  - Staff is not aware of any adverse impacts to nearby lands provided adequate area for drainage and plants can be provided within the 20' proposed buffer along the northern property line.
- Would result in a logical and orderly development pattern;
  - It is staff's opinion that the amendment to the rezoning will result in a logical and orderly development pattern by continuing to provide the perimeter buffer along the northern property line (North Point).
- Would result in significant adverse impacts on the natural environment – including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
  - Staff is not aware of any adverse impacts on the natural environment because of the proposed rezoning amendment.
- Would result in development that is adequately served by public facilities;
  - The zoning amendment will not have an impact on adequate public facilities.
- Would not result in significantly adverse impacts on the land values in the surrounding area; and,
  - Staff is not aware of any significantly adverse impacts on the land values in the surrounding area.
- Would not conflict with the public interest and is in harmony with the purposes and intent of this ordinance.
  - Staff is not aware of any public interest conflict with the removal of the farmland buffer and appears to be in harmony with the intent of the ordinance.
  - The UDO allows two options for the Type A perimeter buffer; Option 1: 25' width and Option 2: 10' width. The project would be subject to 10' plant materials in the 20' width. The owner agrees to incorporate an additional 10' buffer for planting and drainage.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

The TRC recommends approval of the proposed request to amend the conditional zoning (C-MXR) provided the plants and drainage can be located within the 20' buffer. The TRC shall review the revised plant and drainage areas.

## CONSISTENCY AND REASONABLENESS STATEMENT

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

- It is at a density appropriate for the location. (Policy HN1)
- Adequate public facilities are available to service the project. (PP2)
- It is located in the fastest growing area of the county that continues to evolve as a Full Service community. (Moyock Policy Emphasis)

The conditional rezoning request is consistent with the Moyock Small Area Plan because:

- Infrastructure and service needs of the community are met. (IS2)
- Promotes compatibility between existing developments. (FLU1)

The request is reasonable and in the public interest because:

- It provides a perimeter buffer between the existing development (North Point) and the proposed development.

## 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. Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage.
2. The development will be in conformance with the attached land plan for Countryside Estates.
3. The Type A Buffer along the northern property line (North Point boundary) shall be installed in accordance with Option 1 (25' width), or a modified Option 2 (10' planting width with an additional 10' buffer that will provide a 20' total width).

## PLANNING BOARD RECOMMENDATION – 12/12/2018

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Fred Whiteman, Vice Chairman

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Recommended approval of the request for conditional zoning modification by approving condition #1 Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that

will front on 50' public streets. All lots will be served by public water and sanitary sewage and condition #2 The development will be in conformance with the attached land plan for Countryside Estates and changing condition #3 to Type A Buffer along the northern property line (North Point boundary) shall be installed.

**Discussion:** Assistant Planning Director, Donna Voliva presented the staff report. The property is zoned conditional-MXR (C-MXR) and is under construction for a 62 lot residential subdivision. The BOC approved the conditional zoning on November 2, 2015 with four conditions. The property owner has requested amendments to the C-MXR district conditions that would remove Zoning Conditions 3 and 4 (farmland buffer) and modify the plan to reflect the removal of the farmland buffer located on the Currituck F & W Land Company property (southern), reduce the Type A buffer along the North Point property line from 25' to 20' and reflect the pedestrian circulation. These changes are requested since the Moyock Mega Site Master Plan (Currituck Station) that was adopted by the Board of Commissioners June 2017 would change conditions that require the farmland buffer. N/F Currituck F & W Land Company property is in active cultivation and the property owner has provided a written acknowledgement to remove the farmland buffer. Staff recommends approval.

Chairman Bell asked the board members if they had any question for Ms. Voliva. Discussion was held concerning the Community Meeting on October 9, 2017. Ms. Voliva said the property owners in attendance were from North Point subdivision and were concerned about drainage and construction of the proposed subdivision and that the reduction in buffer along the property line was not a concern.

The applicant, Mr. Napolitano came before the board. Discussion was held on reducing the width of the Type A perimeter buffer along the North Point subdivision and the two options for the Type A perimeter buffer width. The applicant shall demonstrate that adequate area can be provided for the continued maintenance of the drainage ditch located along the northern property line and the installed buffer will maintain the 10' screening requirement (species description) with an increased width to 20' (total width). If Option 2 is used, the buffer area will be reduced but more plantings are required. Board members agreed the 10' screening requirement would be better since the density would be greater. This would also be a higher cost since it requires more plantings.

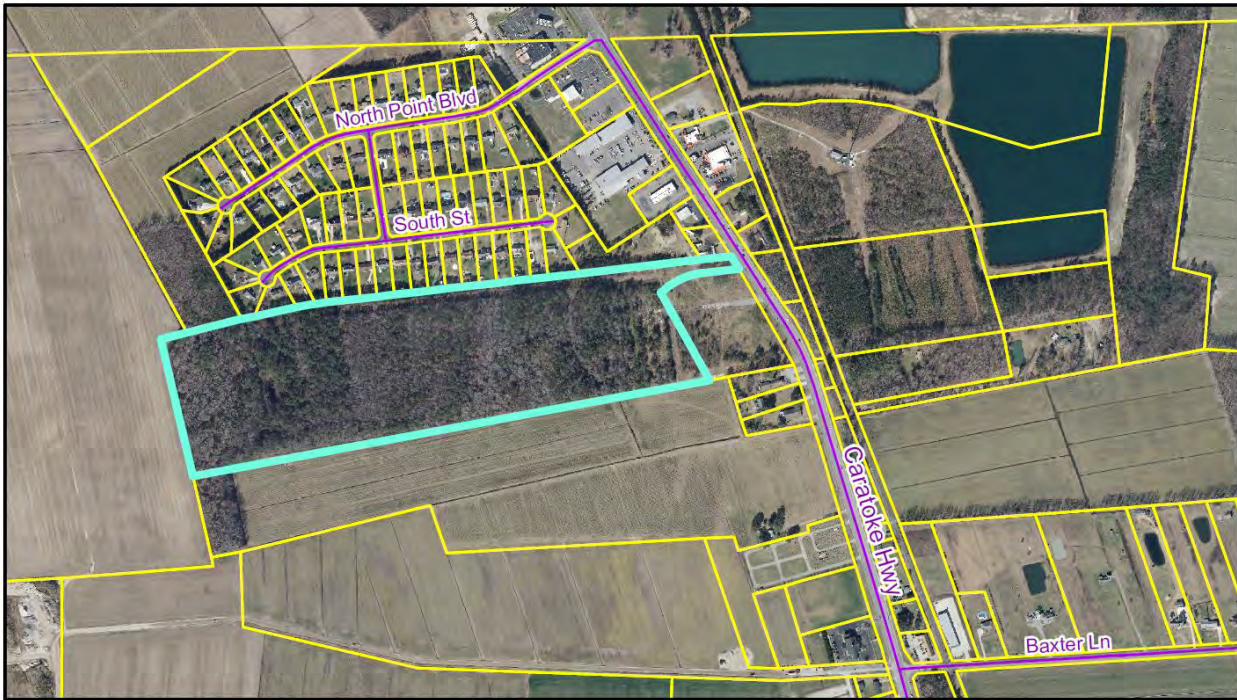
Chairman Bell closed the public hearing and asked for a motion.

Mr. Craddock motioned to approve the request for conditional zoning modification by approving condition #1 Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage and condition #2 The development will be in conformance with the attached land plan for Countryside Estates and changing condition #3 to Type A Buffer along the northern property line (North Point boundary) shall be installed in accordance with Option 1 (25' width), or a modified Option 2 (10' planting width with an additional 10' buffer that will provide a 20' total width).

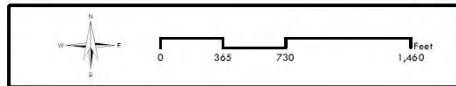
Mr. Whiteman seconded the motion and the motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Planning Board: [www.co.currituck.nc.us/planning-board-minutes-current.cfm](http://www.co.currituck.nc.us/planning-board-minutes-current.cfm)

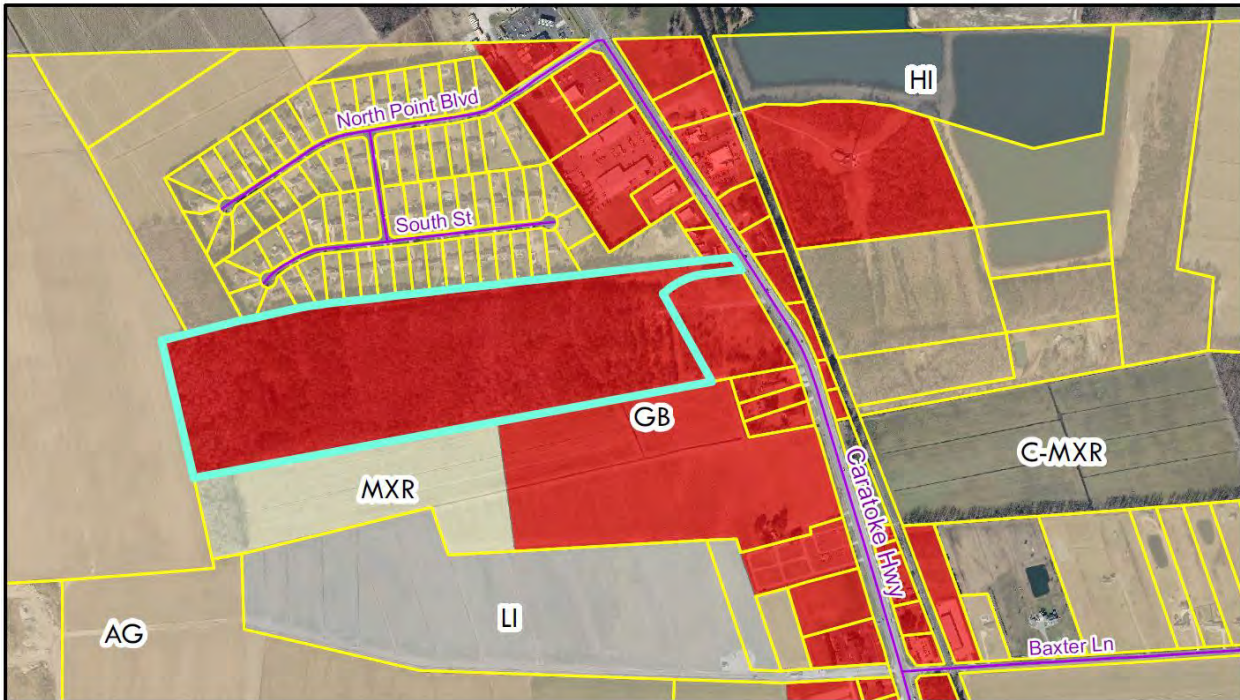




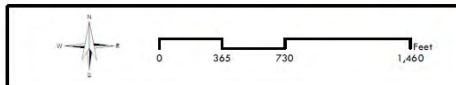
PB 15-15 Countryside Estates  
Conditional Rezoning  
Aerial



Currituck County  
Planning and Community  
Development

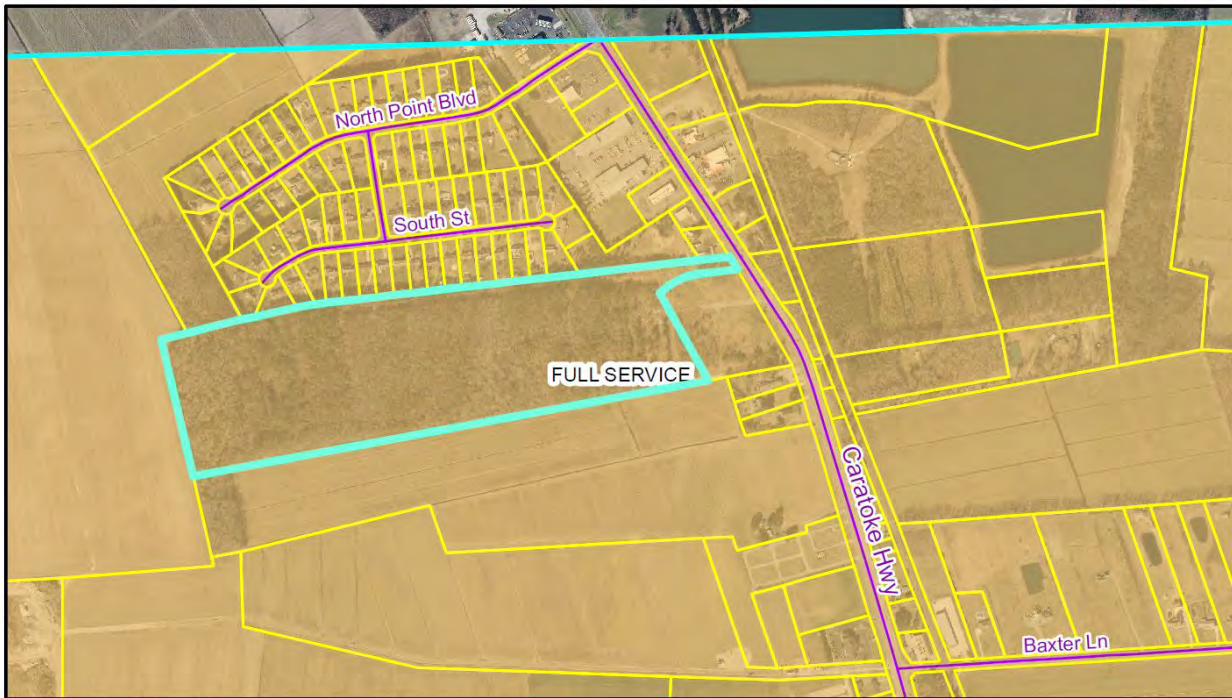


PB 15-15 Countryside Estates  
Conditional Rezoning  
Base Zoning

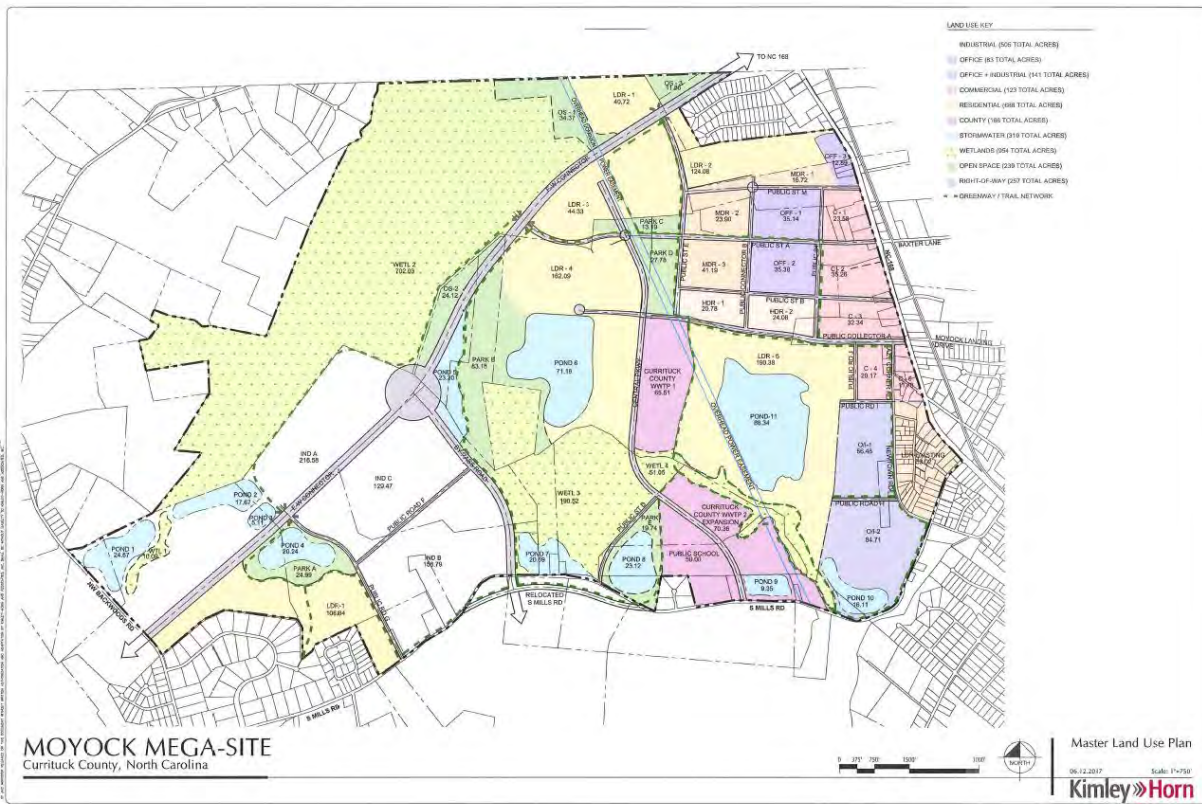
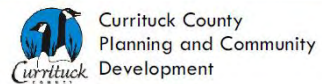
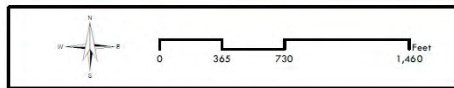


Currituck County  
Planning and Community  
Development





PB 15-15 Countryside Estates  
Conditional Rezoning  
Moyock SAP FLU Map





## Conditional Rezoning Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: NCBC  
 Address: 1492 S. Independence Blvd.  
Virginia Beach, VA 23462  
 Telephone: 757-474-0888 ext. 24  
 E-Mail Address: jnapolitano@napolitanohomes.com

#### PROPERTY OWNER:

Name: Countryside Estates  
 Address: 1492 S. Independence Blvd.  
Virginia Beach, VA 23462  
 Telephone: 757-474-0888 ext. 24  
 E-Mail Address: jnapolitano@napolitanohomes.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: 166 Caratoke Highway  
 Location: Moyock, North Carolina 23502  
 Parcel Identification Number(s): 0009000079B0000  
 Total Parcel(s) Acreage: contryside estates  
 Existing Land Use of Property: Residential

### Request

Current Zoning of Property: MXR Proposed Zoning District: No Change

### Community Meeting

Date Meeting Held: October 9, 2017 Meeting Location: Moyock Library



### 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 purpose of this request is to eliminate the 50' farm buffer on the south border of the property.

