



**Board of Commissioners
Agenda Packet**

November 4, 2019

Work Session

5:00 PM Ocean Sands

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Jerry Cribb, Pilmoor Memorial United Methodist Church
- 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.

Commissioner's Report**County Manager's Report****Administrative Reports**

- A) **Congressman Gregory F. Murphy M.D. (NC-03)**
- B) **Lower Currituck Volunteer Fire Department-Departmental Update**

Public Hearings

- A) **19-22 Corolla Chapel Conditional Rezoning:** Request for conditional rezoning of property located at 1136 Corolla Village Road from Single-Family Residential-Outer Banks to Conditional General Business.
- B) **PB 19-21 Island Development Text Amendment:** Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.
- C) **PB 18-23 Fost PD-R, Amended:** Convert 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes (multi-family), add 3 additional single-family dwelling units, remove alley-ways and some roadways, provide additional connectivity to the tract to the north, modify phasing schedule, and other plan revisions, PIN 0015-000-0086-0000, Moyock Township.

New Business

- A) **Through the Fence Airport Easement for 118 Aviator Drive, Brady Landing Airpark, Maple**
- B) **IT Budget Amendment for Security Required Computer Replacements**
- C) **Board Appointments**
 - 1. Reappointment of Vivian Simpson to the Jury Commission
- D) **Consent Agenda**
 - 1. Minutes Approval for October 21, 2019

2. Budget Amendments

Adjourn

Special Meeting of the Tourism Development Authority

TDA Budget Amendment

Adjourn Special Meeting

Special Meeting of the Ocean Sands Water & Sewer District Board

OSWSD Budget Amendments

Adjourn Special Meeting



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2628)

Agenda Item Title

5:00 PM Ocean Sands

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2631)

Agenda Item Title

Congressman Gregory F. Murphy M.D. (NC-03)

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2630)

Agenda Item Title

Lower Currituck Volunteer Fire Department-Departmental Update

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2608)

Agenda Item Title

19-22 Corolla Chapel Conditional Rezoning:

Brief Description of Agenda Item:

Request for conditional rezoning of property located at 1136 Corolla Village Road from Single-Family Residential-Outer Banks to Conditional General Business.

Planning Board Recommendation:

Planning Board Recommendation:

Planning Board recommends approval of this request subject to the agreed upon conditions of approval.

Motion:

Ms. Krause motioned to approve with the agreed upon conditions of approval (1-5) found in the staff report. Mr. Bass seconded the motion and the motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Jennie Turner,

Presenter of Agenda Item

Jennie Turner



STAFF REPORT PB 19-22 COROLLA CHAPEL CONDITIONAL ZONING BOARD OF COMMISSIONERS NOVEMBER 4, 2019

APPLICATION SUMMARY

Property Owner: John W. Austin Memorial Chapel, Inc. PO Box 64 Corolla, NC 27927	Applicant: James Southern PO Box 64 Corolla, NC 27927
Case Number: 19-22	Application Type: Conditional Rezoning
Parcel Identification Number: 0114-000-0028-0000 Property Address: 1136 Corolla Village Road	Existing Use: Religious institution (Church)
Land Use Plan Classification: Full Service	Parcel Size (Acres): .985 ac
Corolla Village Small Area Plan Classification: Mixed Use	Zoning History: Property has been zoned residential since 1970
Current Zoning: SFO	Proposed Zoning: Conditional GB

SURROUNDING PARCELS

	Land Use	Zoning
North	Inn (Hotel)	C-GB
South	Retail	GB
East	Utility	GB
West	Residential	SFO

REQUEST

The applicant is requesting a conditional rezoning from SFO (Single Family Residential-Outer Banks) to C-GB (Conditional-General Business). The property is currently used as a church (religious institution). The applicant is proposing the following allowable uses:

- Usual and customary practices of a church including regularly scheduled worship services and community gatherings related to social support (i.e.: memorial services, recognition banquets, support for local charter school)
- Day care center (potential future use)
- After school program (potential future use)

The applicant desires to construct a fellowship hall addition on the north side of the existing church building. Through review of the building permit application, it was determined that the addition will not meet the maximum lot coverage requirement as currently zoned SFO. The SFO zoning district allows 30% lot coverage for this property. The GB zoning district allows 60% lot coverage. The conditional rezoning will allow an increase in lot coverage for construction of the proposed fellowship hall addition and it will specify allowable uses of the property.

COMMUNITY MEETING

A community meeting was held on August 19, 2019. Attendees were in support of the rezoning request.

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full service within the Corolla subarea. The proposed plan is consistent with the policies of the plan, some of which are:

Policy CD6	Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity.
Policy OB5	Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the COROLLA VILLAGE area of the Outer Banks.

COROLLA VILLAGE SMALL AREA PLAN

The Corolla Village Small Area Plan classifies this site as Mixed Use. Areas designated as mixed use are characterized by a diverse mix of land uses including human scale commercial, residential, governmental, recreational and civic uses. The proposed conditional rezoning is consistent with the policies of the plan, some of which are:

Policy LU1	Recognize the uniqueness of the area by maintaining desirable characteristics, such as building style, scale, and architectural features; and by supporting development concepts that foster and promote the character, culture and history of Corolla Village.
Action LU1	In reviewing development applications, promote new development to be constructed in a style similar to the existing look and feel of Corolla Village as well as in keeping with the Outer Banks style architecture.
Policy LU3	Future development should be consistent with the future land use map for Corolla Village.

RECOMMENDATION

Technical Review Committee

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

1. Prior to construction of the proposed addition shown on the conceptual development plan (site plan), the applicant shall submit for site plan approval.
2. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

Planning Board Recommendation

Planning Board recommends approval subject to the agreed upon conditions of approval.

CONSISTENCY AND REASONABLENESS STATEMENT

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

This conditional zoning request is consistent with the 2006 Land Use Plan as well as the Corolla Village Small Area Plan because appropriate institutional development is encouraged to locate as a transitional land use between residential areas and commercial activities of higher intensity; the county seeks to preserve the historic character and heritage of Corolla Village and the proposed development is consistent with the future land use map for Corolla Village.

It is reasonable and in the public interest because it allows the use to continue and be expanded in accordance with the Unified Development Ordinance and it allows for an increase in community service opportunities for the Corolla Chapel.

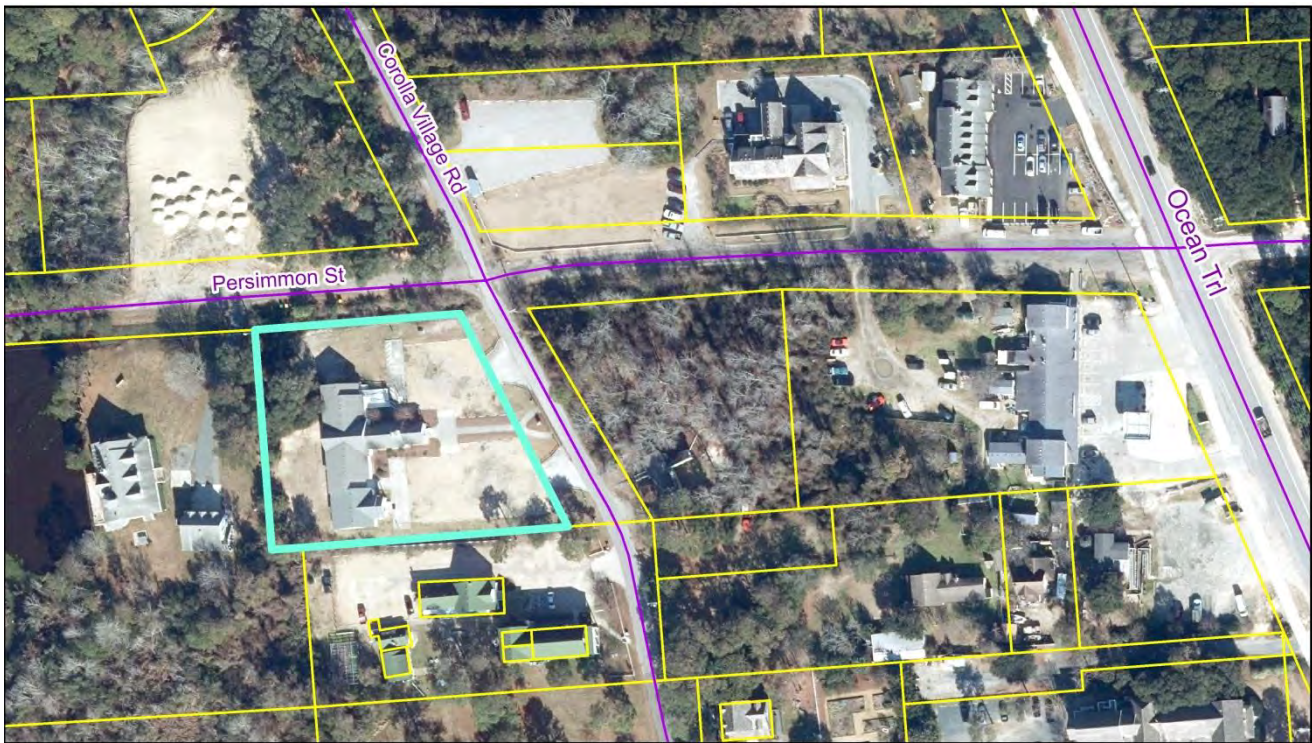
CONDITIONS OF APPROVAL

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.

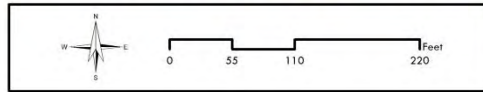
Agreed upon conditions of approval:

1. Allowable uses of the property shall be limited to the Institutional Use Classification Use Types:
 - a. Religious institution (Church)
 - b. Child care center (potential future use)
 - c. After school programs (potential future use)
2. Prior to construction of the proposed addition shown on the conceptual development plan (site plan), the applicant shall submit an application for site plan approval.
3. Future development shall conform to the enclosed conceptual development plan (site plan).
4. The proposed addition shall be constructed per the enclosed architectural renderings to promote a style similar to the existing look and feel of Corolla Village.
5. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

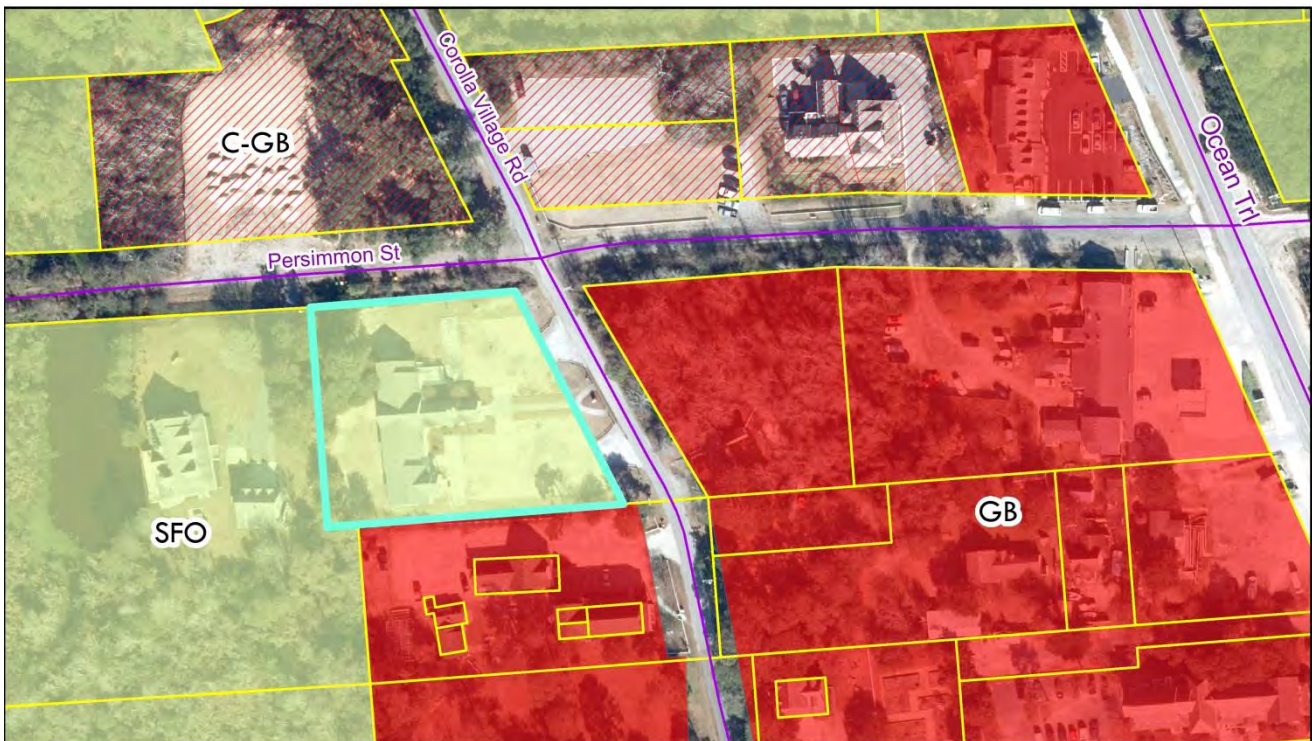
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



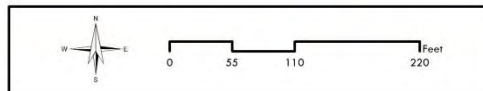
PB 19-22 Corolla Chapel
Conditional Rezoning
Aerial