The reason for the request is due to the fact that the Mega Site had not been approved and was still

in the consideration stage. Now that it has been approved the buffer would eventually be town out

when the the mega site is developed. The buffer was to be installed on Mr. Frank

Williams Farm and that area is part of the Mega Site.

**Proposed Zoning Condition(s):**

Same as above

An application has been duly filed requesting that the property involved with this application be rezoned from: \_\_\_\_\_ to: \_\_\_\_\_

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)

10-15-17  
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.



### 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



[illegible]

Parcel ID:	000900007980000
CIPIN:	8023-B-5079
Site Area:	± 53,363 AC
Existing Zoning:	CB
Proposed Zoning:	MUR
Proposed Use:	Residential

LOCATION MAP - SCALE 1" = 2,000'



**NOT TO SCALE**



CARATOKE HIGHWAY (ROUTE 168)



**NOT TO SCALE**

**EXHIBIT FOR REZONING**

REVISÉD 11/17/2017

MBA PROJ. 01502





# NAPOLITANO HOMES

~EST. 1977~

October 15, 2017

To: Currituck Planning

From: John Napolitano

RE: Community meeting for Countryside Estates

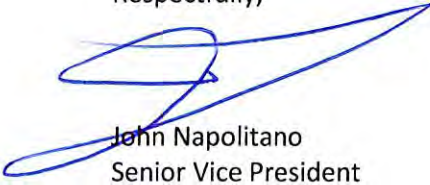
On October 9, 2017 a community meeting was held at the Moyock Library for the conditional rezoning request for Countryside Estates. There were very few people in attendance, but those who did attend were very vocal. (sign in sheet enclosed) Also in attendance from the County was Donna Voliva. They did not come to necessarily hear about the request, only to voice concerns over the drainage.

The topics that were discussed at the meeting:

1. That the ditch between North Point and Countryside was dry on Friday the 6<sup>th</sup>, but had water on the 7<sup>th</sup> and it had not rained. Upon investigation there had been a dam in the main active drainage ditch that was released on Friday the 6<sup>th</sup> in anticipation of rain and so the water did seek its own level and did put water in the dry ditch.
2. That there were some deposits from our community in the ditch. Upon investigating there was one area of the ditch with about a wheelbarrow of sand deposited. I assured everyone there that if we deposit anything into that area it will be removed. We will re-inspect as we complete our work.
3. At the North/West corner of the property the ditch was not draining. Upon investigation there had been some erosion into the new ditch that was dug along the West property line, and the ditch along the South property line had not yet been cleared, due to waiting on the farmer to pick his harvest. The contractor will go back and reshoot the grades and make sure the ditch is flowing in the proper direction.
4. There was concern that the running of equipment along the North property line may have injured tree roots. No equipment had been driven on the North side of our silt fence and the silt fence is a good 5-10 feet away from any mature trees. No equipment had been driven within the drip line of any mature trees.
5. We were able to talk briefly about the reduction of buffers, and while reducing the buffer from 20' to 10' on the Northern border will create a more vegetated buffer, the residence of North Point seemed to not be in favor of it. As for the 50' border on the South property line, they did not seem to have an issue with since it did not affect the.

In conclusion, we will request the elimination of the 50' buffer on the South property line and we will not request a change to the North property line. As for the drainage issues we have not yet made the final connection of the drainage pipe that will drain the majority of the North Point ditch. When that is connected most if not all issues should dissipate. As I have said from the beginning we will not make the drainage issues in North Point any worse than they were, and should in all likelihood help them. All other drainage issues mentioned above will be addressed as well.

Respectfully,



John Napolitano  
Senior Vice President





## 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: John Napolitano, Napolitano Homes

From: Donna Voliva, Senior Planner

Date: November 13, 2017

Subject: PB 15-15 Countryside Estates Conditional Rezoning 1<sup>st</sup> Amendment TRC Comments

The following comments have been received for the TRC meeting on November 15, 2017 regarding the conditional rezoning amendment of Countryside Estates. TRC comments are valid for six months from the date of the TRC meeting.

### **Planning, Donna Voliva**

Reviewed

1. The conceptual plan shall include the perimeter buffer along the northern boundary.
2. Provide a written document from the adjacent landowner acknowledging the removal of the buffer.

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

No Comment

### **Currituck County Engineer, Eric Weatherly (252-232-6035)**

Approved

### **Currituck County Building Inspections, Bill Newns**

No Comment

### **Currituck Soil and Water, Will Creef (252-232-3360)**

No Comment

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

No Comment

### **Currituck County Utilities, Benjie Carawan 252-453-2620)**

No Comment

### **Currituck County Fire Marshal, James Mims**

Reviewed

1. Not a fire code issue

Attachment: Countryside Estates REVISED TRC Comments 111517 (PB 15-15 Countryside Estates:)

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

Reviewed

1. NO COMMENT CONCERNING ELIMINATING A 50 FEET BUFFER REQUIREMENT.

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

No comment

**NC State Archaeology, Mary Beth Fitts (919-807-6554)**

No comment

1. An archeological survey is not recommended for this site.

**US Postal Service, Moyock Postmaster**

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

**The following items are necessary for resubmittal:**

- 3 - full size copies of the revised plan
- 10 11" x 17" copies of the revised plan
- 1 - 8 1/2" x 11" reduction of the revised plan
- 1 - PDF digital copy of all new and revised documents and plans





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2063)

**Agenda Item Title**

Public Hearing & Action: PB 17-09 Mainstay Construction, Inc:

**Brief Description of Agenda Item:**

Request for conditional rezoning of 20.01 acres from Agriculture (AG) to Conditional Single-Family Residential-Mainland (C-SFM) for properties located at Tulls Creek Road, Tax Map 14, Parcel 18D & Parcel 18E, Moyock Township.

**Planning Board Recommendation:**

**Planning Board Recommendation**

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** C. Shay Ballance, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Approval of the conditional rezoning request with the approved conditions of: Minimum building size of 1,800 square feet, wood frame construction only, and farm animals are prohibited. Condition #4 was removed - Individual mailboxes and individual roll out trash cans.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Jason Litteral,

**Presenter of Agenda Item**

Jason Litteral



**STAFF REPORT  
PB 17-09  
BOARD OF COMMISSIONERS  
JANUARY 2, 2017**

### APPLICATION SUMMARY

<b>Property Owner:</b> Mainstay Construction	<b>Applicant:</b> Mainstay Construction
<b>Case Number:</b> PB 17-09	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 0014000018D0000 and 0014000018E0000	<b>Existing Use:</b> Farmland/Vacant
<b>Land Use Plan Classification:</b> Rural	<b>Parcel Size (Acres):</b> 20.1 acres combined
<b>Moyock Small Area Plan Classification:</b> Limited Service	<b>Zoning History:</b>
<b>Current Zoning:</b> Agriculture (AG)	<b>Proposed Zoning:</b> Conditional-Single Family Mainland (C-SFM)
<b>Plan Request:</b> 13 Lot Traditional Residential Subdivision	

### STAFF ANALYSIS

#### REQUEST

The applicant is requesting a conditional rezoning of 20.1 acres from Agriculture to Conditional- Single Family Mainland (C-SFM). The property is vacant of structures but does contain farmland and woodland. The conceptual plan shows a 13 lot subdivision with all 13 lots being 40,000 square feet in area or greater. The two parcels are within the boundaries of the Moyock Small Area Plan and are classified as Limited Service.

The subject property is bordered on the west by Dustin Acres subdivision which has been rezoned from AG to C-SFM and has a similar layout.

#### Community Meeting

The Meeting was held on Friday, October 20, 2017 at 1:30 p.m. in the Moyock Public Library meeting room. Questions were raised concerning the future of the wooded portion of the lot and street lighting.

#### 2006 Land Use Plan

The 2006 Land Use Plan (LUP) classifies the site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential Development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre.

*The proposed sketch plan shows a density of 0.65 units per acre.*

## The Moyock Small Area Plan

The Moyock Small Area Plan (MSAP) classifies the site as Limited Service on the future land use map.

According to the MSAP, limited Service designations are less intensely developed than full service. Emphasis in this designation is focused on residential densities. Limited service designations are characterized by:

- limited availability to infrastructure (public water and wastewater)
- low to moderate residential densities that range between 1 -1.5 units per acre.
- reduced public services such as fire protection, emergency services, recreation
- Clustered residential and small neighborhood service commercial such as retail, office, basic services, and civic uses.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC recommends approval of the proposed request. The conditional rezoning request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan and the Moyock Small Area Plan. It is compatible with existing and proposed uses surrounding the land subject to the application, requests an appropriate zoning district, and proposes an appropriate use for the land.

## SURROUNDING PARCELS

	Land Use	Zoning
North	Undeveloped/Residential	SFM
South	Undeveloped/Farmland (proposed subdivision)	SFM
East	Undeveloped/Residential	SFM / AG
West	Residential Subdivision (Dustin Acres)	C-SFM

## CONSISTENCY STATEMENT

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

- *POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:*
  1. *OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.*

The Conditional Zoning request is consistent with the MSAP designation of Limited Service.

The MSAP policies relevant to the request include:

- *Policy CC1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.*

## REVIEW STANDARDS

In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether, and to the extent to which, the proposed amendment:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance;
  - The proposal appears to be consistent with the goals, objectives, and policies of the Land Use Plan, and other county adopted plans specifically concerning residential densities.
- Is in conflict with any provision of this ordinance, or the County Code of Ordinances;
  - The project appears to meet the minimum ordinance requirements.
  - Full subdivision review will occur upon submittal of a major subdivision application.
- Is required by changed conditions;
  - Staff is not aware of any changed conditions that would require the conditional rezoning.
- Addresses a demonstrated community need;
  - Staff is not aware of a demonstrated community need for the conditional rezoning.
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The requested conditional rezoning appears to be consistent with the surrounding land and proposes an appropriate zoning district and use of the land.
- Adversely impacts nearby lands.
  - Staff is not aware of any adverse impacts to nearby lands.
- Would result in a logical and orderly development pattern;
  - It is staff's opinion that the rezoning will result in a logical and orderly development pattern. Dustin Acres subdivision is directly adjacent to the subject property and was approved for a similar conditional rezoning and subdivision layout.
- Would result in significant adverse impacts on the natural environment – including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
  - Staff is not aware of any adverse impacts on the natural environment because of the proposed conditional rezoning
- Would result in development that is adequately served by public facilities;
  - The zoning amendment will not have an impact on adequate public facilities.
- Would not result in significantly adverse impacts on the land values in the surrounding area; and,

- Staff is not aware of any significantly adverse impacts on the land values in the surrounding area.
- Would not conflict with the public interest and is in harmony with the purposes and intent of this ordinance.
  - Staff is not aware of any public interest conflict with the conditional rezoning request and it appears to be in harmony with the intent of the ordinance.

## 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.

### Agreed upon conditions of approval:

1. Minimum building size of 1,800 square feet.
2. Wood frame construction only.
3. Farm animals are prohibited
4. Individual mailboxes and individual roll out trash cans.

*The applicant is aware that cluster mailboxes may be required for this development and is seeking a waiver from the USPS. This condition may need to be modified depending on the outcome.*

## PLANNING BOARD RECOMMENDATION – 12/12/2017

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** C. Shay Ballance, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Approval of the conditional rezoning request with the approved conditions of: Minimum building size of 1,800 square feet, wood frame construction only, and farm animals are prohibited. Condition #4 was removed – Individual mailboxes and individual roll out trash cans.

**Planning Board Discussion:** Planner I, Jason Litteral presented the staff report. The applicant is requesting a conditional rezoning of 20.1 acres from Agriculture to Conditional- Single Family Mainland (C-SFM). The property is vacant of structures but does contain farmland and woodland. The conceptual plan shows a 13 lot subdivision with all 13 lots being 40,000 square feet in area or greater. The two parcels are within the boundaries of the Moyock Small Area Plan and are classified as Limited Service. Mr. Litteral stated the four conditions of the requested rezoning: Minimum building size of 1,800 square feet, wood frame construction only, farm animals are prohibited and individual mailboxes and individual roll out trash cans (The applicant is aware that cluster mailboxes may be required for this development).



Dylan Tillett, with Quible & Associates, P.C., came before the board. Mr. Tillett gave brief introduction of his request and explained they have submitted a waiver from the USPS for the mailbox requirement for cluster mailboxes.

Chairman Bell asked if board members had any questions and there were none.

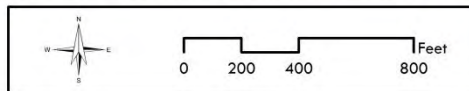
Chairman Bell closed the public hearing and asked for a motion.

Mr. Ballance motioned to recommend approval of the conditional rezoning request with the approved conditions of: Minimum building size of 1,800 square feet, wood frame construction only, and farm animals are prohibited. Condition #4 was removed – Individual mailboxes and individual roll out trash cans.

Mr. O'Brien seconded the motion and the motion carried unanimously.

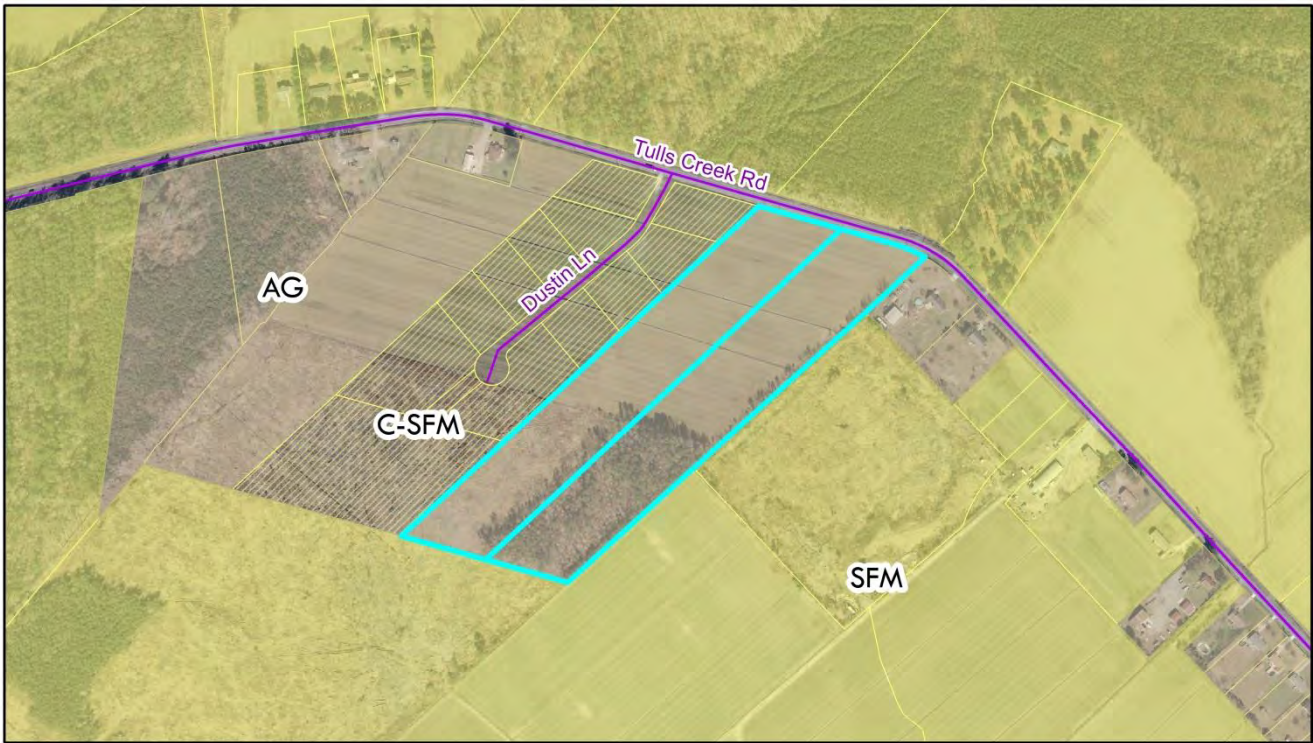


PB 17-09 Mainstay Construction, Inc.  
Conditional Rezoning  
Aerial

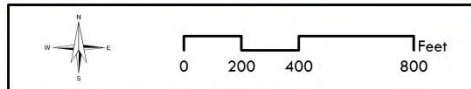



Currituck County  
Planning and  
Community Development

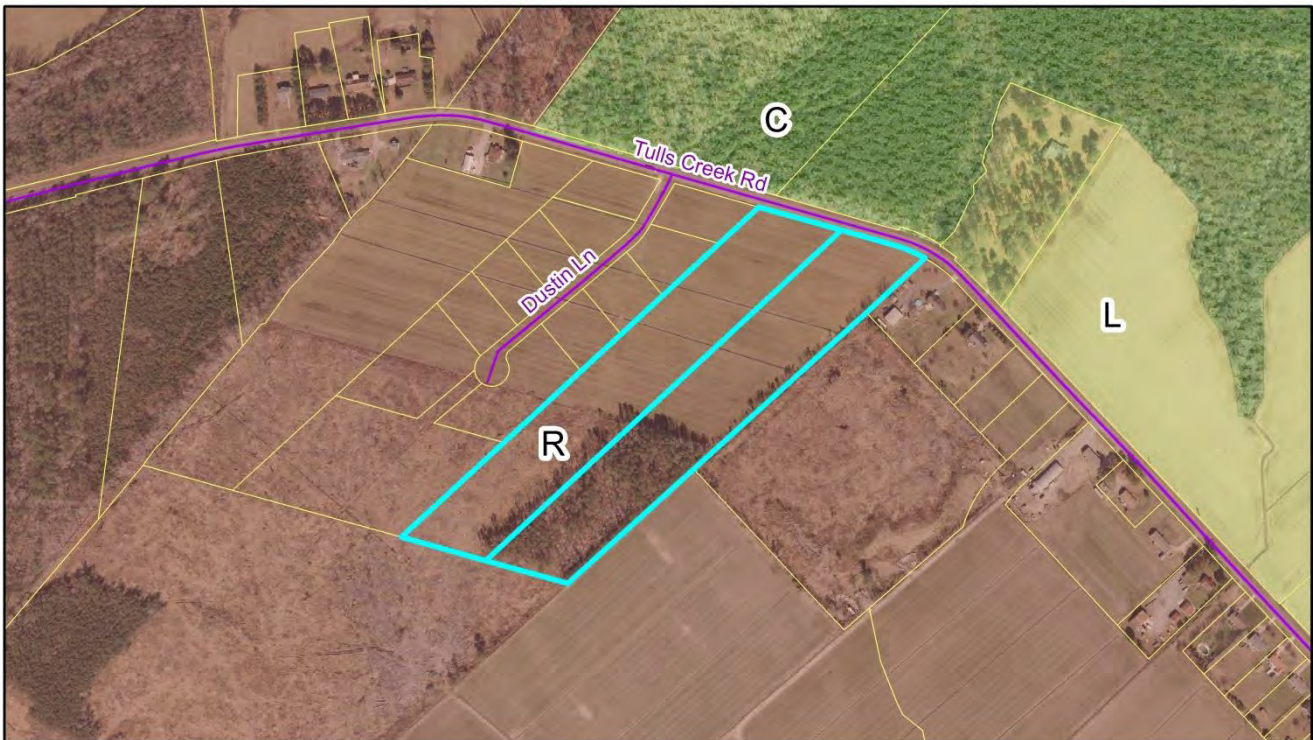




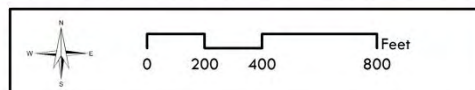
PB 17-09 Mainstay Construction, Inc.  
Conditional Rezoning  
Zoning




 Currituck County  
Planning and  
Community Development

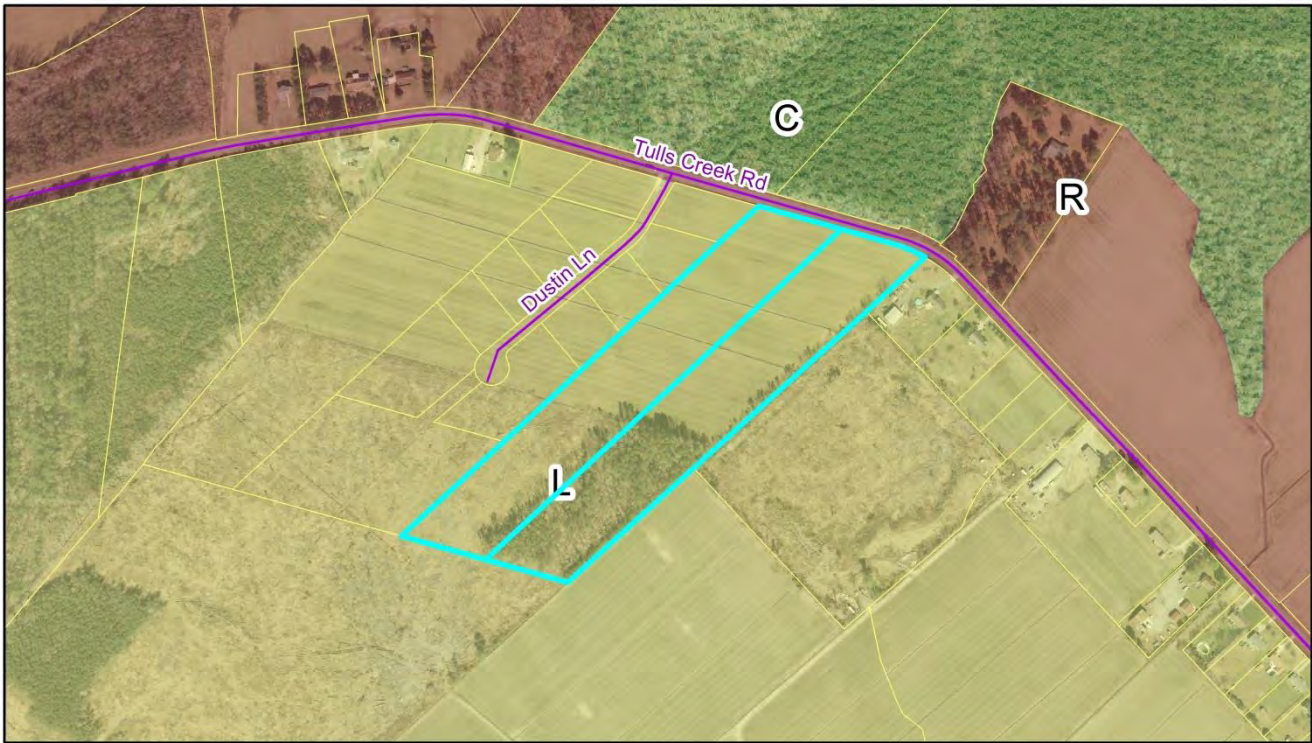


PB 17-09 Mainstay Construction, Inc.  
Conditional Rezoning  
LUP Classification

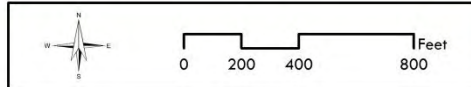


 Currituck County  
Planning and  
Community Development





PB 17-09 Mainstay Construction, Inc.  
Conditional Rezoning  
Moyock SAP Future Land Use Classification



Currituck County  
Planning and  
Community Development

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](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)



# Conditional Rezoning Review Process

Pre-Application  
Conference

Community  
Meeting

Submit  
Application and  
Conceptual  
Development

Determination of  
Completeness

TRC Review and  
Report

Planning  
Board  
Meeting /  
Recommendation

Public  
Notification

Schedule  
Meeting and  
Hearing

Board of  
Commissioners  
Hearing /  
Decision

Notice of  
Decision

Update Zoning  
Map

Conditional  
Rezoning

## Contact Information

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

Phone: 252.232.3055  
Fax: 252.232.3026

Website: <http://www.co.currituck.nc.us/planning-community-development.cfm>

## Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application to the Planning and Community Development Department at least three business days before the pre-application conference.

## Step 2: Community Meeting

The purpose of the community meeting is to inform owners and occupants of nearby lands about the application for a conditional rezoning that is going to be reviewed under the UDO, and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts and outstanding issues, where possible.

Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application.

The community meeting shall comply with the following procedures:

- **Time and Place**
  - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed conditional rezoning.
- **Notification**
  - Mailed Notice
    - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and to:
      - i. All owners of the land subject to the application;
      - ii. All owners of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
      - iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.

- ☐ **Posted Notice**
  - The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.
- ☐ **Notice Content**
  - The notice shall state the time and place of the meeting and general nature of the conditional rezoning.
- **Conduct of Meeting**  
At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**  
County staff shall attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- **Written Summary of Community Meeting**  
The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**  
Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

### Step 3: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. A complete application packet consists of the following:

- Completed Currituck County Conditional Rezoning Application.
- Application Fee (\$150 plus \$5 for each acre)
- Written Summary of Community Meeting.
- A conceptual development plan drawn to scale. The plan shall include the items listed in the conceptual plan design standards checklist.
- Architectural drawings and/or sketches illustrating the design and character of the proposed structures.
- Number of Copies Submitted:
  - ☐ 5 Copies of conceptual site plans
  - ☐ 5 Hard copies of ALL documents
  - ☐ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

On receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

### Step 4: Staff Review and Action

Once an application is determined complete, it will be distributed to the Technical Review Committee (TRC). TRC shall review the application, prepare a staff report, and provide a recommendation on the application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the application might be mitigated.



#### Step 5: Advisory Body Review and Recommendation

After the TRC prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It may suggest revisions to the proposed conditions including the conceptual plan with only those revisions agreed to in writing by the applicant being incorporated into the application. It shall then recommend approval, approval subject to revised or additional conditions agreed to by the applicant, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

#### Step 6: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**  
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**  
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
  - All owners of the land subject to the application;
  - The applicant, if different from the land owner;
  - All owners of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
  - Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**  
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

#### Step 7: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Planning Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The burden of demonstrating that an application complies with applicable review and approval standards of the UDO is on the applicant. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Approval of the conditional rezoning subject to the conditions included in the application;
- Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- Denial of the conditional rezoning; or
- Remand of the conditional rezoning application back to the Planning Board for further consideration.

A conditional rezoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities.);
- Would not result in significantly adverse impacts on the land values in the surrounding area; and
- Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.



## Conditional Rezoning Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

Name: Mainstay Construction, Inc.  
 Address: PO Box 429  
Moyock, NC 27958  
 Telephone: 252-202-0741  
 E-Mail Address: cmainstay@aol.com

**PROPERTY OWNER:**

Name: Mainstay Construction, Inc.  
 Address: PO Box 429  
Moyock, NC 27958  
 Telephone: 252-202-0741  
 E-Mail Address: cmainstay@aol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

**Property Information**

Physical Street Address: Tulls Creek Road  
 Location: Lots 1 & 2, Ward Acres Subd.; ~650' SE of int. of Tulls Creek Rd. & Dustin Ln.  
 Parcel Identification Number(s): 0014000018D0000 & 0014000018E0000  
 Total Parcel(s) Acreage: 20.01  
 Existing Land Use of Property: Vacant (Agricultural Fields & Wooded)

**Request**

Current Zoning of Property: AG Proposed Zoning District: C-SFM

**Community Meeting**

Date Meeting Held: 10/20/17 Meeting Location: Moyock Public Library  
126 Campus Drive  
Moyock, NC 27958



**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):**

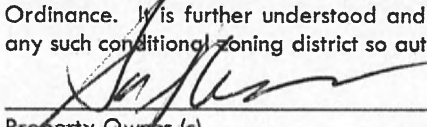
Traditional Subdivision

**Proposed Zoning Condition(s):**

Minimum building size of 1,800 square feet, wood frame construction only, no farm animals, individual mailboxes and individual roll out trash cans per lot.

An application has been duly filed requesting that the property involved with this application be rezoned from:  
AG to: C-SFM

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)

10/25/17  
 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.**

### 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: Lots 1 & 2, Ward Acres Subdivision - Conditional Rezoning Application

Applicant/Property Owner: Mainstay Construction, Inc.

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.	N/A
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.	N/A
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: Lots 1 & 2, Ward Acres Subdivision - Conditional Rezoning Application

Applicant/Property Owner: Mainstay Construction, Inc.

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.	N/A
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:

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#### Comments

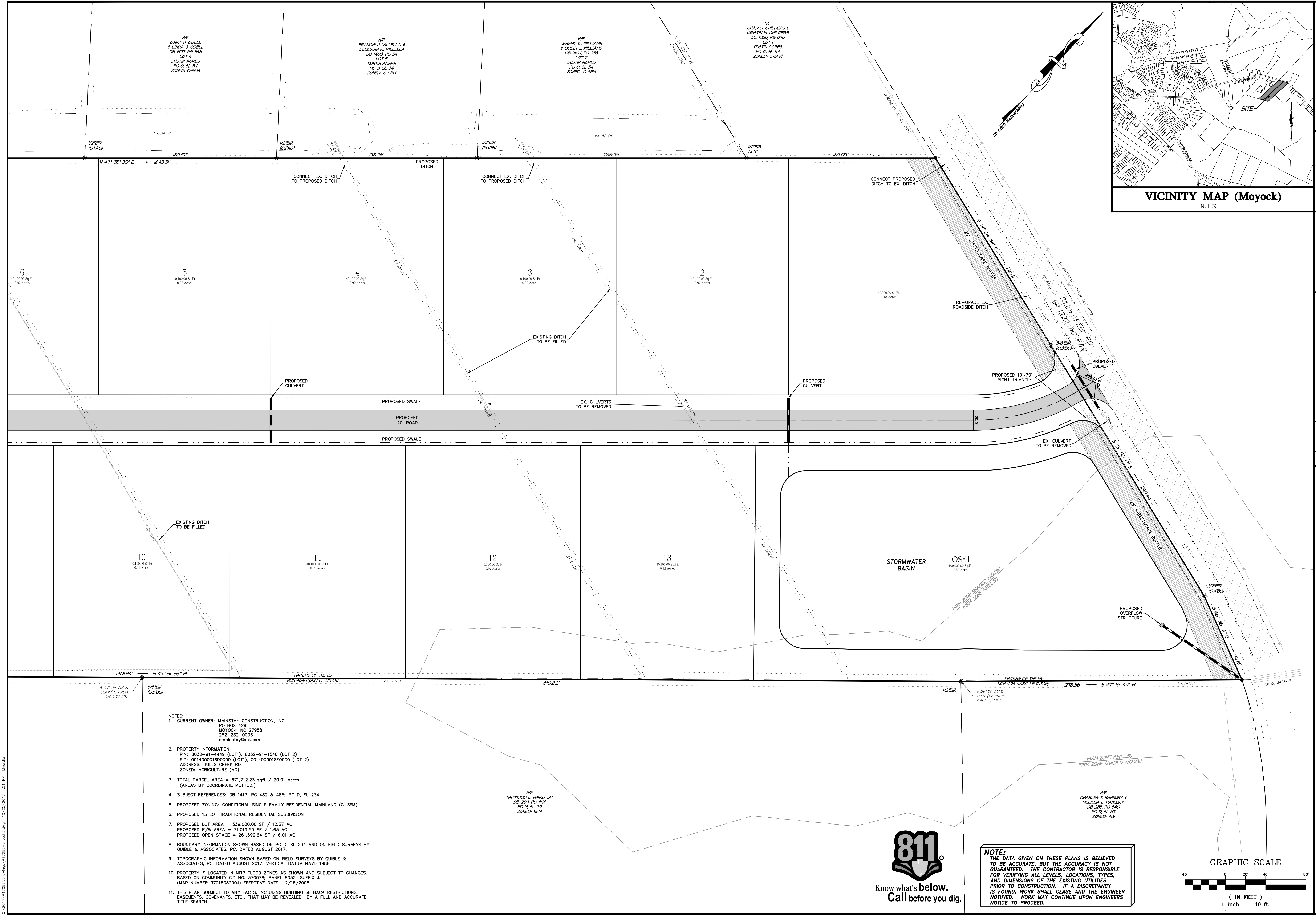
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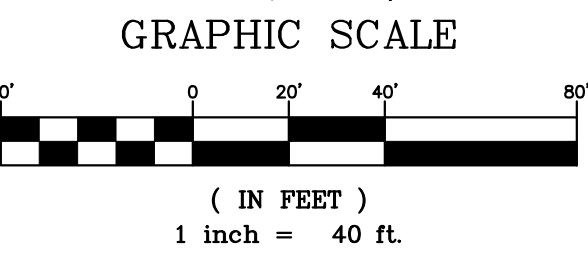
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- NOTES:**
- CURRENT OWNER: MAINSTAY CONSTRUCTION, INC.  
PO BOX 428  
MOYOCK, NC 27958  
252-232-0033  
cmainstay@aol.com
  - PROPERTY INFORMATION:  
PIN: 8032-91-4449 (LOT1), 8032-91-1548 (LOT 2)  
PID: 001400001800000 (LOT1), 001400001800000 (LOT 2)  
ADDRESS: TULLS CREEK RD  
ZONED: AGRICULTURE (AG)
  - TOTAL PARCEL AREA = 871,712.23 sqft / 20.01 acres  
(AREAS BY COORDINATE METHOD.)
  - SUBJECT REFERENCES: DB 1413, PG 482 & 485; PC D, SL 234.
  - PROPOSED ZONING: CONDITIONAL SINGLE FAMILY RESIDENTIAL MAINLAND (C-SFM)
  - PROPOSED 13 LOT TRADITIONAL RESIDENTIAL SUBDIVISION
  - PROPOSED LOT AREA = 539,000.00 SF / 12.37 AC  
PROPOSED R/W AREA = 71,019.59 SF / 1.63 AC  
PROPOSED OPEN SPACE = 281,692.64 SF / 6.01 AC
  - BOUNDARY INFORMATION SHOWN BASED ON PC D, SL 234 AND ON FIELD SURVEYS BY QUILBE & ASSOCIATES, P.C., DATED AUGUST 2017.
  - TOPOGRAPHIC INFORMATION SHOWN BASED ON FIELD SURVEYS BY QUILBE & ASSOCIATES, P.C., DATED AUGUST 2017. VERTICAL DATUM NAVD 1988.
  - PROPERTY IS LOCATED IN NFIP FLOOD ZONES AS SHOWN AND SUBJECT TO CHANGES BASED ON COMMUNITY CID NO. 370078; PANEL 8032; SUFFIX J. (MAP NUMBER 3721803200J) EFFECTIVE DATE: 12/16/2005.
  - THIS PLAN, SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.