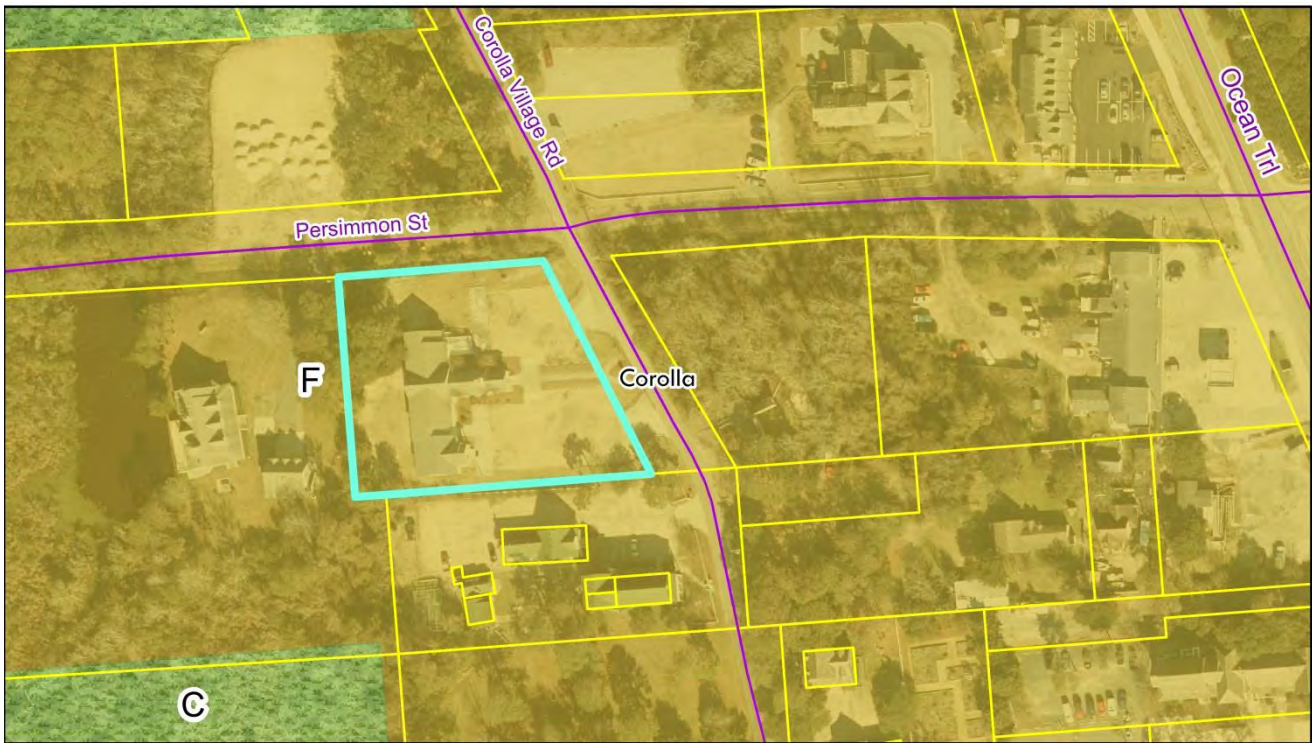
Currituck County
Planning and Community
Development



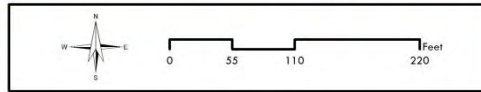
PB 19-22 Corolla Chapel
Conditional Rezoning
Official Zoning Map



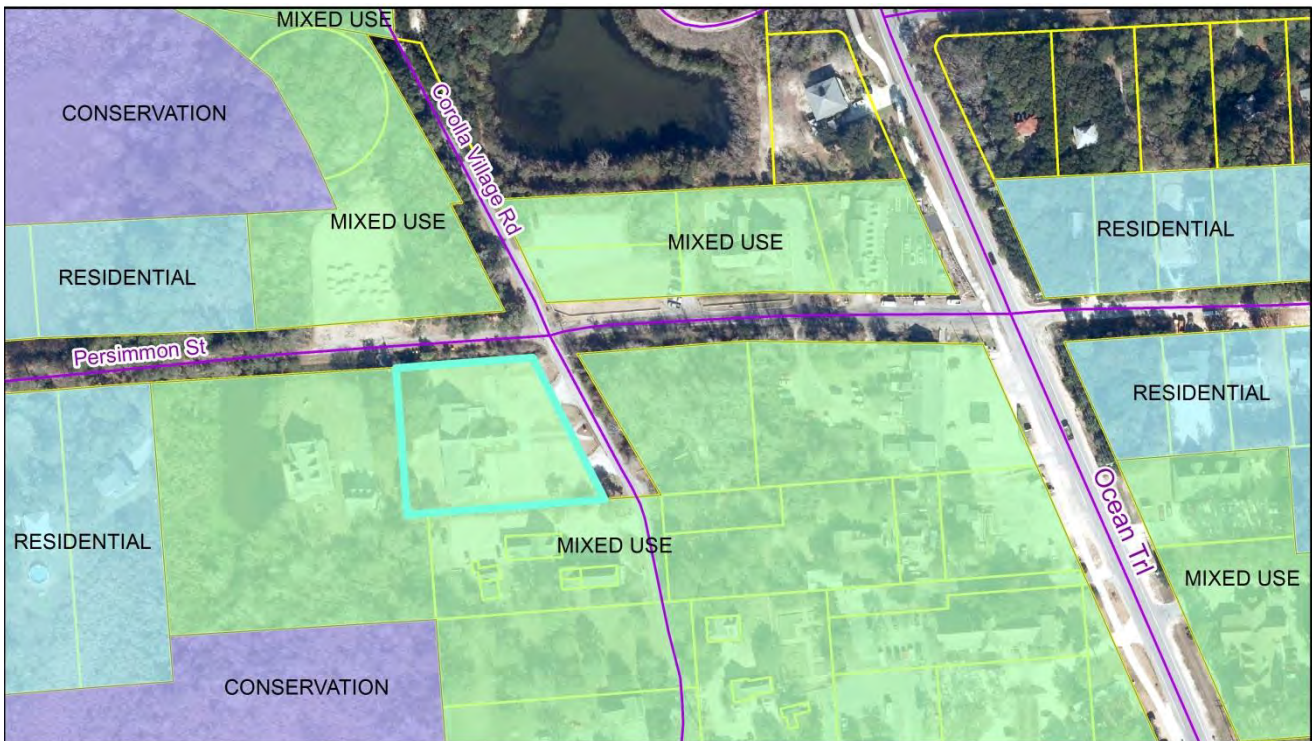
Currituck County
Planning and Community
Development



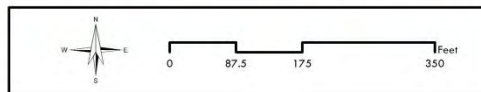
PB 19-22 Corolla Chapel
Conditional Rezoning
Land Use Plan Classification



Currituck County
Planning and Community
Development



19-22 Corolla Chapel
Conditional Rezoning
Corolla Village SAP



Currituck County
Planning and Community
Development



Conditional Rezoning Application

OFFICIAL USE ONLY:

Case Number:

19-22

Date Filed:

8/22/2019

Gate Keeper:

J.T.

Amount Paid:

\$200.00

Contact Information

APPLICANT:

Name:

James Southern

Address:

P.O. Box 64
Corolla, NC 27927

Telephone:

252-423-1432

E-Mail Address:

pastor@corollachapel.com

PROPERTY OWNER:

Name:

John W. Austin Memorial Chapel, Inc.

Address:

P.O. Box 104 dba. Corolla Chapel
Corolla, NC 27927

Telephone:

252-453-4224

E-Mail Address:

pastor@corollachapel.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: PRESIDENT OF BOARD

Property Information

Physical Street Address: 1136 Corolla Village Road

Location: Corolla, N.C.

Parcel Identification Number(s): 011400000280000

Total Parcel(s) Acreage: 42,907 sq. ft.