**NOTE:**  
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS NOTICE TO PROCEED.



**Quible & Associates, P.C.**  
ENGINEERING • CONSULTING • PLANNING  
ENVIRONMENTAL SCIENCES • SURVEYING  
SINCE 1959  
P.O. Box 1000, Moyock, NC 27958  
Phone: (252) 491-8146  
Fax: (252) 491-8146  
E-Mail: administrator@quible.com

**PROFESSIONAL SEAL**  
CURRITUCK COUNTY, NORTH CAROLINA  
JAMES L. HANEURY  
REGISTERED PROFESSIONAL ENGINEER  
NO. 12345  
EXPIRATION DATE 12/31/2025

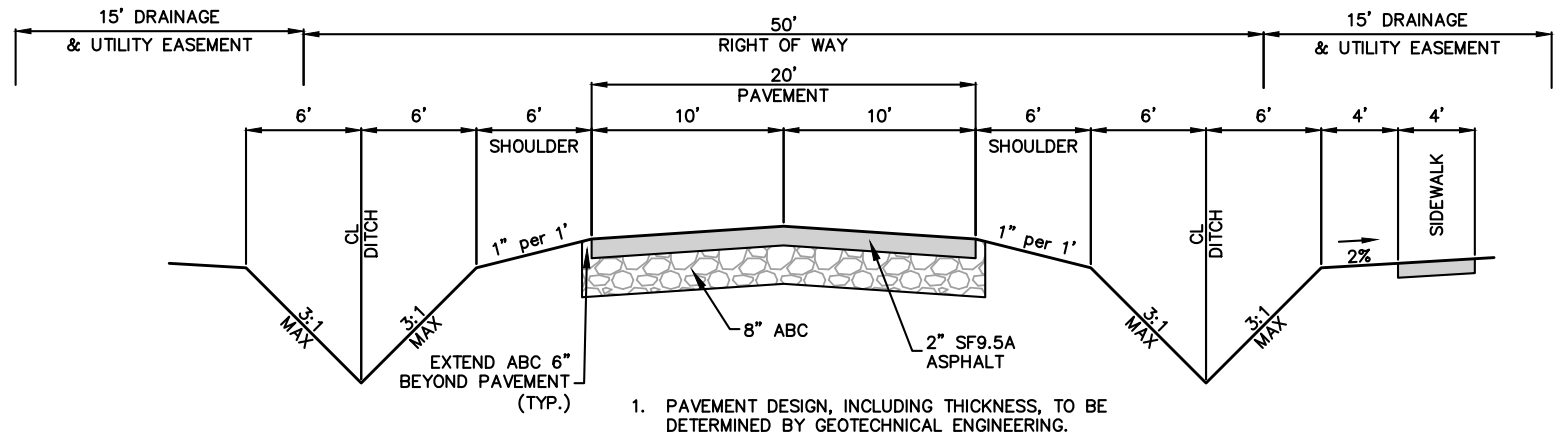
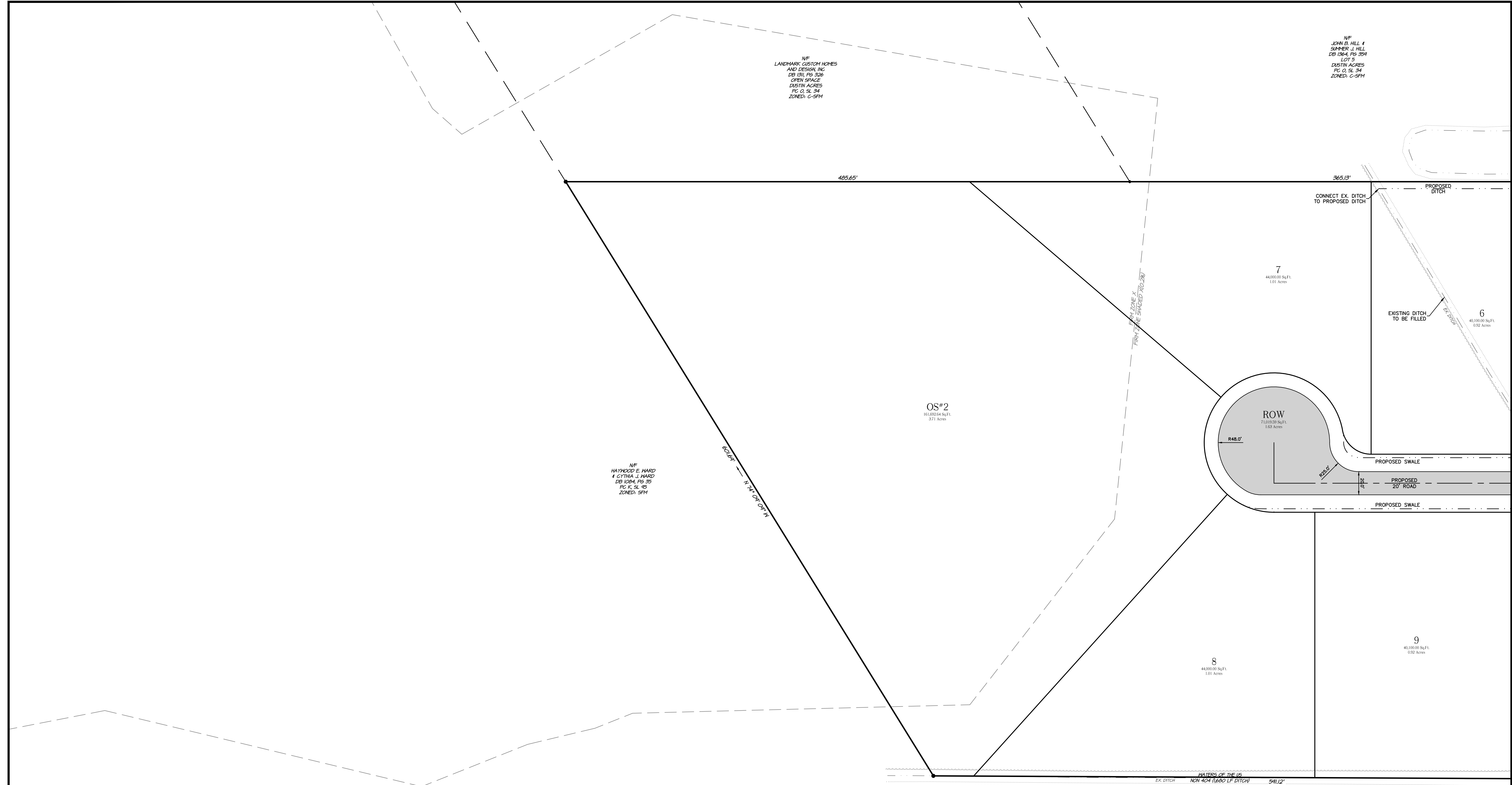
**SKETCH PLAN**  
**LOTS 1 & 2, WARD ACRES**  
**MAINSTAY CONSTRUCTION, INC**  
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

COMMISSION NO. **P17088**  
DESIGNED BY **JMH/DLT**  
DRAWN BY **JMH**  
CHECKED BY **MWS/DLT**  
ISSUE DATE **10/25/17**

SHEET NO. **1**  
OF 2 SHEETS



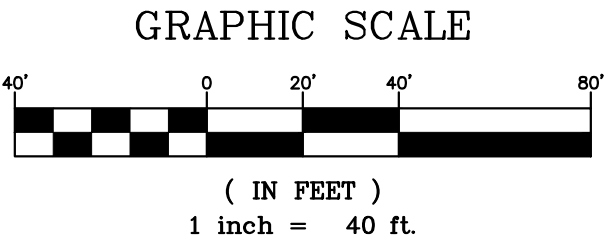
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TYPICAL ROAD SECTION  
N.T.S.



**NOTE:**  
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS NOTICE TO PROCEED.



COMMISSION NO.  
**P17088**

DESIGNED BY  
**JMH/DLT**

DRAWN BY  
**JMH**

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**MWS/DLT**

ISSUE DATE  
**10/25/17**

NO.

DATE

REVISIONS

SKETCH PLAN

**LOTS 1 & 2, WARD ACRES**

**MAINSTAY CONSTRUCTION, INC**

MOYOCK TOWNSHIP

CURRITUCK COUNTY

NORTH CAROLINA

QUIBLE & Associates, P.C.

SINCE 1959

ENGINEERING • CONSULTING • PLANNING

ENVIRONMENTAL SCIENCES • SURVEYING

NC License# C-0008 27949

Phone: (252) 491-8146 Fax: (252) 491-8146

E-Mail: administrator@quible.com

SEAL

CLARENCE M. QUIBLE

REGISTERED PROFESSIONAL ENGINEER

NO. 10001

EXPIRATION DATE 12/31/2018

CONTRACT NO. 17-7

QUIBLE & ASSOCIATES, P.C.

THIS DOCUMENT IS THE PROPERTY OF QUIBLE & ASSOCIATES, P.C. ANY ALTERATION OR REPRODUCTION IS PROHIBITED.

IF THIS DOCUMENT IS NOT SIGNED AND SEALED BY A LICENSED PROFESSIONAL ENGINEER, IT SHALL BE CONSIDERED PRELIMINARY AND SHALL NOT BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSES UNLESS OTHERWISE NOTED.

Packet Pg. 43



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

November 20, 2017

Jason Litteral, CFM  
Currituck County Planning and Community Development  
153 Courthouse Rd.  
Currituck, NC 27929

Re: **Conditional Rezoning Application TRC Comments Response Letter**  
Lots 1 & 2, Ward Acres Subdivision  
Moyock, Currituck County, North Carolina

Mr. Litteral:

Thank you for your review comments for the Conditional Rezoning received on November 13, 2017 for the November 15, 2007 TRC meeting for the above referenced project. On behalf of Mainstay Construction, Inc., Quible & Associates, P.C. hereby submits for your review the following documentation for the Conditional Rezoning Application of Lots 1 & 2, Ward Acres Subdivision.

- Three (3) Full-Size (24"x36") copies of the revised Conceptual Development Plan
- Ten (10) 11"x17" copies of the revised Conceptual Development Plan
- One (1) 8.5"x11" copy of the revised Conceptual Development Plan
- One (1) PDF digital copy of the revised Conceptual Development Plan

Please find our responses listed below in blue to your review comments. A copy of the TRC review comments is enclosed for your reference.

**Planning, Jason Litteral**

Approved with corrections,

1. The proposed road design does not meet the required street interconnectivity standards. Further discussion regarding the interconnectivity and pedestrian circulation may be necessary.

**Response:** Paragraph C. of Section 5.6.4 of the Currituck County UDO states that "The minimum connectivity index score may be reduced if the owner/developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns." The existing road configurations and layout of the adjacent existing developments create a situation that does not allow the achievement of the minimum connectivity index score. TRC meeting discussions led to recognizing this and determining that no further action will be required.

2. It is our understanding the post office may require clustered mailboxes. Please verify with the USPS that individual mailboxes will be approved. If clusters are required, please show on the plat.

Attachment: TRC Comments Transmittal - 11-20-17 (PB17-09 Mainstay Construction, Inc.)



Lots 1 & 2, Ward Acres Subdivision – Conditional Rezoning  
November 20, 2017

- Response: We have verified with the USPS that cluster mailboxes will be required unless the USPS approves a waiver. A waiver to allow individual mailboxes has been sent to the USPS. The response from the waiver application will determine whether cluster mailboxes or individual mailboxes get installed.
3. Please include the minimum lot size (40,000 square feet) in the proposed conditions.  
Response: Discussions during the TRC meeting led to the disregard of this comment. No further action needed.
4. Please indicate any required farmland compatibility buffers.  
Response: Discussions during the TRC meeting led to determining there are not adjacent farmlands due to the existing adjacent farmland going through the subdivision process concurrently with this project. No further action needed.

**Currituck County Engineer, Eric Weatherly**

Reviewed

\* Regarding stormwater:

- the rerouted ditches draining from the north will need to be sized and appropriately constructed, including the roadside ditch along Tulls Creek since it is now carrying new runoff.

Response: Acknowledged. The rerouted ditches will be sized and constructed appropriately to include the added runoff. Sizing of the ditches will take place during the Preliminary Plat and/or Construction Drawing phase.

- provide stormwater narrative and calculations

Response: Acknowledged. The stormwater narrative and calculations will be provided during the Preliminary Plat and/or Construction Drawing phase.

- provide permits

Response: Acknowledged. The stormwater permit will be provided during the Preliminary Plat and/or Construction Drawing phase.

\* Regarding water mains

- Water main shall be 8" up to the fire hydrant

Response: Acknowledged. All water mains will be designed to be 8" up to the fire hydrant. Water main design will take place during the Preliminary Plat and/or Construction Drawing phase.

- Provide water main permits

Response: Acknowledged. The water main extension permit will be provided during the Preliminary Plat and/or Construction Drawing phase.

\* Specific comments will be provided at construction submittal

Response: Acknowledged.

**Currituck County Emergency Management, James Mims**

Reviewed,

Must be designed so as proposed construction will have a Needed Fire Flow no greater than the available fire flow.

Response: Acknowledged. Subdivision will be designed to have the Needed Fire Flow no

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Telephone (252) 491-8147 • Fax (252) 491-8146

Lots 1 & 2, Ward Acres Subdivision – Conditional Rezoning  
November 20, 2017

greater than the Available Fire Flow (AFF = 1061 gpm @ 20 psi). This design will take place during the Preliminary Plat and/or the Construction Drawing phase.

Fire hydrants must be placed so no part of road frontage is greater than 500' from it.

Response: Acknowledged. Fire hydrants during design of Preliminary Plat and/or Construction Drawing will be placed so no part of road frontage is greater than 500 feet from it.

Need a detail as to the culdesac design.

Response: Acknowledged. Cul-de-sac design detail will be shown on the Preliminary Plat and/or Construction Drawing and will confirm the minimum turnaround standards.

Need a note: This subdivision is designed for single family dwellings 2 stories or less and effective fire area less than 4,800 sq.ft. and separation based on available fire flow of \_\_\_\_\_.

Response: Acknowledged. A note stating the above will be placed on the Preliminary Plat and/or Construction Drawing.

#### **Currituck County Building Inspections, Bill Newns**

Reviewed,

Clustered mailbox units if required must be ADA compliant

Response: Acknowledged. If cluster mailboxes will be required, access to them will be designed to be ADA compliant.

#### **Albemarle Regional Health Services, Joe Hobbs**

Reviewed,

NOTE: CONSULT WITH KEVIN CARVER RS AT 252-232-6603 TO DETERMINE SEPTIC SYSTEM APPROVAL FOR EACH LOT WHICH MAKES UP THIS PROPOSED SUB-DIVISION.

Response: Acknowledged. Quible & Associates, P.C. will consult with Kevin Carver, RS to determine septic system approval for each lot.

#### **Currituck County GIS, Harry Lee**

No, Comment

#### **Currituck County Parks and Recreation, Jason Weeks**

No Comment

#### **NCDOT, Randy Midgett**

No Comment

#### **NC State Archaeology, Mary Beth Fitts**

This project area was previously reviewed by this office as "Dustin Acres." There are no previously recorded archaeological sites noted in the project area. An archaeological survey is not recommended. No comment.

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Lots 1 & 2, Ward Acres Subdivision – Conditional Rezoning  
November 20, 2017

**Currituck Soil and Water, Will Creef**

No Comment

Please review the enclosed documentation and confirm that all TRC review comments have been addressed adequately for a favorable recommendation for approval to the Planning Board. Please do not hesitate to contact me at 252.491.8147 or dtillett@quible.com should you have any questions, comments or requests for additional information.

Sincerely,  
**Quible & Associates, P.C.**



Dylan L. Tillett, P.E.

Encl.: as stated

Cc: Mainstay Construction, Inc.  
File

Attachment: TRC Comments Transmittal - 11-20-17 (PB17-09 Mainstay Construction, Inc.)

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# Quible

Quible & Associates, P.C.

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

October 23, 2017

Donna Voliva  
Currituck County Planning and Community Development  
153 Courthouse Road, Suite 110  
Currituck, NC 27929

**RE: Community Meeting Report**  
Conditional Rezoning Application  
Lots 1 & 2, Ward Acres Subdivision  
Parcels 8032-91-4449 & 8032-91-1546  
Moyock, Currituck County, NC

Ms. Voliva,

A community meeting for the proposed Conditional Rezoning Application of the above referenced parcels located in Moyock, Currituck County was held on Friday, October 20, 2017 at 1:30 p.m. in the Moyock Public Library's Meeting Room located at 126 Campus Drive, Moyock, NC. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of Mainstay Construction, Inc. (Applicant/Developer) with a representative of Mainstay Construction, Inc and Currituck County in attendance.

## Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcels of the intent to apply for a Conditional Rezoning to allow for a traditional subdivision design. The existing parcels consists of vacant land (agricultural fields and woods). The parcels are currently zoned AG (Agricultural) and the conditional rezoning application proposes them to be C-SFM.

## Meeting synopsis

The Meeting Room was opened to the public prior to the meeting and guest/representatives started arriving at 1:25 p.m. Prior to beginning the community meeting, an "Open House" viewing of the Conditional Rezoning Exhibit, along with a blank Conditional Rezoning Application, a copy of the meeting agenda, print outs of the AG and SFM Zoning District Regulations from the Currituck County UDO, and blank Comment Sheets were available to the attendees on a table at the front of the room. A sign-in sheet with a provided pen was also next to these items.

As attendees arrived, they were asked to provide their contact information on the sign-in sheet at the table in the front. Attendees were also advised that comments could be received by Quible either by email, telephone, or comment sheet provided at the meeting.

At 1:35 p.m. a presentation of the proposed conditional rezone and traditional subdivision was provided by Quible. Attendees were reminded to pick up a copy of the meeting agenda and to

Attachment: Community Meeting Report (PB17-09 Mainstay Construction, Inc.)



fill out their information on the sign-in sheet. The presentation followed the outline on the Agenda that was provided (Attachment 1).

Quible (Dylan Tillett) introduced himself, the Applicant (Mainstay Construction, Inc.) and the County Representative (Donna Voliva) and began with a brief discussion about the County procedures for reviewing and approving the proposed project and the purpose for the community meeting requirement.

The parcels proposed for the Conditional Rezoning were described and identified on the exhibit. The surrounding zonings and land uses were also described and shown. The subject parcel was described as being surrounded by adjacent SFM or C-SFM zonings with the exception of one adjacent lot being zoned AG. A traditional subdivision sketch of the proposed subdivision design was then shown to the attendees. The proposed subdivision sketch was described as in compliance with the Bulk Dimensional requirements specified in the Currituck County UDO under the SFM district requirements.

At the conclusion of the presentation, the floor was opened for questions from the audience. Comments and questions received during the meeting were as follows:

1. An attendee asked what the applicant intends to do with the wooded portion of the property.  
*The applicant stated that the proposed lots with wooded areas would be cleared to build houses and construct onsite wastewater systems. The areas of lots not needing clearing and the open space would not be cleared unless required to do so.*
2. An attendee asked what house sizes are intended to be built.  
*The applicant stated that the typical house sizes they built are no less than 1,800 square feet, but typically are larger.*
3. An attendee asked if the road would be turned over to the State (NCDOT) after subdivision completion.  
*The applicant stated that the typical procedure to turn the right-of-way over to the State would take place at the appropriate time during or at the end of development, similar to the same process Dustin Acres will do.*
4. An attendee asked if the proposed subdivision would have streetside lighting (indicating that they were not in favor of streetside lighting).  
*The applicant stated that they do not intend to install streetside lighting unless required to do so by the County. He stated that the County will require sidewalks and they will be shown once a design is complete.*
5. An attendee asked if any by-laws or covenants were going to be proposed.  
*The applicant stated that if required to provide by-laws, then they would be in similar nature to the Dustin Acres subdivision.*
6. An attendee asked what the timeframe for the project was.

*Quible responded that the Conditional Rezoning Application process was currently going through the submittal process and the Preliminary Plat Application process would follow with expectation to overlap. Quible's schedule is to attend the February Board of Commissioner's meeting for the Preliminary Plat.*

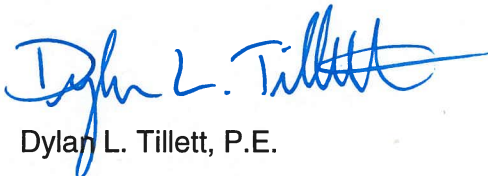
7. An attendee asked if the developer intends pre-sell the lots prior to construction. *The applicant/developer stated that their preferred process is to build pre-sold lots. They stated that if needed, they reserve the right to build a house that is not pre-sold in order to keep construction momentum.*
8. An attendee asked where are some nearby homes that have been built by the developer. *The developer/applicant gave several nearby addresses and communities that they had recently constructed residential homes in.*
9. An attendee asked if he would put a sign out at the beginning of the subdivision stating the sale of lots and having the lot configuration on it. *The developer/applicant stated that they would likely put a sign up for purposes of demonstrating available lots for sale and did not know if a lot configuration would be displayed on it or not. He stated that typically they would hand out copies of the Preliminary/Final Plat during inquiries on available lots to demonstrate lot layout.*

Upon the conclusion of the discussions, attendees were again reminded that any further questions or comments not addressed at the meeting could be forwarded to Quible and the meeting was adjourned. It was Quible's understanding that the attendees did not show any opposition to the proposed Conditional Rezoning. The questions and discussion that took place reflected curiosity more than anything else. The attendees, in fact, stated their satisfaction with the proposed process shortly before they left.

Copies of all the handouts, exhibits, and other documents available at the meeting are provided in attachments to this document.

Please do not hesitate to contact me at (252) 491-8147 or dtillet@quible.com should you have any questions and/or concerns.

Sincerely,  
**Quible & Associates, P.C.**



Dylan L. Tillett, P.E.

cc: Mainstay Construction, Inc.  
 File

P.O. Drawer 870 • Kitty Hawk, NC 27949  
 Telephone (252) 261-3300 • Fax (252) 261-1260



**Community Meeting for Conditional Rezoning – To C-SFM For A Traditional  
Subdivision  
Lots 1 & 2, Ward Acres Subdivision  
Parcel Identification Numbers 8032-91-4449 & 8032-91-1546  
Moyock, Currituck County, NC**

October 20, 2017

**AGENDA**

**1. General Introduction**

- a. Quible & Associates, P.C.
- b. Mainstay Construction, Inc.
- c. Currituck County
- d. Sign In Sheet

**2. Existing Information**

- a. Location:
  - i. Lots 1 & 2, Ward Acres Subdivision
  - ii. Approximately 650 ft southeast of the intersection of Tulls Creek Rd. and Dustin Ln.
- b. Current Land Use: Vacant/Agricultural
- c. Site Zoning: AG; Agricultural
- d. The existing site consists of a vacant lot without existing improvements.

**3. Discussion**

- a. Apply for a Conditional Rezoning to C-SFM for a Traditional Subdivision. A community meeting to inform owners and occupants of nearby lands about the application for a Conditional Rezoning is required by the Currituck County Unified Development Ordinance.
- b. The Conditional Rezoning Exhibit shown demonstrates the existing neighboring zoning districts and reflect that the vast majority of adjacent property are currently SFM or C-SFM.
- c. The Sketch Plan shown demonstrates the proposed Traditional Subdivision design that will be proposed during Preliminary Plat submittal.

**4. Questions & Comments**

- a. Quible & Associates and representatives from Mainstay Construction, Inc. are available to answer questions and comments.
- b. Comments can be provided in writing on Comment Forms provided or they can be sent to Dylan L. Tillett, P.E. of Quible & Associates, P.C. by email at [dtillet@quible.com](mailto:dtillet@quible.com) or by phone at 252-491-8147.

Attachment: Community Meeting Report (PB17-09 Mainstay Construction, Inc.)



## SECTION 3.3: SPECIAL BASE ZONING DISTRICTS

## Subsection 3.3.3: Agriculture (AG) District

## 3.3.3. Agriculture (AG) District

# AG

## AGRICULTURAL DISTRICT



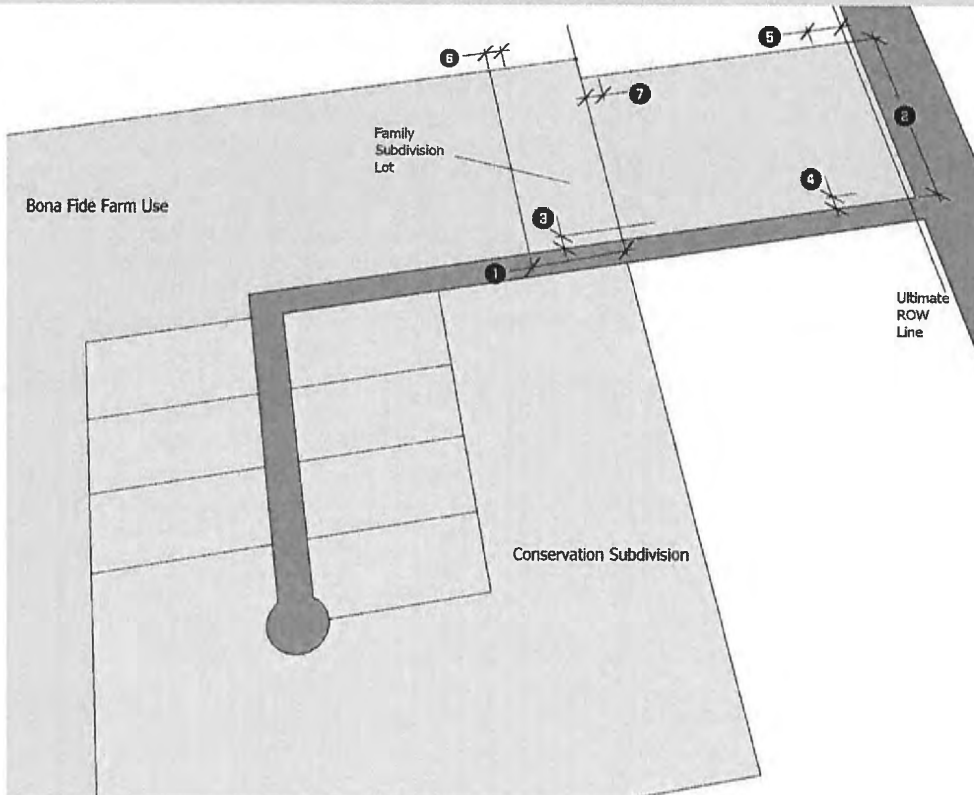
## A. DISTRICT PURPOSE

The Agricultural (AG) district is established to accommodate agriculture and agriculturally-related uses (including residential development) at very low densities in rural portions of the county. The district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use. The district accommodates small-scale residential uses and allows farmers to capture a portion of the land's development potential through special provisions for conservation subdivisions that allow a portion of a tract or site to be developed with single-family homes while the balance of the site is left as open lands available for continued agricultural use. The district accommodates a wide range of agricultural and agricultural-related uses like "agri-business" and "agri-entertainment", but prohibits uses that are not directly related to or that do not provide direct support for agricultural activities.

## B. LOT PATTERNS



## C. LOT CONFIGURATION



All subdivisions resulting in six or more lots shall be designed in accordance with the conservation subdivision standards in Section 6.4.

## Chapter 3: Zoning Districts

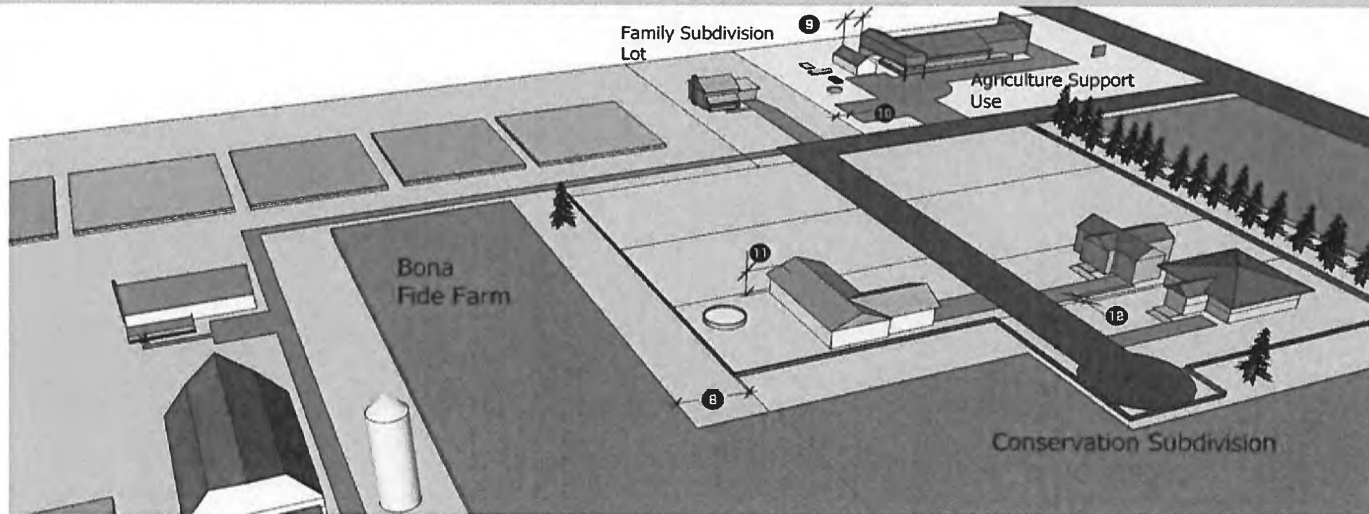
## SECTION 3.3: SPECIAL BASE ZONING DISTRICTS

## Subsection 3.3.3: Agriculture (AG) District

## D. TYPICAL BUILDING FORMS



## E. BUILDING CONFIGURATION



## F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density (du/ac)	N/A	-	Max. Lot Coverage (%)	30	30
With 50% Open Space (du/ac)			Min. Front Setback (ft) [4]	20	N/A ③
County Water Supply		0.33	Min. Corner Side Setback (ft)	20	N/A ④
No County Water Supply [7]		0.15	Min. Major Arterial Street Setback (ft)	50	50 ⑤
With 60% Open Space (du/ac)	-	0.4	Min. Side Setback (ft)	15	15 ⑥
Max. Nonresidential FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A ⑦
Min. Lot Area [1]			Min. Agriculture Setback (ft) [5]	N/A	50 ⑧
County Water Supply (square feet)		30,000	Min. Accessory Use Setback (ft)	10	10 ⑨
No County Water Supply (acres) [7]		2	Min. Driveway/Parking Setback (ft)	10	N/A ⑩
Max. Lot Area (acres)	N/A	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10
Min. Lot Width, Interior Lot (ft) [2]	125	N/A ①	Min. Wetland/Riparian Buffer (ft) [5]	30	30
Min. Lot Width, Corner Lot (ft)	135	N/A ②	Max. Building Height (ft) [6]	35	35 ⑪
Max. Lot Depth	[3]	N/A	Min. Spacing Between Principal Buildings (ft)	10	10 ⑫

[1] Minor subdivision lots shall be at least 40,000 square feet in area on public water supply and, 3 acres in area when the proposed minor subdivision exceeds the county water supply connection distance formula

[2] All lots shall maintain a minimum street frontage of 35 feet

[3] Lot depth shall not exceed four times the lot width

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet

[7] Applied to subdivisions that exceed the county water supply connection distance formula in Chapter 6

**3.4. RESIDENTIAL BASE ZONING DISTRICTS**

**3.4.1. General Purposes**

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

- A.** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;
- B.** Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- C.** Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- D.** Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- E.** Provide for safe and efficient vehicular access and circulation and promote bicycle-, and pedestrian-friendly neighborhoods;
- F.** Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- G.** Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the county's goals and objectives; and
- H.** Preserve the unique character and historic resources of the traditional neighborhoods and the community.



## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

Subsection 3.4.1: General Purposes

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## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

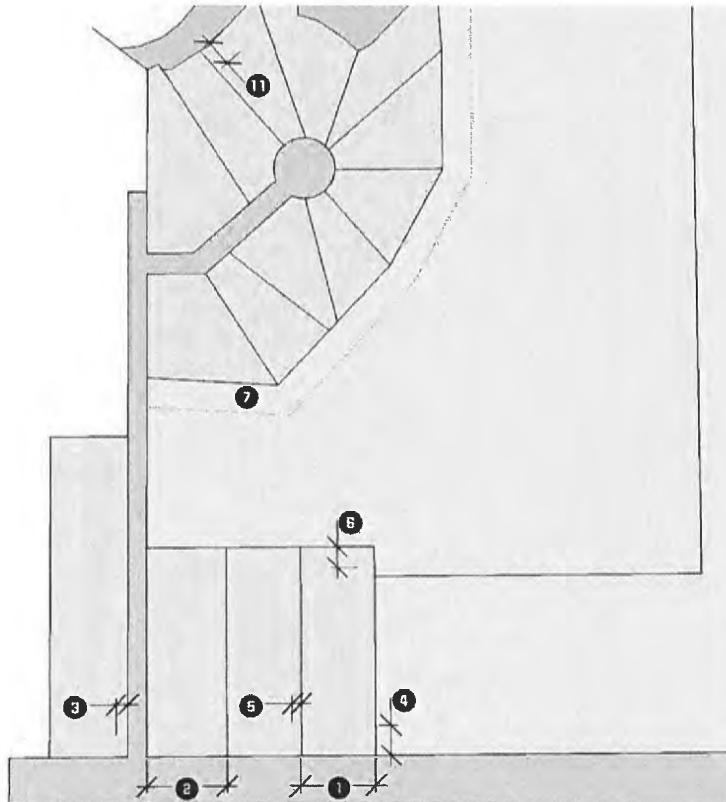
**3.4.2. Single-Family Residential-Mainland (SFM) District**

# SFM

## SINGLE-FAMILY RESIDENTIAL MAINLAND

**A. DISTRICT PURPOSE**

The Single-Family Residential-Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to one unit per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

**C. LOT CONFIGURATION****B. LOT PATTERNS**

Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

## Chapter 3: Zoning Districts

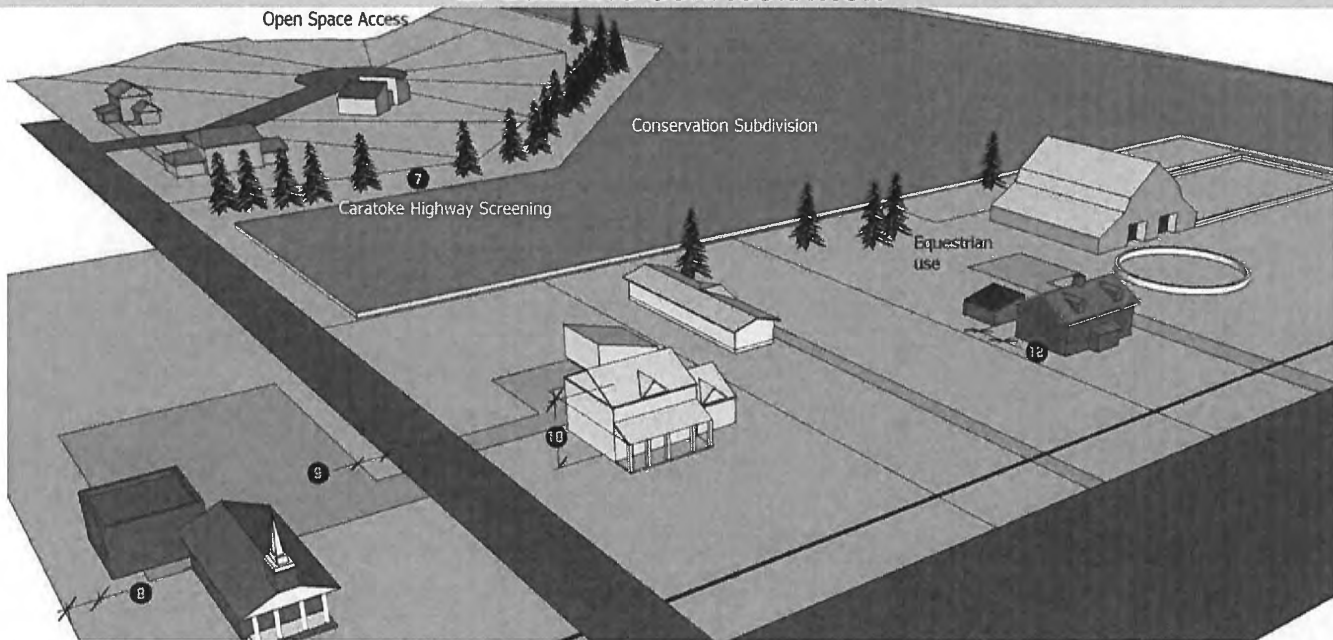
## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