Existing Land Use of Property: USED AS A CHURCH

Request

Current Zoning of Property: RESIDENTIAL
SFDProposed Zoning District: CONDITIONAL USE
GLB

Community Meeting

Date Meeting Held: 8-19-19

Meeting Location: Corolla Chapel

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):

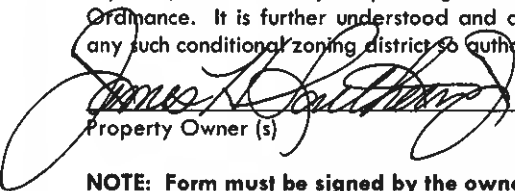
USUAL AND CUSTOMARY PRACTICES OF A CHURCH
Regularly scheduled worship services - POTENTIAL DAY CARE
- POTENTIAL AFTER SCHOOL PROGRAM - COMMUNITY GATHERINGS
RELATED TO SOCIAL SUPPORT, I.E. MEMORIAL SERVICES, RECOGNITION
BANQUETS, SUPPORT FOR LOCAL CHARTER SCHOOL

Proposed Zoning Condition(s):

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

Residential to: Conditional Use

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)

8-21-19
 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 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: 8/22/19

TRC Date: 9/11/2019

Project Name: Corolla Chapel

Applicant/Property Owner: James Southern

Conditional Rezoning Submittal Checklist

1	Complete Conditional Rezoning application	✓
2	Application fee (\$200 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	2 copies of plans	✓
7	2 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 8/2/19 and the following people were present:

Jennie Turner, James Southern, Ed Pence

Comments

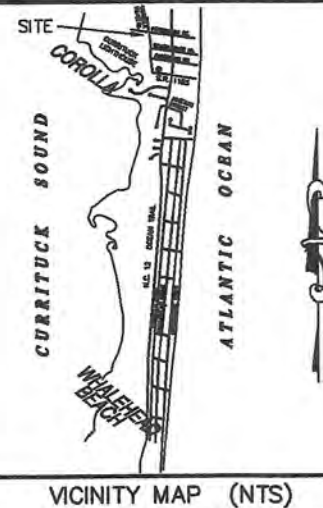
CONCEPTUAL DEVELOPMENT PLAN

N/F
LITTLE HAWK, LLC
(D.B. 1433, PG. 204)

NOTES:

1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
2. AREA BY COORDINATE COMPUTATION = 42,907 S.F.
3. F.I.R.M. ZONE: "AE" (B.F.E.: 5.0') (PER F.I.R.M.) + 1' FREEBOARD
4. PIN NO.: 011400000280000
5. RECORDED REFERENCE: D.B. 1092, PG. 147
6. MINIMUM BUILDING LINES (M.B.L.) SHOWN HEREON ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
7. ELEVATIONS (NAVD 1988):
HIGH GROUND @ BUILDING = 5.0'
LOW GROUND @ BUILDING = 3.1'
FIRST FLOOR = 7.41'
UTILITY/STORAGE ROOM = N/A
8. PROPOSED LOT COVERAGE: 22,175 S.F. (51.7%)

M.B. 2, PG. 89



VICINITY MAP (NTS)

LEGEND

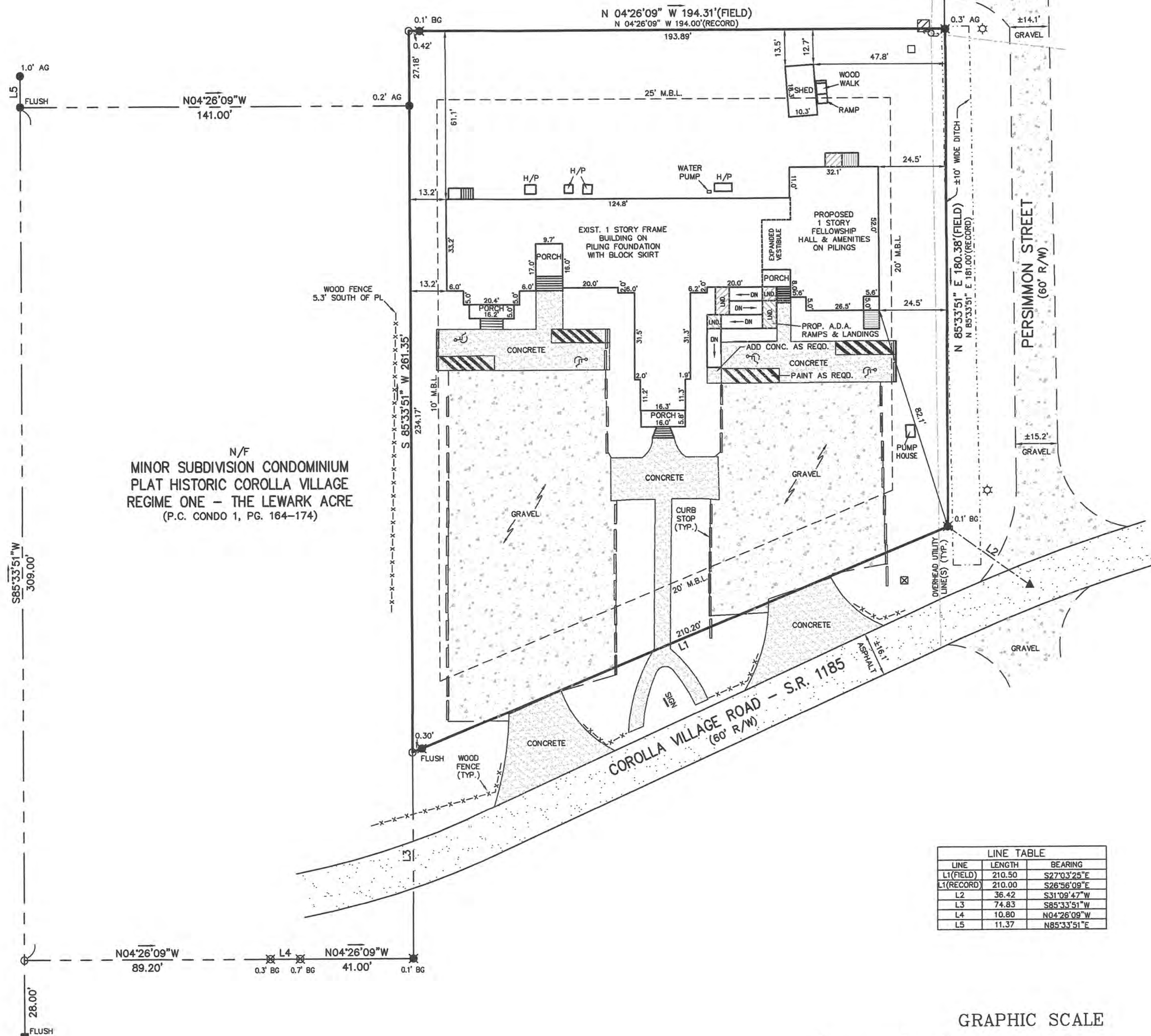
- EX. 1" PINCH PIPE
- EX. 1/2" REBAR
- CALCULATED POINT
- EX. 4" X 4" CONC. MON.
- ABANDONED TEMP. METER POST
- EX. P/K NAIL
- P/K NAIL SET
- EX. 1" OPEN PIPE
- WATER METER
- PHONE PEDESTAL
- C.A.T.V.
- UTILITY POLE
- GUY WIRE
- FIRE HYDRANT
- ELECT. TRANS.
- AG - ABOVE GRADE
- BG - BELOW GRADE
- PL - PROPERTY LINE



I, MANSON RAY MECKINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1092, PAGE 147); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM (DEED DESCRIPTION RECORDED IN BOOK 1092, PAGE 147); THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000+; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); THIS 19TH DAY OF SEPTEMBER, 2019.

Manson Ray Meekins
SURVEYOR L-2592

N/F
MINOR SUBDIVISION CONDOMINIUM
PLAT HISTORIC COROLLA VILLAGE
REGIME ONE - THE LEWARK ACRE
(P.C. CONDO 1, PG. 164-174)



LINE TABLE		
LINE	LENGTH	BEARING
L1 (FIELD)	210.50	S27°03'25"E
L1 (RECORD)	210.00	S26°58'09"E
L2	36.42	S31°09'47"W
L3	74.83	S85°33'51"W
L4	10.80	N04°26'09"W
L5	11.37	N85°33'51"E

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



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NO.	DATE	REVISIONS	BY
2	09/17/19	SITE PLAN/ADDITION/LOT COVERAGE	NJ
1	06/19/18	BUILDING FOUNDATION DESCRIPTION	TG

JOHN W. AUSTIN MEMORIAL CHAPEL, INC.

1136 COROLLA VILLAGE ROAD - COROLLA
POPLAR BRANCH TOWNSHIP - CURRITUCK COUNTY - NORTH CAROLINA

Seaboard Surveying & Planning, Inc. C-1536
103 W. WOOD HILL DRIVE - UNIT F P.O. BOX 58 MCGS HEAD, N.C. 27859 252-480-9998

FILE NO.: 1808174
SURVEYED: 05/31/18 CE
DRAWN: 06/15/18 TG
CHECKED: 06/15/18 MRM
SCALE: 1" = 30'

SHEET NO.

1

OF 1 SHEETS

COROLLA CHAPEL ADDITION

1136 COROLLA VILLAGE ROAD, COROLLA, NORTH CAROLINA

GENERAL NOTES

1. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERROR, OMISSION, DEFECT OR DEFICIENCY IN THE CONTRACT DOCUMENTS ("ERROR") PREPARED BY THE ARCHITECT OR ITS CONSULTANTS WHICH IN ANY WAY IMPACTS THE SCHEDULE OF THE PROJECT, RESULTS IN A LACK OF COORDINATION AMONG THE CONTRACT DOCUMENTS, DELAYS THE COMPLETION OF THE PROJECT OR WHICH IN ANY OTHER WAY CAUSES ANY DAMAGE OR LOSS TO THE OWNER, CONTRACTOR, SUBCONTRACTORS, OR OTHER ENTITY INVOLVED IN THE PROJECT UNLESS: (1) THE ARCHITECT IS PROMPTLY NOTIFIED OF SUCH ERROR, IN ANY EVENT WITHIN 14 DAYS OF THE DATE SUCH ERROR WAS DISCOVERED OR COULD REASONABLY HAVE BEEN DISCOVERED; AND (2) THE ARCHITECT IS GIVEN OPPORTUNITY AT THE TIME OF DISCOVERY TO ADDRESS SUCH ERROR, AND IF APPROPRIATE, TAKE SUCH STEPS AS ARE NECESSARY TO CORRECT AND RESOLVE IT. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH SHALL CONSTITUTE A WAIVER OF ANY CLAIM FOR DAMAGES, OR A RIGHT TO OFFSET AGAINST THE ARCHITECT BY OWNER, CONTRACTOR OR OTHERS AND SHALL IN NO EVENT CAUSE OR ALLOW A REDUCTION IN THE FEES OTHERWISE DUE THE ARCHITECT FOR SERVICES PROVIDED ON THE PROJECT.
2. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGES CAUSED BY OMISSIONS OR INACCURACIES OF SITE INFORMATION. INCLUDING BUT NOT LIMITED TO EASEMENTS, SETBACKS, METES AND BOUNDS, TITLE OWNERSHIP, FLOOD ZONE DESIGNATIONS AND CAMA REQUIREMENTS, PROVIDED BY THE CLIENT, TAX MAPS, SURVEYORS AND/OR ENGINEERS.
3. ALL PARTIES ACKNOWLEDGE AND AGREE THAT ALL DESIGNS ARE THE SOLE PROPERTY OF THE ARCHITECT. THIS AGREEMENT IS FOR A SINGLE LICENSED USE OF PLANS. ANY USE OF PLANS, OTHER THAN THE LIMITED LICENCE PROVIDED IN THIS PARAGRAPH IS NOT PERMITTED WITHOUT PRIOR WRITTEN CONSENT OF ARCHITECT. CLIENT SHALL PAY ARCHITECT FOR ANY REVISION WORK MADE TO DRAWINGS FOR REUSE AT AN HOURLY RATE DETERMINED BY THE ARCHITECT. ARCHITECT SHALL HAVE THE RIGHT TO INCLUDE PHOTOGRAPHIC OR ARTISTIC REPRESENTATIONS OF THE PROJECT AMONG THE ARCHITECT'S PROMOTIONAL AND PROFESSIONAL MATERIALS (INCLUDING WITHOUT LIMITATION ARCHITECT'S WEBSITE).
4. THE ARCHITECT IS NOT RESPONSIBLE FOR MEANS, METHODS OR TECHNIQUES IN THE CONSTRUCTION OF THIS PROJECT.