## D. TYPICAL BUILDING FORMS



## E. BUILDING CONFIGURATION



## F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density – Traditional Dev. (du/ac)	N/A	-	Min. Front Setback (ft)	20	N/A
Max. Gross Density – Conservation Sub.			Min. Corner Side Setback (ft) [4]	20	N/A ③
In Rural/Conservation Areas (du/ac)	-	0.33	Min. Major Arterial Street Setback (ft)	50	50 ④
In Limited Service Areas (du/ac)	-	0.75	Min. Side Setback (ft)	10	10 ⑤
In Full Service Areas (du/ac)	-	1.0	Min. Rear Setback (ft)	25	N/A ⑥
Max. Nonresidential FAR (%)	0.40	N/A	Min. Agriculture Setback (ft) [5]	50	50 ⑦
Min. Lot Area (sf ft)	40,000	25,000	Min. Accessory Use Setback (ft)	10	10 ⑧
Max. Lot Area (acres)	N/A	N/A	Min. Driveway/Parking Setback (ft)	10	N/A ⑨
Min. Lot Width, Interior Lot (ft) [1]	125	N/A ①	Min. Fill Setback from all Lot Lines (ft)	10	10
Min. Lot Width, Corner Lot (ft)	135	N/A ②	Max. Building Height (ft)	35	35 ⑩
Max. Lot Depth	[2]	N/A	Min. Wetland/Riparian Buffer (ft) [5]	30	30 ⑪
Max. Lot Coverage (%)	30 [3]	30	Min. Spacing Between Principal Buildings (ft)	10	10 ⑫

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] 35% for platted lots of 19,000 sf in area or less

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater







**Community Meeting for Conditional Rezoning - Lots 1 & 2 Ward Acres**  
**Moyock, Currituck County, North Carolina**  
**Quible & Associates Project No. 17088**  
**Community Meeting Sign In: Friday, October 20th, 2017 at 1:30 PM**

4.B.e

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	Dylan L. Tillett, P.E.	Quible & Associates, P.C.	(252) 491-8147	(252) 491-8146	dtillet@quible.com
2.	John Mark London	110 Rustin Ln. Moyock	(757)-214-3829		
3.	John B. Hill	109 Dustin Ln.	757-377-2875		brad@hilleqco.com
4.	Don Williams	Mainstay Const	252-202-0574		
5.	DONNA VOLIVA	CURRITUCK COUNTY			
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## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2062)

**Agenda Item Title**

Public Hearing & Action: PB 17-15 Currituck County:

**Brief Description of Agenda Item:**

Currituck County requests to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

**Planning Board Recommendation:**

**PLANNING BOARD RECOMMENDATION 12/12/18**

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Recommended approval of the text amendment with the suggested change of adding under E. 4) Total height of the appurtenance shall be no greater than 75 feet from the finished grade - due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Jason Litteral,



**Presenter of Agenda Item**

Jason Litteral



## 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: January 2, 2018

Subject: PB 17-15 Currituck County – Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

### **PLANNING BOARD RECOMMENDATION 12/12/18**

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Recommended approval of the text amendment with the suggested change of adding under E. 4) Total height of the appurtenance shall be no greater than 75 feet from the finished grade - due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

**Discussion:** Planner I, Jason Litteral presented the staff report for the Currituck County Text Amendment to to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

Chairman Bell asked the board members if they had questions for staff. Mr. O'Brien asked if there was a height requirement in addition to the placement and size of the appurtenances. Mr. Litteral said it was 200 feet according to the Unified Development Ordinance.

Discussion was held between staff and board members on the need for a lower height requirement.

Chairman Bell closed the public hearing and asked for a motion.

Mr. Craddock motioned to approve the text amendment with the suggested change of adding under E. 4) Total height of the appurtenance shall be no greater than 75 feet from the finished grade - due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

Mr. O'Brien seconded the motion and the motion carried unanimously.



**PB 17-15  
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 10 Definitions and Measurement.

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 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

### **10.3.6 Height**

#### **C. Exceptions**

##### **(1) General**

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights, fire escapes or roof access stairways, outdoor recreation uses subject to Section 4.2.4.F., mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

- (a) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- (b) The appurtenance does not exceed a maximum height of 200 feet above grade;
- (c) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
- (d) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.
- (e) The maximum area of appurtenances including church spires, belfries, cupolas, and domes shall be determined as follows:

- 1) The area of the base of appurtenances shall not singularly or collectively exceed 10 percent of the footprint of a structure's roof, or 200 square feet, whichever is less.
- 2) The appurtenance shall be situated on top of a roof and in no case shall it extend below the midpoint of a roof's ridge and eave.

- 3)** The walls of the appurtenance shall not be directly in line with the any exterior walls of the structure.

**Item 3:** 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 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
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: 12/12/17  
PLANNING BOARD RECOMMENDATION: Approval  
VOTE: 7 AYES 0 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 12/20/17 & 12/27/17  
BOARD OF COMMISSIONERS PUBLIC HEARING: 1/2/18  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: 17-15 Text Amendment (BOC 1-2-18) (PB 17-15 UDO Text Amendment 2017)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2066)**

**Agenda Item Title**

Carova Beach Road Service District

**Brief Description of Agenda Item:**

Commissioner Hall has a nominee to the Carova Beach Road Service District. Upon approval, the member will serve a full, 2-year term to expire August, 2019.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**





## CURRITUCK COUNTY NORTH CAROLINA

December 4, 2017

Minutes – Regular Meeting of the Board of Commissioners

### 5:00 PM WORK SESSION

#### 1. Solar Array Ordinance Discussion

The Currituck County Board of Commissioners attended a 5:00 PM work session to discuss and review revisions to the county's solar array ordinance. Currituck County Planner, Tammy Glave, distributed a draft copy of the ordinance and reviewed changes and additions with the Board. Ms. Glave provided a history of solar in the county, removed as an allowable use in 2016, and presented revised language as it relates to setbacks, decommissioning, buffers and zoning. Specific amendments included increasing nuisance standards, allowing solar only in Agricultural zones while preserving full-service lands and prime farmland, requiring impact analyses and in-depth decommissioning plans, increased ground cover and bufferyard maintenance requirements and removing salvage value calculations from decommissioning performance guarantees.

Ms. Glave used a powerpoint to present revisions and showed photos depicting violations issued to existing solar farms in the county. During discussion, the Board wanted to require buffer yards to be installed first using larger plantings. The Board also wanted to keep the monitoring wells as a requirement. Performance guarantees would be reviewed every two years and remain in effect through decommissioning. The Board discussed the possibility of landowners assuming some responsibility for decommissioning performance guarantees. To get a better perspective on suggested buffer zones and setbacks, the Board asked Ms. Glave to return to the January retreat with visuals to help determine appropriate buffering and setback distances off of major roadways. The work session concluded at 5:44 PM.

### 6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 6:00 PM for its regular meeting. The meeting was held in the Board Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bobby Hanig	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Bob White	Commissioner	Present	

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Reverend Kim Ferebee, St. Mark Church of Christ/Disciples of Christ**

Reverend Kim Ferebee was present to offer the Invocation and lead the Pledge of Allegiance.

**B) Election of Chairman**

Dan Scanlon, County Manager, opened the floor for nominations for Chairman of the Board of Commissioners.

Commissioner Etheridge read a prepared statement, after which she nominated Bobby Hanig to continue to serve as Chairman. The motion was seconded by Commissioner White and passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**C) Election of Vice-Chairman**

Commissioner White nominated Commissioner Mike Payment to continue service as Vice-chairman. The motion was seconded by Commissioner Gilbert and passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**D) Approval of Agenda**

Chairman Hanig amended the agenda to add Item D under New Business, PB 15-19: Sligo Preserve-Request for extension of Preliminary Plat. He also added reappointments to the Planning Board and Board of Adjustment.

Commissioner Gilbert moved to approve with amendments. The motion was seconded by Commissioner Hall. The motion carried unanimously.

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

Approved agenda:

**5:00 PM Work Session**

Solar Array Ordinance Discussion

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Reverend Kim Ferebee, St. Mark Church of Christ/Disciples of Christ
- B) Election of Chairman
- C) Election of Vice-Chairman
- D) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Public Hearings**

- A) **Public Hearing and Action: Consideration of the Sale of Property Pursuant to G.S. 158-7.1, Maple Commerce Park, Lot #1**
- B) **PB 17-06 Miller Homes & Building LLC:** Request for a zoning map amendment of 1.05 acres from Agricultural (AG) to Mixed Residential (MXR) located at 155 Survey Road, Tax Map 15, Lot 47B, Moyock Township.
- C) **PB 17-10 Currituck County Text Amendment:** Request to amend the Unified Development Ordinance, Chapter 4, Use Standards, 2.3.3 General Standards and Limitations, to update accessory uses that are allowed on a lot prior to the development of a principle use.

**New Business**

- A) **Consideration and Approval of Bid Award for the Corolla Beautification Project**
- B) **Ordinance Amending Section 9-2 of the Currituck County Code of Ordinances to Prohibit Use of Vapor Products in County Buildings, on County Property and in County Motor Vehicles. Resolution of the Currituck County Board of Commissioners Establishing Currituck County**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)



**Fire and Emergency Medical Services (EMS) Department  
for the Provision of Enhanced Fire and Rescue Services  
in the Knotts Island Fire Response District**

- C) Amended Item: Consideration and Action: PB 15-19 Sligo Preserve: Request for a preliminary plat extension of one year for property located on Tax Map 32, Parcel 65H, Crawford Township. This is a 20 lot conservation subdivision.**

**D) Board Appointments**

1. Tourism Advisory Board
2. Amended Agenda Item: Board Appointments- Planning Board and Board of Adjustment

**E) Consent Agenda**

1. Approval Of Minutes for November 20, 2017
2. Budget Amendments
3. Project Ordinance: Corolla Beautification Project
4. Consideration of Moyock Fire Department Request to Purchase Turnout Gear
5. New Job Descriptions and Updated Classification Chart for Fire and EMS Positions

**F) Commissioner's Report**

**G) County Manager's Report**

**Closed Session**

Closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege regarding the matter captioned R.F. London, Inc. v. Currituck County.

**Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**PUBLIC COMMENT**

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

Chairman Hanig opened the public comment period.

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

George Barlow, from Carova Beach, asked the Board to consider allowing any registered and insured vehicle to park on a vacant lot.

April Bennett, founder of Currituck Kids, introduced Currituck Kids Secretary Melissa Reynolds and thanked volunteers, contributors, sponsors and supporters of Currituck Kids. She said the non-profit helps local children whose needs are not fully met at home. Donations are tax-deductible and all money goes to children of Currituck County. Ms. Reynolds distributed an informational brochure to Commissioners.

Tim Cornette, a Carova property owner, said although his lot is improved with a boat house and boat lift it cannot support a septic system for a home. He asked the Board to reconsider passage of the text amendment that would limit parking to two vehicles, as his lot might hold up to five vehicles at times.

Caroline Schloss, of Knotts Island said she is a volunteer fire fighter and standing Secretary for the Knotts Island Volunteer Fire Department. She formally requested a contract extension for the Fire Department or to meet with the County to negotiate if an extension is not granted. She said response has been suspended for thirty days now and she wants to get into position to answer calls. She asked whether they need to dissolve the department.

Heidi White, a Knotts Island resident, presented a petition with signatures of those supporting paid fire services on Knotts Island. She discussed funding and questioned how taxing might work. Ms. White said information should have been posted on the marquis at the fire department on Knotts Island. Chairman Hanig said he would be making a statement later in the meeting.

Debbie Slaughter, a former Knotts Island volunteer fire fighter, questioned money being spent on a tanker repair. She said there is a lack of leadership and many members do not live on the island. Ms. Slaughter recalled her own home burning down, and said a new tanker could have been bought with the money being paid to repair it. She said there needs to be an investigation.

With no further speakers, Chairman Hanig closed the public comment period.

## **PUBLIC HEARINGS**

### **A. Public Hearing and Action: Consideration of the Sale of Property Pursuant to G.S. 158-7.1, Maple Commerce Park, Lot #1**

County Attorney, Ike McRee, reviewed the potential sale of county-held property and the resolutions that would be considered after the public hearing. The first resolution would approve the sale of property, with place holders to be modified as needed based on comments at public hearing. The second Resolution would approve the site plan and building elevations as complying with covenants. Mr. McRee said a review of both by the Technical Review Committee determined compliance with the covenants.

Chairman Hanig opened the public hearing. No one wished to speak and the public hearing was closed.

Mr. McRee reviewed the language within the Resolutions and suggested including language in section two of the Resolution conveying the property to anticipate the creation of jobs within the county at an average hourly wage of \$11 per hour. He reviewed Section 3 language to provide for a sale price of \$150,000 while noting planned improvements would meet the appraised tax value of \$189,000. With regard to the second resolution, Mr. McRee noted a recombination plat would be done to allow for a proposed circular driveway.

Mr. McRee and Mr. Scanlon responded to Board questions, confirming lot location and allaying concerns related to the airport overlay.

Commissioner Gilbert moved to approve the Resolution for the county to convey the property to Cafferty Enterprises, to include the changes to Section 2 and 3 as described by Mr. McRee.

The motion was seconded by Commissioner Payment. The motion carried unanimously.

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING SALE OF PROPERTY HELD FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO SECTION 158-7.1 OF THE GENERAL STATUTES OF NORTH CAROLINA**

WHEREAS, N.C. Gen. Stat. §158-7.1 authorizes a county to undertake an economic development project by conveying the property to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, Currituck County is the owner and developer of Maple Commerce Park, Lot 1, of which is a six acre tract; and

WHEREAS, Currituck County and Cafferty Enterprises, LLC have engaged in negotiation for the conveyance of Maple Commerce Park Lot 1, to the end that Cafferty Enterprises, LLC may construct a property management service center on the tract and have reached tentative agreement on the terms of the conveyance; and

WHEREAS, the Currituck County Board of Commissioners has held a public hearing to consider whether to approve conveyance of the Maple Commerce Park Lot 1 to Cafferty Enterprises, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners that:

Section 1. The Chairman of the Board of Commissioners and the County Manager are authorized to execute the necessary documents to convey to Cafferty Enterprises, LLC the real property more particularly described as follows:

All of that parcel of land described as "Lot 1" on a map or plat entitled "Maple Commerce Park, Maple, North Carolina, Crawford Township, Currituck County" prepared by Hyman & Robey, PC, July 25, 2013 and recorded in Plat

Cabinet N, Page 2 of the Currituck County Registry which map or plat is incorporated herein by reference as if fully set out.

Section 2. The conveyance of Maple Commerce Park Lot 1 is expected to enhance the local economy, promote business and result in the creation of jobs in Currituck County. The probable average hourly wage at the facility to be constructed by Cafferty Enterprises, LLC is \$11.00. This determination of the probable average hourly wage at the facility is based upon information provided to the county by Cafferty Enterprises, LLC.

Section 3. As consideration for the conveyance of Maple Commerce Park Lot 1, Cafferty Enterprises, LLC will pay \$150,000.00 at closing. The facility to be constructed by Cafferty Enterprises, LLC is expected to generate property tax revenues, when combined with consideration paid at closing, in an amount that will return to the county the appraised tax value of the property or \$189,300.00.

Section 4. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 4th day of December, 2017.

\_\_\_\_\_  
Bobby Hanig, Chair  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Leeann Walton,  
Clerk to the Board of Commissioners

(COUNTY SEAL)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Mike H. Payment, Vice Chairman
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**B. Second Resolution-Public Hearing and Action: Consideration of the Sale of Property Pursuant to G.S. 158-7.1, Maple Commerce Park, Lot #1**

Pertaining to the second resolution, Commissioner Gilbert moved to approve the resolution of the Board of Commissioners as declarant, approving plans for the improvements as submitted by Cafferty Enterprises. The motion was seconded by Commissioner White and passed unanimously.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS IN ITS CAPACITY AS GOVERNING BOARD FOR DECLARANT CURRITUCK COUNTY AND**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)



**THE DECLARATION OF RESTRICTIVE COVENANTS FOR THE MAPLE COMMERCE PARK APPROVING PLANS FOR IMPROVEMENT SUBMITTED BY CAFFERTY ENTERPRISES, LLC**

WHEREAS, Currituck County is the owner of property within Maple Commerce Park subject to the Declaration of Restrictive Covenants of record at Page 1272, Page 542 of the Currituck County Registry, (the "Declaration"); and

WHEREAS, Article III of the Declaration provides that no improvements may be erected on property in Maple Commerce Park until plans and specifications are approved by Currituck County as Declarant; and

WHEREAS, Cafferty Enterprises, LLC intends to purchase Maple Commerce Park Lot 1 and has submitted plans and specifications for a building and other improvements to be located on Maple Commerce Park Lot 1 for approval by Currituck County; and

WHEREAS, the county's Technical Review Committee has reviewed Cafferty Enterprises, LLC's proposed building elevations and site plan for the building and improvements to be located on Maple Commerce Park Lot 1 and, with the exception of a 40 foot easement across county owned open space left for further consideration, has determined that the proposed building elevations and site plan are in compliance with the Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners, in its capacity as governing board for the Declarant, that the plans, specifications and elevations submitted by Cafferty Enterprises, LLC contained in those documents entitled "Cafferty Enterprises Property Management Center, Lot 1, Maple Commerce Park, Barco, Crawford Township, Currituck County, North Carolina" dated November 21, 2017 and prepared by Albemarle & Associates, Ltd. and Cahoon and Kasten Architects, P.C., which documents are incorporated herein by reference, are, with the exception of a 40' easement depicted across county owned open space subject to further consideration, hereby approved under Article III of the Declaration.

ADOPTED the 4<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Bobby Hanig, Chair  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Leeann Walton, Clerk to the Board

(COUNTY SEAL)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**C. PB 17-06 Miller Homes & Building LLC:**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

Planning and Community Development Director, Laurie LoCicero, said the applicant had contacted her to request a deferral. Although the applicant did not specify a time frame, Ms. LoCicero suggested the changes would likely require the item be returned to the Planning Board.

Commissioner Payment moved to accept a six month deferral. The motion was seconded by Commissioner Hall and carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

#### **D. PB 17-10 Currituck County Text Amendment:**

Laurie LoCicero reviewed the proposed text amendment changing the county's Unified Development Ordinance to allow parking of a limited number of vehicles on vacant lots in the Corolla off-road area. The Planning Board approved the text amendment and modified the language to also allow a boat trailer. Ms. LoCicero responded to Board questions, after which Chairman Hanig opened the Public Hearing.

No one was signed up nor wished to speak. The Chairman closed the public hearing.

Commissioner White moved to approve PB 17-10 because it is consistent with the land use plan's goal to preserve the traffic carrying capacity of the existing roadways, goal #8 of the Land Use Plan and Development Goals, by encouraging alternative transportation to the off-road area by allowing Knotts Island and Mainland residents to store vehicles on vacant lots to be able to recreate on the off-road area after arriving by boat. It is also reasonable and in the public interest because it continues an historic practice in the off-road area of storing a vehicle on a vacant lot for property owners who do not live in the off-road area and be able to recreate in the off-road area. In addition, change language in Item E to remove the two vehicle designation and allow for the storage of vehicles that are properly licensed and registered and to allow for one boat trailer or a utility trailer up to 16 foot in length.

The motion was seconded by Commissioner Hall and passed unanimously.

To: Board of Commissioners  
 From: Planning Staff  
 Date: December 4, 2017  
 Subject: PB 17-10 Currituck County - Text Amendment

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise sections of the Unified Development Ordinance (UDO) as it relates to:

Item 1 Parking of up to two vehicles and one trailer in the Single Family Remote (SFR) zoning district on lots where no principal use has been established.

The Unified Development Ordinance prohibits accessory uses on a property where no principle use has been established. Ordinance section 2.3.3.C. allows for certain exemptions to this rule including water dependent structures, a single storage shed for lot upkeep, ponds, borrow pits, etc. This text amendment proposes to add *parking or storage of up to two licensed and registered vehicles and one trailer in the SFR zoning district* to the list of exemptions.

Parking of vehicles on vacant lots in the SFR district has been common practice historically. The vehicles provide transportation for people accessing properties by boat in the SFR district.

The planning board has recommended approval of the text amendment with a condition that the exemption specifies *one boat trailer*, further clarifying the intended use of the trailer, and perhaps preventing misinterpretation or misuse of the exemption.

#### **Planning Board Recommendation - November 14, 2017**

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 12/4/2017 6:00 PM**

**AYES:** Carol Bell, Chairman, C. Shay Ballance, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member

**ABSENT:** Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member

Planner I, Jason Litteral presented the staff report for the text amendment submitted by the Currituck County Planning and Community Development Department intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) as it relates to parking of up to two vehicles and one trailer in the Single Family Remote (SFR) zoning district on lots where no principal use has been established

Ms. LoCicero clarified to the board that parking is an accessory use in the four wheel drive area.

Chairman Bell asked if any board members had questions. With no questions noted, Chairman Bell asked for a motion. Mr. McColley motioned to recommend conditional approval by changing "one trailer" to "one boat trailer". Mr. O'Brien seconded the motion and the motion carried unanimously.

#### **PB 17-10**

#### **CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 4 Use Standards.

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 4, Use Standards, is amended by adding the following underlined language and deleting the struck-through language:

#### **4.3.2 General Standards and Limitations**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

**B. C. Approval of Accessory Uses and Structures**

(1) ~~Except for piers, docks, boat houses, boat lifts, dune decks or beach access ways, a single storage shed (for the upkeep of a lot), ponds or borrow pits, and community agriculture, the following~~ no accessory use shall be located on a lot prior to development of an associated principal use.

- a) Piers, docks, boathouses, boat lifts, dune decks or beach accessways;
- b) A single storage shed (for upkeep of a lot);
- c) Ponds or borrow pits;
- d) Community agriculture; or
- e) Parking or storage of up to two licensed and registered vehicles and one trailer in the SFR zoning district, provided the use does not constitute "Parking of Heavy Trucks, or Trailers" as regulated in Section 4.3.3.S.

**Item 3:** 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 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**NEW BUSINESS****A. Consideration and Approval of Bid Award for the Corolla Beautification Project**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)



The County Manager reviewed the project to install landscaping along North Carolina Highway 12 in Corolla. He described the pre-bid and bid process and requested Board approval of the project award to Currituck Caretaker. He discussed how the project would move forward in two pieces, to account for the ongoing construction at the Ocean Sands Wastewater Treatment Plant. If approved, he hopes to be under contract by the end of the week.

Commissioner White moved to approve. The motion was seconded by Commissioner Gilbert and passed unanimously.

Consideration and Approval of Bid Award for the Corolla Beautification Project to include the following:

Purchase and installation of landscaping along the NC 12 corridor in Corolla in six specified locations to include the west side of NC 12 at the Currituck County line; the Southern Beach Access; the area in front of the Crown Point Wastewater Plant; both sides of NC 12 in front of TimBuck II and Buck Island; approximately one mile on the west side along Monteray Shores and the area in front of the Corolla offices, Twiddy and Sun Realty properties.

Staff held a community meeting on July 20, 2017 to present the plans and gather comments. Plans were modified based on comments received at the community meeting, meetings with staff and comments from NC DOT. The project was put out to bid on October 8, 2017.

Currituck Caretaker LLC was the low bidder at \$224,985.00.

Staff requests the Board to authorize the County Manager to execute contract documents. The expected start date for the project is January 2018. The expected completion date is May 1, 2018.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**B. Ordinance Amending Section 9-2 of the Currituck County Code of Ordinances to Prohibit Use of Vapor Products in County Buildings, on County Property and in County Motor Vehicles.**

County Attorney, Ike McRee, reviewed the ordinance amendment with the Board which would, if approved, incorporate vaping and electronic cigarettes into the county's smoking policy. Mr. McRee said the county has prohibited smoking on county grounds since 2009. Commissioner Etheridge noted that the ordinance has not been enforced in the past and suggested installing signage to notify the public that smoking on county grounds is prohibited.

Commissioner Beaumont moved for approval of the ordinance amending Section 9-2 of the Currituck County Code of Ordinances. The motion was seconded by Commissioner Gilbert and passed unanimously.

**AN ORDINANCE AMENDING SECTION 9-3 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO DEFINE CERTAIN TERMS AND TO PROHIBIT THE USE OF VAPOR PRODUCTS TOBACCO PRODUCTS IN COUNTY BUILDINGS, ON COUNTY GROUNDS AND IN COUNTY VEHICLES**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-169 a county may by ordinance regulate the use of county property; and

WHEREAS, pursuant to N.C. Gen. Stat. §130A-498 a county may adopt and enforce ordinances restricting or prohibiting smoking that apply in county government buildings, on county government grounds, in county owned vehicles or in public places; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck as follows:

Part I. **Section 9-3. Smoking prohibited in county buildings and transportation vehicles.** of the Currituck County Code of Ordinances is rewritten to read as follows:

**Sec. 9-3. Smoking and use of tobacco and vapor products prohibited in county buildings and transportation vehicles.**

(a) As used in this section:

(1) *Smoking* means the use or possession of an e-cigarette, lighted cigarette, lighted cigar, lighted pipe, or any other tobacco product.

(2) *Tobacco product* means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, snigged, or ingested by any other means, or any component part or accessory of a tobacco product. *Tobacco product* excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such approved use.

(3) *Vapor product* means any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to heat a liquid nicotine or other liquid solution contained in a vapor cartridge. *Vapor product* includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe but does not

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

include any product regulated by the United States Food and Drug Administration under the Food, Drug and Cosmetic Act.

~~(a)(b) It shall be unlawful for any person to Smoking and the use of tobacco and vapor products are prohibited in all of the following:~~

~~(1) In any Bbuildings and on any grounds that are owned, leased as lessor, or the area leased as lessee by Currituck County the county.~~

~~(2) Any place iIn a passenger-carrying vehicle owned, leased or otherwise controlled by Currituck County the county and assigned permanently or temporarily to a Currituck County county employee or agency for official Currituck County county business.~~

~~(b) For purposes of this section, the term "tobacco products" shall mean any product that contains tobacco and is intended for human consumption.~~

(c) The violation of this section shall be an infraction and upon conviction shall be punishable by a fine in the amount of \$50.00.

PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

PART III. This ordinance is effective upon adoption.

ADOPTED this 4th day of December, 2017.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**C. Resolution of the Currituck County Board of Commissioners Establishing Currituck County Fire and Emergency Medical Services (EMS) Department for the Provision of Enhanced Fire and Rescue Services in the Knotts Island Fire Response District**

County manager, Dan Scanlon, provided an explanation of the Resolution which would preserve the insurance credit for homeowners and establish Currituck County as a recognized provider of fire services on Knotts Island by the office of the State Fire Marshall. Mr. Scanlon said although there are rumors to the contrary, the North Carolina Office of State Fire Marshal would not be coming to Currituck County to mediate and will leave it to the parties to resolve the issue. He said they commented that the Knotts Island situation is not unique, as volunteer departments are struggling to keep up membership, and provided some counsel on how other communities are working through similar issues.

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

Reading from a prepared statement, Chairman Hanig recalled the Knotts Island Volunteer Fire Department's suspension of service on November 8, 2017, and the subsequent actions taken by the county to staff the facility with county personnel. The statement included assurances that residents would have fire services on the island as Commissioners discuss long-term plans. He said the Board would engage the community as deliberations move forward. He said a long-term solution may or may not include a district tax. He encouraged residents and current volunteers interested in working with Currituck Fire and EMS to call Volunteer Coordinator Ray Irizarry at 232-7746, saying a combination of paid firefighters and volunteers would be a tremendous asset to Knotts Island.

Chairman Hanig completed his statement and Commissioner White moved to approve the Resolution. The motion was seconded by Commissioner Payment and passed unanimously.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
ESTABLISHING CURRITUCK COUNTY FIRE AND RESCUE DEPARTMENT FOR  
THE PROVISION OF ENHANCED FIRE AND RESCUE SERVICES IN THE KNOTTS  
ISLAND FIRE RESPONSE DISTRICT**

**WHEREAS**, pursuant to NCGS 153A-233, a county may establish, organize, equip, support, and maintain a fire department; may prescribe the duties of the fire department; may provide financial assistance to incorporated volunteer fire departments; may contract for fire fighting or prevention services with one or more counties, cities, or other units of local government or with an agency of the State government, or with one or more incorporated volunteer fire departments; and may for these purposes appropriate funds not otherwise limited as to use by law; and,

**WHEREAS**, the County may also designate fire districts or parts of existing districts and prescribe the boundaries thereof for fire insurance grading purposes; and,

**WHEREAS**, in 1964, the citizens of Fruitville Township petitioned the County with a demonstrable need for fire protection and rescue service in the Fruitville Township area of the County; and,

**WHEREAS**, it is economically feasible to provide fire protection and rescue service in the Fruitville Township area of the County without unreasonable or burdensome annual tax levies; and,

**WHEREAS**, the voters in Fruitville Township voted for the establishment of the Knotts Island Fire District to support both the Carova Beach Fire Department and Knotts Island Fire & Rescue.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners that a Currituck County Fire Rescue department is established to aid in the provision of fire and rescue services for the Knotts Island fire response district as shown in Exhibit A, attached hereto and incorporated herein. Further, this Resolution shall be effective on and after the 4<sup>th</sup> day of December, 2017.

**ADOPTED this, the 4<sup>th</sup> day December, 2017.**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)



ATTEST:

Bobby Hanig, Chairman

\_\_\_\_\_  
Clerk to the Board

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Mike H. Payment, Vice Chairman
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**D. Amended Item: Consideration and Action: PB 15-19 Sligo Preserve: Request for a preliminary plat extension of one year for property located on Tax Map 32, Parcel 65H, Crawford Township. This is a 20 lot conservation subdivision.**

Laurie LoCicero reviewed the applicant's request to extend the preliminary plat approval for one year, citing issues with the Army Corp of Engineers as the reason for the request. The property is a 20 lot subdivision located on Shawboro Road.

Commissioner Gilbert moved to approve the extension for up to one year. Commissioner Payment seconded and the motion passed unanimously.

To: Board of Commissioners

From: Planning Staff

Date: December 4, 2017

Subject: Sligo Preserve, Preliminary Plat Extension

On December 30, 2015, the Board of Commissioners voted to approve the preliminary plat for Sligo Preserve. This is a conservation subdivision consisting of 20 residential lots located off of Shawboro Rd. in Currituck. The preliminary plat approval is due to expire on December 30, 2017.

On November 21, 2017 the engineer, Mark Bissell - Bissell Professional Group, submitted a request for preliminary plat extension of the subdivision indicating the applicant is in the process of applying to the state agencies for permits. According to the letter from Mr. Bissell, the project had to undergo a lengthy process with the US Army Corps of Engineers for new wetland delineation.

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. Staff recommends this extension be made for one year.

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Mike H. Payment, Vice Chairman
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

## E) Board Appointments

### 1. Tourism Advisory Board

Commissioner Hall nominated Ben Beasley to serve on the Tourism Advisory Board, replacing Mike Martine.

Commissioner White seconded and the nominee was unanimously approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike D. Hall, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

### 2. Amended Agenda Item: Board Appointments-Planning Board

Commissioner Etheridge nominated John McColley for reappointment to the Planning Board. The nomination was seconded by Commissioner White and unanimously approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

### 3. Amended Agenda Item: Board Appointments-Board of Adjustment

Commissioner Etheridge nominated Troy Breathwaite for reappointment to the Board of Adjustment. Commissioner Payment seconded and the nominee was unanimously approved.

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Mary "Kitty" Etheridge, Commissioner  
**SECONDER:** Mike H. Payment, Vice Chairman  
**AYES:** Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

## F) Consent Agenda

Commissioner Gilbert moved for approval of the consent agenda, seconded by Commissioner Beaumont. The motion passed unanimously.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Marion Gilbert, Commissioner  
**SECONDER:** Paul M. Beaumont, Commissioner  
**AYES:** Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

### 1) Approval Of Minutes for November 20, 2017

#### 1. Minutes for November 20, 2017

#### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50442-590006	Connect Corolla - NC 12 Beautification	\$ 260,000	\$ -
50442-590001	Connecting Corolla - Parking Project	\$ -	\$ 134,885
50442-590002	Connecting Corolla - Bike Path	\$ -	\$ 169,186
50442-590003	Connecting Corolla - East Side Walkway	\$ -	\$ 85,768
50442-590004	Connect Corolla - Corolla Vill Rd Sidewalk	\$ -	\$ 11,151
50442-590005	Connect Corolla - Albacore Sidewalk	\$ -	\$ 41,272
50442-588000	Connect Corolla Contingencies	\$ 612,191	\$ -
50390-495015	T F - Occupancy Tax		\$ 429,929
		<u>\$ 872,191</u>	<u>\$ 872,191</u>
<b>Explanation:</b>	County Governmental Construction (50442) - Increase appropriations for the NC 12 Beautification Project, close out completed projects and to move the Occupancy Tax appropriation in the annual fund to the capital construction fund.		
<b>Net Budget Effect:</b>	County Governmental Construction (50) - Increased by \$429,929.		

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12543-516003	Repairs & Maintenance	\$ 4,000	
12543-513003	Utilities		\$ 1,000
12543-514503	Training & Education		\$ 1,000
12543-545000	Contract Services		\$ 2,000
		<u>\$ 4,000</u>	<u>\$ 4,000</u>
<b>Explanation:</b>	Moyock Volunteer Fire Department (12543) - Transfer per request of Moyock Volunteer Fire Department.		
<b>Net Budget Effect:</b>	Fire Services Fund (12) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532005	AG Supplies	\$ 616	
10330-449900	Miscellaneous Grants		\$ 616
		<u>\$ 616</u>	<u>\$ 616</u>
<b>Explanation:</b>	Cooperative Extension (10640) - To record NC Dept of Agriculture and Consumer Services Structural Pest Control and Pesticides Division Pesticide Container Grant funds received.		
<b>Net Budget Effect:</b>	Operating Fund (10) - Increased by \$616.		



		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10410-557100	Software License Fees	\$ 117	
10410-531000	Fuel		\$ 117
61818-553200	Lab Tests	\$ 135	
61818-536000	Uniforms	\$ 500	
61818-506000	Insurance Expense		\$ 635
		\$ 752	\$ 752
<b>Explanation:</b>	Administration (10410); Mainland Water (61818) - Transfer budgeted funds within department for unanticipated cost increases.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		
	Mainland Water (61) - No change.		