APPENDIX B

PROJECT INFO		NAME OF PROJECT ADDRESS PROPOSED USE OWNER REPRESENTATIVE CODE ENFORCEMENT				COROLLA CHAPEL ADDITION 1136 COROLLA VILLAGE ROAD, COROLLA, NC ASSEMBLY (A-3)- COMMUNITY HALL BERNIE MANCUSO, MANCUSO DEVELOPMENT CURRITUCK COUNTY	
LEAD DESIGN PROFESSIONAL		BEACON ARCHITECTURE AND DESIGN, PLLC					
DESIGNER	FIRM	NAME		LICENSE #	TELEPHONE #		
ARCHITECTURAL	BEACON ARCHITECTURE + DESIGN, P.L.L.C.	CHRISTOPHER NASON		51585	(252) 441-6767		
CIVIL	HOUSE ENGINEERING	RICK HOUSE		24740	(252) 261-8253		
ELECTRICAL	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN		15097	(757) 420-3595		
FIRE ALARM	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN		15097	(757) 420-3595		
PLUMBING	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN		15097	(757) 420-3595		
MECHANICAL	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN		15097	(757) 420-3595		
STRUCTURAL	HOUSE ENGINEERING	RICK HOUSE		24740	(252) 261-8253		
SPRINKLERS	N/A	N/A		N/A	N/A		
YEAR EDITION OF CODE		2018 NORTH CAROLINA BUILDING CODE (NCBC)					
BUILDING DATA		NATURE OF WORK CONSTRUCTED ORIGINAL USE PROPOSED USE CONSTRUCTION TYPE SPRINKLERS STANDPIPES BUILDING HEIGHT MEZZANINE HIGH RISE SCOPE OF WORK		ADDITION TO AN EXISTING CHURCH FOR GATHERING SPACE ORIGINAL CONSTRUCTION DATE UNKNOWN ASSEMBLY (A-3) ASSEMBLY (A-3) VB NO NO NEW ADDITION DOES NOT EXCEED THE HEIGHT OF THE EXISTING STRUCTURE. SEE BLDG SECTIONS NO NO 1,867 NEW SQUARE FEET (NEW FIRE AREA) 4,731 EXISTING SQUARE FEET (ORIGINAL FIRE AREA) 6,598 TOTAL SQUARE FEET (IN TWO FIRE AREAS)			
SPRINKLERS		THE EXISTING CHURCH DOES NOT HAVE SPRINKLERS AND NONE ARE REQUIRED FOR THE NEW SCOPE OF WORK SINCE THE OCCUPANT LOAD IS LESS THAN 300 OCCUPANTS FOR THE NEW ADDITION AND IT IS A SEPARATE USE (DISTINCT FIRE AREA) FROM THE ORIGINAL CHURCH. BOTH EXISTING AND NEW FIRE AREA ARE LOCATED ON THE LEVEL OF EXIT DISCHARGE.					
ALLOWABLE AREA		PRIMARY OCCUPANCY ALLOWABLE AREA/STORY* ACTUAL BUILDING AREA		ASSEMBLY (A-3) 1/ 6,000 SF LARGEST FIRE AREA IS THE EXISTING CHURCH AT 4,731 SF			
		* INCREASE DUE TO SPRINKLERS NOT APPLICABLE NOR REQUIRED					
ALLOWABLE HEIGHT		TYPE OF CONSTRUCTION ALLOWABLE BUILDING HEIGHT ACTUAL BUILDING HEIGHT		VB 40 FEET NEW ADDITION DOES NOT EXCEED 31 FEET, EXISTING TO REMAIN			
LIFE SAFETY SYSTEM REQUIREMENTS		EMERGENCY LIGHTING EXIT SIGNS FIRE ALARM SMOKE DETECTION SYSTEMS PANIC HARDWARE		YES YES YES- NEW FIRE ALARM PROPOSED YES YES- REQUIRED			
ELEVATOR		NOT REQUIRED A NEW HANDICAPPED RAMP IS PROPOSED AS PART OF THE SCOPE OF NEW WORK					
FIRE PROTECTION REQUIREMENTS		FIRE SEPARATION DISTANCE STRUCTURAL FRAME BEARING WALLS EXTERIOR INTERIOR NON-BEARING WALLS EXTERIOR INTERIOR FLOOR ROOF CORRIDOR SEPARATION FIRE AREA SEPARATION		EXISTING TO REMAIN UNCHANGED 0 HR 0 HR 0 HR 0 HR 0 HR 0 HR 0 HR 0 HR EXISTING TO REMAIN 2 HR- SEE D1.1 FOR WALL ASSEMBLIES			

EXIT REQUIREMENTS

NUMBER AND ARRANGEMENT OF EXITS (SINGLE STORY ADDITION)

FLOOR, ROOM OR SPACE DESIGNATION	MIN. NUMBER OF EXITS		TO / CPOT*		ARRANGEMENT MEANS OF EGRESS	
	REQUIRED	SHOWN	ALLOWABLE	ACTUAL	REQUIRED DISTANCE	ACTUAL DISTANCE
NEW STORAGE	1	1	75'	62'-4" MAX.	N/A	N/A
NEW PANTRY	1	1	75'	13'-7" MAX.	N/A	N/A
NEW KITCHEN	1	3	75'	27'-8" MAX.	N/A	N/A
NEW FELLOWSHIP HALL	2	3	200'	54'-1" MAX.	42'-0"/2-21'-0" MIN.	34'-3" MIN.
NEW MEN'S TOILET	1	1	75'	62'-10" MAX.	N/A	N/A
NEW WOMEN'S TOILET	1	1	75'	51'-2" MAX.	N/A	N/A

* TRAVEL DISTANCE FOR SPACES WITH NO SPRINKLERS AND TWO MEANS OF EGRESS IS 200'. THE COMMON PATH OF TRAVEL FOR AN ASSEMBLY SPACE SHALL NOT BE MORE THAN 75.

EXIT WIDTH

NEW ADDITION: FLOOR, ROOM OR SPACE DESIGNATION	(a)	(b)		STAIRWAYS (IN./OCC.)	REQUIRED WIDTH	EGRESS WIDTH (IN./OCC.)	REQUIRED WIDTH	ACTUAL WIDTH
	AREA	AREA/OCC.	OCC.S					
NEW STORAGE	44	300 G	0.1	N/A	N/A	0.2	0.1"	36"
NEW PANTRY	43	300 G	0.1	N/A	N/A	0.2	0.1"	36"
NEW KITCHEN	370	200 G	1.8	N/A	N/A	0.2	0.3"	108"
NEW FELLOWSHIP HALL	982	7 N	140.2	N/A	N/A	0.2	28.0"	144"
	TOTAL OCCUPANTS		142.2 (143 OCC.S)		N/A			

VESTIBULE EGRESS NOTE:

FOR THE EXPANDED VESTIBULE SPACE, THE EXISTING SANCTUARY AND THE NEW ADDITION BOTH UTILIZE THIS SPACE FOR EGRESS. IN CONVERSATIONS WITH THE OWNER AND BUILDING OFFICIAL ON SITE, THE EXISTING SANCTUARY AND NEW FELLOWSHIP HALL ARE NOT INTENDED TO BE USED SIMULTANEOUSLY AND OCCUPANTS OF ONE SPACE WILL MOVE FROM THE EXISTING SANCTUARY TO THE NEW FELLOWSHIP HALL AFTER SERVICES ARE COMPLETED. IN ADDITION, THE OCCUPANT LOAD OF THE EXISTING SANCTUARY ONLY REQUIRES A WIDTH OF 29.8' (298 OCCS/2= 149' AT THE CASSED OPENING TIMES 0.2 LOAD FACTOR). SECTION 1005.5 EGRESS CONVERGENCE DEALS WITH A SIMILAR SITUATION WHERE MULTIPLE FLOORS CONVERGE ONTO AN INTERMEDIATE FLOOR. PER THE SECTION, "THE CAPACITY OF THE MEANS OF EGRESS FROM THE POINT OF CONVERGENCE SHALL BE NOT LESS THAN THE LARGEST MINIMUM WIDTH". FOR OUR PROJECT, THE EXISTING SANCTUARY IS THE LARGEST MINIMUM WIDTH AND THE PROPOSED 36" DOOR EXCEEDS THE REQUIRED 29.8' WIDTH.