### 3. Project Ordinance: Corolla Beautification Project

#### 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 the Connecting Corolla - NC 12 Beautification Project.

**SECTION 2.** The following amounts are appropriated for the project:

Connecting Corolla - NC 12 Beautification Project	\$ 260,000
Connecting Corolla Contingencies	\$ 429,929
	<u>\$ 689,929</u>

**SECTION 3.** The following revenues are available to complete this project:

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

Connecting Corolla Bike Path	\$	125,115
Connecting Corolla Parking Project	\$	134,885
Transfer from Occupancy Tax - FY 2018 Appropriation		429,929
	\$	<u>689,929</u>

**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 4th day of December 2017.

#### **4. Consideration of Moyock Fire Department Request to Purchase Turnout Gear**

#### **5. New Job Descriptions and Updated Classification Chart for Fire and EMS Positions**

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)

**G) Commissioner's Report**

Commissioner Hall encouraged safe driving over the holidays. He wished everyone a Merry Christmas and Happy New Year, and asked everyone to remember our military and police.

Commissioner White confirmed the two car maximum for parking on off-road beach lots was removed from the ordinance. He recalled a PBS special about estuaries and reminded everyone to be cognizant of what they put in the dirt because it will end up in the water.

Commissioner Gilbert wished everyone a Merry Christmas and said to enjoy the time spent with friends and family.

Commissioner Beaumont wished everyone a Merry Christmas and dittoed Commissioner Hall's comments on being safe. He reminded everyone to look after those who are alone over the holidays. He said he attended the craft show over the weekend with vendors stating it was the best one ever.

Commissioner Etheridge also extended Merry Christmas wishes to all and thanked Board members and staff for their hard work. She reminded everyone to express their love to loved ones because you don't know how long you will have them.

Commissioner Payment asked the county manager to provide an update on the county trash sites improvements. He asked for prayers for our country, our troops and first responders and encouraged giving, wishing all a Merry Christmas and Happy New Year. He too thanked the Board and staff for a great year.

Chairman Hanig wished everyone a Merry Christmas and thanked the Board for all of their accomplishments this year. He thanked the Board for the opportunity to serve as Chairman for another year.

**H) County Manager's Report**

Mr. Scanlon announced the cancellation of the second Commissioners meeting in December. Reporting on convenience center maintenance as requested by Commissioner Payment, he said a contract has been signed with a new vendor for improvements to include additional rock and grading and he would provide a schedule for the Board. He reviewed some of the engineering work currently being performed at the Panther Landing site.

**CLOSED SESSION**

1. Closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege regarding the matter captioned R.F. London, Inc. v. Currituck County.

Chairman Hanig recessed the regular meeting to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege regarding the matter captioned R.F. London, Inc. v. Currituck County.

Commissioner Etheridge moved to enter closed session. The motion was seconded by Commissioner Gilbert and passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

## ADJOURN

### Motion to Adjourn Meeting

The Board returned from Closed Session. With no further business, Commissioner Gilbert made a motion to adjourn. The motion was seconded by Commissioner Etheridge and carried unanimously. The meeting of the Board of Commissioners concluded at 7:25 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

Communication: Minutes approval for December 4, 2017 (Approval Of Minutes for December 4, 2017)





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2070)

**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**

Number 20180040

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12543-590003	Capital Outlay	\$ 2,034	
12543-536103	Personal Protective Equipment		\$ 2,034
		<u>\$ 2,034</u>	<u>\$ 2,034</u>

**Explanation:** *Moyock Volunteer Fire Department (12543) - Transfer budgeted funds per request of Moyock Volunteer Fire Department for cost overrun for turn-out gear.*

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)

Number 20180041

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
26535-545000	Contract Services	\$ 7,889	
26390-499900	Fund Balance Appropriated		\$ 7,889
		<u>\$ 7,889</u>	<u>\$ 7,889</u>

**Explanation:** *Emergency Telephone Fund (26535)*- Increase appropriation for contract Wireless Communications contract increase.

**Net Budget Effect:** Emergency Telephone System Fund (26) - Increased by \$7,889.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)

Number

20180042

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<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	\$ 1,500	
10445-514500	Training		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

**Explanation:**     *Human Resources (10445)* - Transfer budgeted funds to supplies for increased cost of toner.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)



Number

20180043

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-526000	Advertising	\$ 1,000	
10550-531000	Fuel		\$ 500
10550-535000	Credit Card Maintenance Fees		\$ 500
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

**Explanation:** Airport (10550) - Transfer budgeted funds for advertising for the Airport Manager position.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)

Number 20180044

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50442-590004	Connect Corolla - Corolla Vil Rd Sidewalk	\$ 3,900	
50442-588000	Connect Corolla - Contingency		\$ 3,900
		<u>\$ 3,900</u>	<u>\$ 3,900</u>

**Explanation:** County Governmental Construction Fund (50) - Transfer funds for additional landscaping on the berm at Corolla Village Road.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)

Number

20180045

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-590000	Capital outlay		\$ 10,000
61818-532000	Supplies	\$ 8,000	
61818-516200	Vehicle Maintenance	\$ 2,000	
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

**Explanation:** Mainland Water (61818) - Transfer funds from Capital Outlay for additional supplies and vehicle maintenance.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)

Number

20180046

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-511000	Telephone & Postage	\$ 1,500	
10460-536000	Uniforms	\$ 600	
10460-516000	Repairs & Maintenance	\$ 5,400	
10460-502000	Salaries - Regular		\$ 5,500
10460-506000	Insurance		\$ 2,000
		<u>\$ 7,500</u>	<u>\$ 7,500</u>

**Explanation:** Public Works (10460) - Transfer budgeted funds for operations.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BudAmends-Jan 2 2018 (Budget Amendments)





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2068)

**Agenda Item Title**

Surplus Resolution and Authorization for Lieutenant Jason Banks and Sergeant Gary Dodd to Purchase their Service Weapons upon their Retirement

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

Sheriff Johnson is requesting the duty weapons for named retirees be declared surplus by Resolution, which they will then purchase for \$1.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



# Currituck County Sheriff's Office

SUSAN D. JOHNSON, *Sheriff*

December 21, 2017

To: The Currituck County Commissioners  
Ref: Lt. Jason E. Banks-Retirement  
February 1, 2018

Lt. Jason E. Banks will be retiring from the Currituck County Sheriff's Office effective Thursday, February 1, 2018. He has been with our agency in good standing since September 6, 2005. It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00). Bank's issued service weapon is a Glock 22 handgun, serial # PVF937, and has made the request to purchase same upon his retirement.

Lt. Jason E. Banks has completed the Currituck County Purchase Permit Application on Thursday, December 21, 2017, and has submitted the amount of one dollar (\$1.00) to purchase his issued service weapon upon his retirement.

Sheriff, Susan D. Johnson  
Currituck County Sheriff



# Currituck County Sheriff's Office

SUSAN D. JOHNSON, Sheriff

December 21, 2017

To: The Currituck County Commissioners  
 Ref: Sgt. Gary W. Dodd-Retirement  
 February 1, 2018

Sgt. Gary W. Dodd will be retiring from the Currituck County Sheriff's Office effective Thursday, February 1, 2018. He has been with our agency in good standing since August 29, 1997. It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00). Dodd's issued service weapon is a Glock 22 handgun, serial # PVF936, and has made the request to purchase same upon his retirement.

Sgt. Gary W. Dodd has completed the Currituck County Purchase Permit Application on Thursday, December 21, 2017, and has submitted the amount of one dollar (\$1.00) to purchase his issued service weapon upon his retirement.

Sheriff, Susan D. Johnson  
 Currituck County Sheriff



# Currituck County Sheriff's Office

SUSAN D. JOHNSON, *Sheriff*

December 21, 2017

To: The Currituck County Commissioners  
Ref: Lt. Jason E. Banks-Retirement  
February 1, 2018

Lt. Jason E. Banks will be retiring from the Currituck County Sheriff's Office effective Thursday, February 1, 2018. He has been with our agency in good standing since September 6, 2005. It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00). Bank's issued service weapon is a Glock 22 handgun, serial # PVF937, and has made the request to purchase same upon his retirement.

Lt. Jason E. Banks has completed the Currituck County Purchase Permit Application on Thursday, December 21, 2017, and has submitted the amount of one dollar (\$1.00) to purchase his issued service weapon upon his retirement.

Sheriff, Susan D. Johnson  
Currituck County Sheriff





# Currituck County Sheriff's Office

SUSAN D. JOHNSON, Sheriff

December 21, 2017

To: The Currituck County Commissioners  
Ref: Sgt. Gary W. Dodd-Retirement  
February 1, 2018

Sgt. Gary W. Dodd will be retiring from the Currituck County Sheriff's Office effective Thursday, February 1, 2018. He has been with our agency in good standing since August 29, 1997. It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00). Dodd's issued service weapon is a Glock 22 handgun, serial # PVF936, and has made the request to purchase same upon his retirement.

Sgt. Gary W. Dodd has completed the Currituck County Purchase Permit Application on Thursday, December 21, 2017, and has submitted the amount of one dollar (\$1.00) to purchase his issued service weapon upon his retirement.

Sheriff, Susan D. Johnson  
Currituck County Sheriff

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on January 2, 2018, authorized the following property listed below be declared surplus and disposed of; and

**WHEREAS**, Sheriff Johnson has requested that upon the retirement of Lieutenant Jason E. Banks that his duty weapon, a Glock 22 handgun, Serial #PVF937, be given to him. Mr. Banks has made the request to purchase same upon his retirement.

**ADOPTED** this the 2<sup>nd</sup> day of January, 2018.

ATTEST:

\_\_\_\_\_  
Bobby Hanig, Chairman

\_\_\_\_\_  
Clerk to the Board of Commissioners

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on January 2, 2018, authorized the following property listed below be declared surplus and disposed of; and

**WHEREAS**, Sheriff Johnson has requested that upon the retirement of Sergeant Gary W. Dodd that his duty weapon, a Glock 22 handgun, Serial #PVF936, be given to him. Mr. Dodd has made the request to purchase same upon his retirement.

**ADOPTED** this the 2<sup>nd</sup> day of January, 2018.

ATTEST:

\_\_\_\_\_  
Bobby Hanig, Chairman

\_\_\_\_\_  
Clerk to the Board of Commissioners



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2064)

**Agenda Item Title**

Inspections Dept-Records Disposal

**Brief Description of Agenda Item:**

Permission to destroy documents pursuant to Records Retention Schedule.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**





## **COUNTY OF CURRITUCK**

Planning and Community Development Department  
*Central Permitting and Inspection Division*  
153 Courthouse Road, Suite 117  
Currituck, North Carolina 27929  
Telephone (252) 232-3378 / Fax (252) 232-3470

### **MEMORANDUM**

**To:** Board of Commissioners  
**From:** Bill Newns, Chief Building Inspector  
**Date:** December 11, 2017  
**Re:** Destroy Files

---

According to the record retention schedule the following items are to be destroyed.

Violation Files 2009 – 2010

Building Permit Files 2010 - 2011

Thank you.

Attachment: Destroy Records Request 12.17 (Records Retention-Planning Dept.)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2069)

**Agenda Item Title**

Petition for Road Addition: Saddlebrook Estates-Canterbury Court, Briarcliffe Lane and Derby Drive

**Brief Description of Agenda Item:**

Request for roads within Saddlebrook Estates to be added to state maintenance: Canterbury Court, Briarcliffe Lane and Derby Drive.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



December 5, 2017

Ms. Leeann Walton  
Clerk to the Board  
Currituck County  
153 Courthouse Road, Suite 204  
Currituck, NC 27929

**RE: Petition to NCDOT to Accept Canterbury Court, Briarcliffe Lane & Derby Drive  
into the State Roadway System**

Dear Leeann:

We are requesting that Currituck County consider submitting an NCDOT Petition for Road Addition for Canterbury Court, Briarcliffe Lane & Derby Drive located at Saddlebrook Estates off of South Mills Road in northwestern Currituck County. There are sufficient occupied homes on each of these roads to meet the requirements for addition into the State's roadway system.

We are therefore asking the County Commissioners to adopt a resolution to make this petition to NCDOT at the Board's next opportunity.

Along with the petitions, we are including two copies of the recorded Subdivision Plat and the Encroachment Agreement that covers utilities located within the right-of-way for inclusion with the request.

It is my understanding that if the County Commissioners act favorably on adopting the resolution, the petition can then be made to the District Engineer's office in Elizabeth City.

Thank you for assisting us with this request.

Sincerely,  
Bissell Professional Group

Mark S. Bissell, P.E.

cc: Mr. Justin Old

Attachment: 2018-Agenda-Petition for Road Addition-Saddlebrook Estates (Petition for Road Addition-Saddlebrook Estates)

**North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition**

**ROADWAY INFORMATION:** (Please Print/Type)

County: Currituck Road Name: Derby Drive  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Saddlebrook Estates Length (miles): 0.05

Number of occupied homes having street frontage: 4 Located (miles): .24

miles N ☐ S ☐ E ☒ W ☐ of the intersection of Route 1227 and Route 1218.  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Saddlebrook Estates in Currituck County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

**PROPERTY OWNERS**

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Terence & Esther Reed	100 Derby Drive, Moyock, NC 27958	
Matthew & Jennifer Volker	102 Derby Drive, Moyock, NC 27958	
Justin & Stephanie Terry	103 Derby Drive, Moyock, NC 27958	
Timothy & Leslyn Holub	104 Derby Drive, Moyock, NC 27958	



**INSTRUCTIONS FOR COMPLETING PETITION:**

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

**FOR NCDOT USE ONLY:** Please check the appropriate block  
☐ Rural Road    ☐ Subdivision platted prior to October 1, 1975    ☐ Subdivision platted after September 30, 1975

**FOR NCDOT USE ONLY:** Please check the appropriate block  
☐ Rural Road    ☐ Subdivision platted prior to October 1, 1975    ☐ Subdivision platted after September 30, 1975

### REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

[illegible]

**North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition**

**ROADWAY INFORMATION:** (Please Print/Type)

County: Currituck Road Name: Briarcliffe Lane  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Saddlebrook Estates Length (miles): 0.37

Number of occupied homes having street frontage: 11 Located (miles): .24

miles N ☐ S ☐ E ☒ W ☐ of the intersection of Route 1227 and Route 1218.  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Saddlebrook Estates in Currituck County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

**PROPERTY OWNERS**

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Theodore & Susan Gricks	102 Briarcliffe Lane, Moyock, 27958	
Ryan McCullough	105 Briarcliffe Lane, Moyock, NC 27958	
Benjamin & Melissa Spitzer	107 Briarcliffe Lane, Moyock, NC 27958	
Daniel & Amy Cochran	109 Briarcliffe Lane, Moyock, NC 27958	
Jason & Jennifer Yoast	110 Briarcliffe Lane, Moyock, NC 27958	
Joshua & Michelle Rodriguez	112 Briarcliffe Lane, Moyock, NC 27958	
Brenda Miller	113 Briarcliffe Lane, Moyock, NC 27958	

Lynde & Katherine Blair 114 Briarcliffe Lane, Moyock, NC 27958

Justin & Jacqueline Ness 115 Briarcliffe Lane, Moyock, NC 27958

Lester & Brenda Woodruff 117 Briarcliffe Lane, Moyock, NC 27958

Davie Tiberio & Jennifer Jason-Tiberio 118 Briarcliffe Lane, Moyock, NC 27958

**INSTRUCTIONS FOR COMPLETING PETITION:**

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

**FOR NCDOT USE ONLY:** Please check the appropriate block

☐ Rural Road    ☐ Subdivision platted prior to October 1, 1975    ☐ Subdivision platted after September 30, 1975

**REQUIREMENTS FOR ADDITION**

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

**North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition**

**ROADWAY INFORMATION:** (Please Print/Type)

County: Currituck Road Name: Canterbury Court  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Saddlebrook Estates Length (miles): 0.06

Number of occupied homes having street frontage: 5 Located (miles): .24

miles N ☐ S ☐ E ☒ W ☐ of the intersection of Route 1227 and Route 1218  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Saddlebrook Estates in  
Currituck County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

**PROPERTY OWNERS**

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Paul & Amy Moss	100 Canterbury Court, Moyock, NC 27958	
Stephen & Kathryn Policella	102 Canterbury Court, Moyock, NC 27958	
Donald Murdock	104 Canterbury Court, Moyock, NC 27958	
James Stephen & Amy Marie Ball	105 Canterbury Court, Moyock, NC 27958	
Charles Wright & Paula Artis-Wright	107 Canterbury Court, Moyock, NC 27958	

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

**FOR NCDOT USE ONLY:** Please check the appropriate block

☐ Rural Road    ☐ Subdivision platted prior to October 1, 1975    ☐ Subdivision platted after September 30, 1975

### REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

[illegible]





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2067)**

**Agenda Item Title**

Budget Amendment

**Brief Description of Agenda Item:**

Consideration of budget amendments for the Ocean Sands Water & Sewer District

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Daniel F. Scanlon

ber OS20180001

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of January 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-532001	Sewer Supplies	\$ 2,000	
60808-553000	Dues & Subscriptions	\$ 170	
60808-561000	Professional Services - Water	\$ 40,000	
60808-561001	Professional Services - Sewer	\$ 40,000	
60390-499900	Retained earnings appropriated		\$ 82,170
		<u>\$ 82,170</u>	<u>\$ 82,170</u>

**Explanation:** Ocean Sands Water and Sewer District (60808) -Increase appropriations increased for operations and for additional costs of legal fees.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - Increased by 82,170.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

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Clerk to the Board

Attachment: Ocean Sands-BA\_Jan 2 (Special Meeting-OSWSD Board Budget Amendment)