PLUMBING FIXTURE REQUIREMENTS

OCCUPANCY	WATERCLOSETS		URINALS		LAVATORIES		DRINKING FOUNTAINS	
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	REGULAR	ACCESSIBLE
ASSEMBLY (REQUIRED)	1 (1:150)	1 (1:75)	N/A	1 (1:200)	1 (1:200)	1 (1:100)	1 (1:1000)	
PROVIDED	1	1	N/A	1	1	1	1 HIGH/LOW ADA UNIT	

STRUCTURAL DESIGN:

SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION

ENERGY SUMMARY:

SEE MECHANICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

ELECTRICAL SUMMARY

SEE ELECTRICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

ENERGY/MECHANICAL SUMMARY

SEE MECHANICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

ACCESSIBLE PARKING

SEE CIVIL ENGINEERING PLANS FOR MORE INFORMATION

LIST OF DRAWINGS

ARCHITECTURAL DRAWINGS

- T1.1 TITLE SHEET
D1.1 DEMOLITION PLANS- FIRST FLOOR AND ROOF
A1.1 BUILDING PLAN- PROPOSED FIRST FLOOR
A1.2 BUILDING PLAN- PROPOSED RCP
A2.1 EXTERIOR ELEVATION
A2.2 EXTERIOR ELEVATION
A2.3 EXTERIOR ELEVATION

STRUCTURAL ENGINEERING DRAWINGS

- S1.0 SPECIFICATIONS
S1.1 FRAMING PLANS- PILING AND FIRST FLOOR
S1.2 FRAMING PLANS- ROOF

PLUMBING ENGINEERING DRAWINGS

- P001 PLUMBING LEGEND, NOTES AND SCHEDULES
P201 PLUMBING FIXTURE PLATES
P301 PLUMBING SANITARY WASTE AND DOMESTIC RISERS
P401 PLUMBING SPECIFICATIONS
P501 PLUMBING PENETRATION DETAILS

MECHANICAL ENGINEERING DRAWINGS

- M001 MECHANICAL LEGEND, NOTES, AND SCHEDULES
M201 MECHANICAL NEW WORK FLOOR PLAN
M301 MECHANICAL SPECIFICATIONS
M302 MECHANICAL SPECIFICATIONS

ELECTRICAL ENGINEERING DRAWINGS

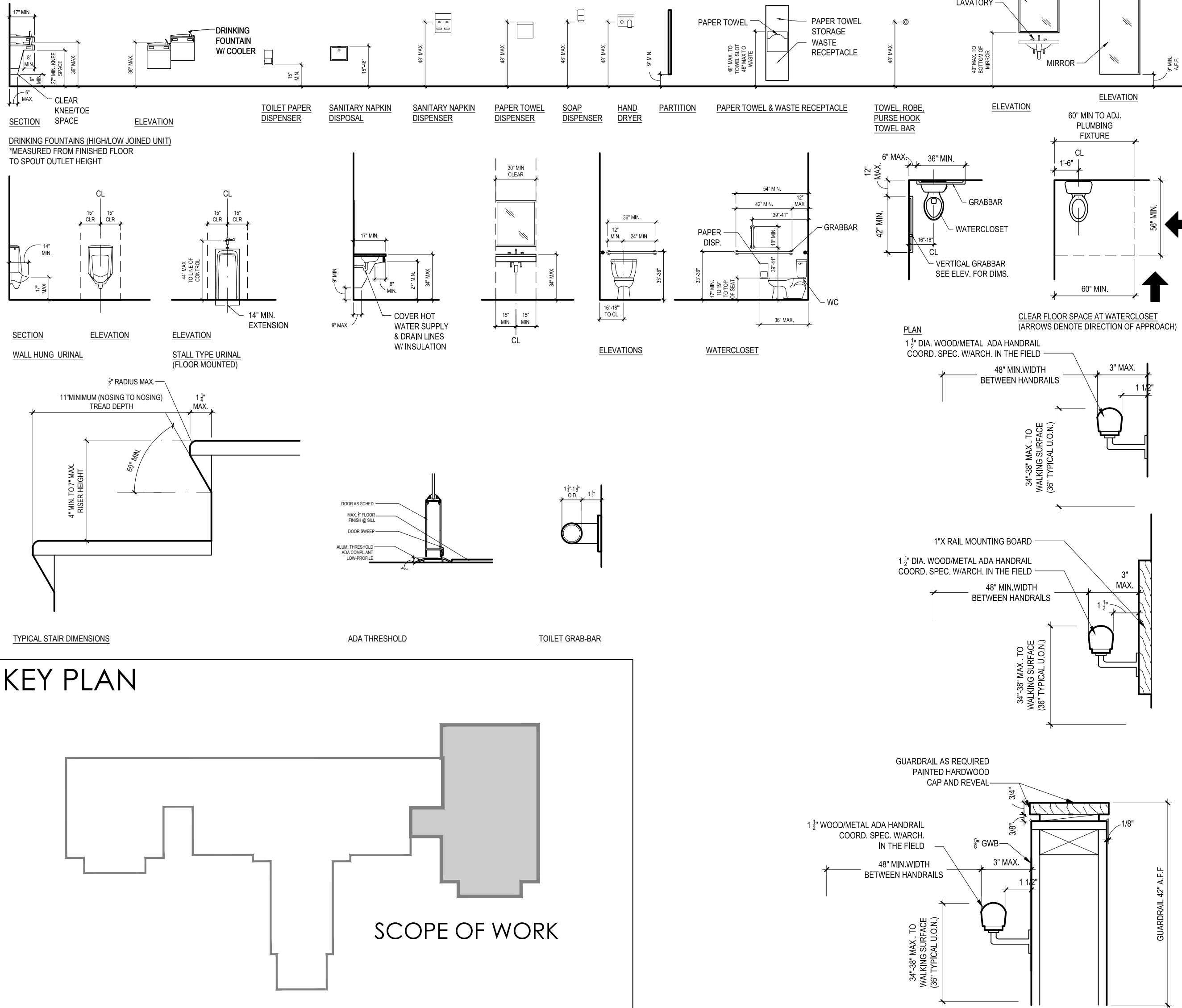
- E001 ELECTRICAL LEGEND, NOTES AND SCHEDULES
ED101 ELECTRICAL DEMOLITION PLAN
E101 ELECTRICAL LIGHTING FLOOR PLAN
E201 ELECTRICAL POWER PLAN
E301 ELECTRICAL FIRE ALARM PLAN
E401 ELECTRICAL SPECIFICATIONS

SYMBOLS

- BUILDING SECTION
 ELEVATION LINE
 BUILDING DETAIL
 KEY BUBBLE
 ELEVATION SYMBOL
 WINDOW/DOOR SYMBOL

CODE/ ADA INFORMATION

ELECTRICAL DEVICE AND FIXTURE MOUNTING HEIGHTS- ALL ADA FIXTURES SHALL MEET ANSI A117.1 REQUIREMENTS.



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PME ENGINEER:
HICKMAN AMBROSE, INC.
814 GREENBRIAR CIRCLE,
SUITE G,
CHESAPEAKE, VA 23322

PROJECT NAME:
COROLLA CHAPEL
ADDITION
1136 COROLLA VILLAGE
COROLLA, NC

REVISIONS:	DATE:
ISSUED FOR CONST.	6 / 17 / 19

DRAWING NAME:
TITLE SHEET

ISSUED FOR CONSTRUCTION

DRAWN BY: CN

DATE: 6 / 17 / 19

SCALE: -

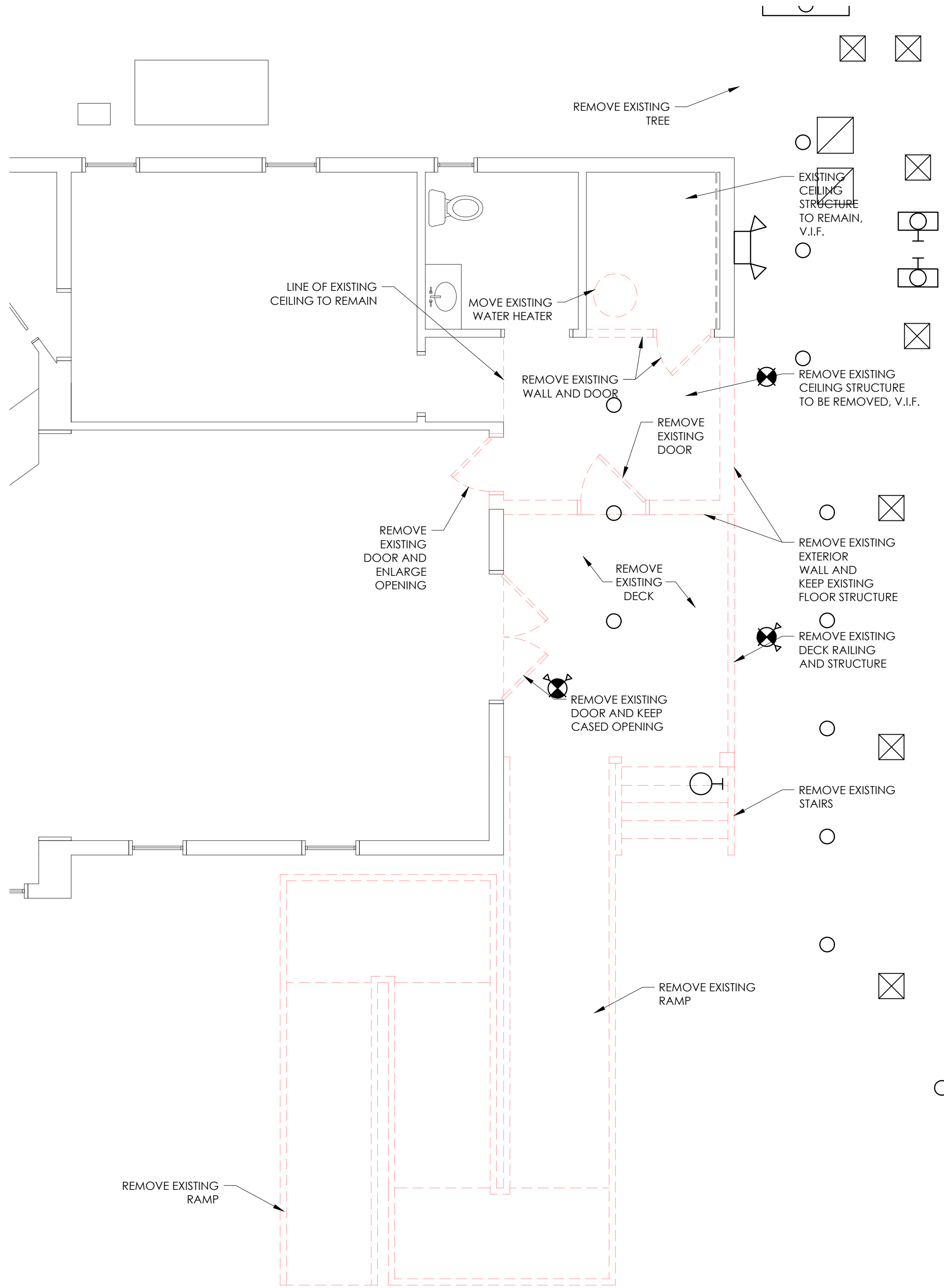
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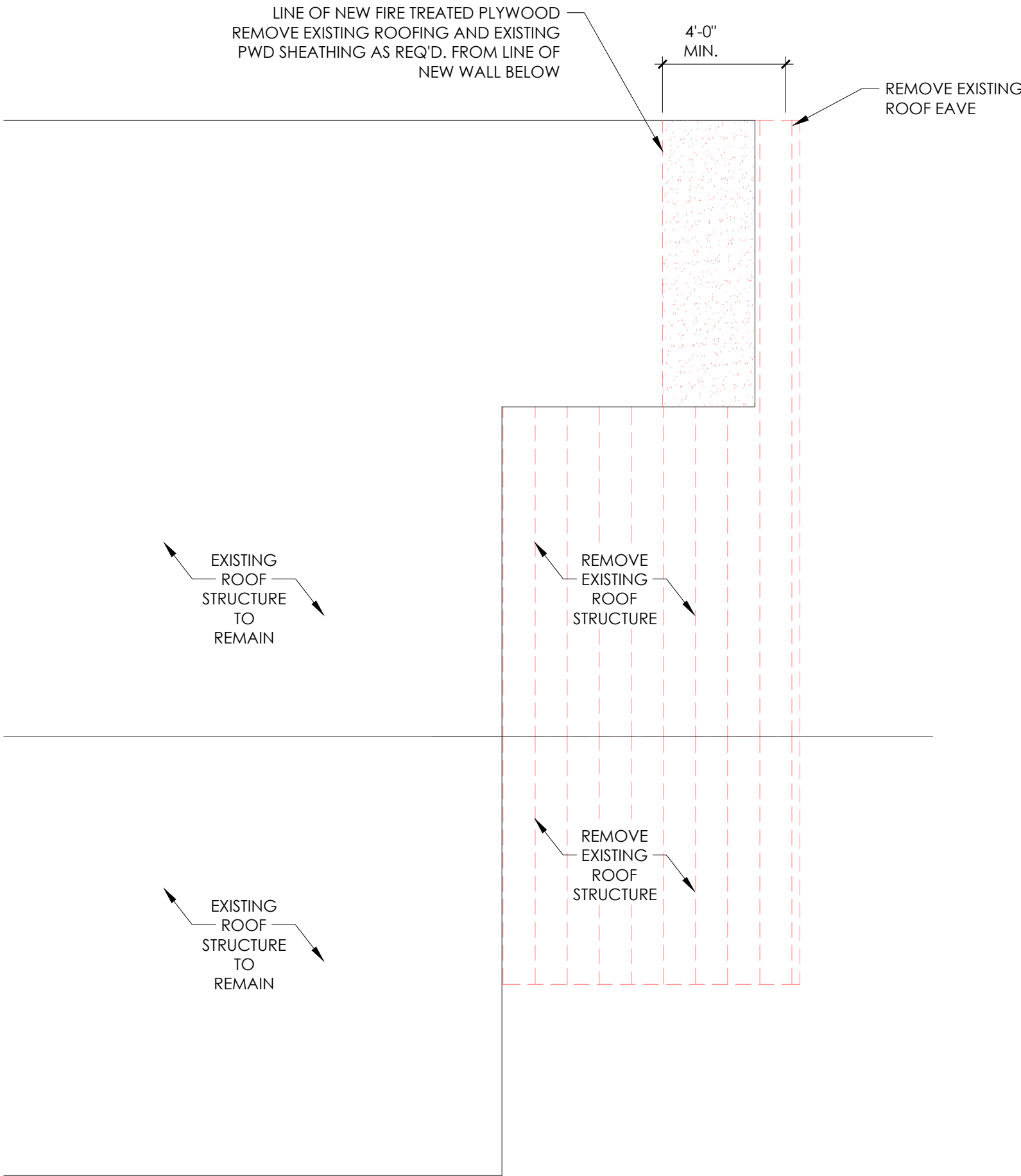
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DEMOLITION NOTES:

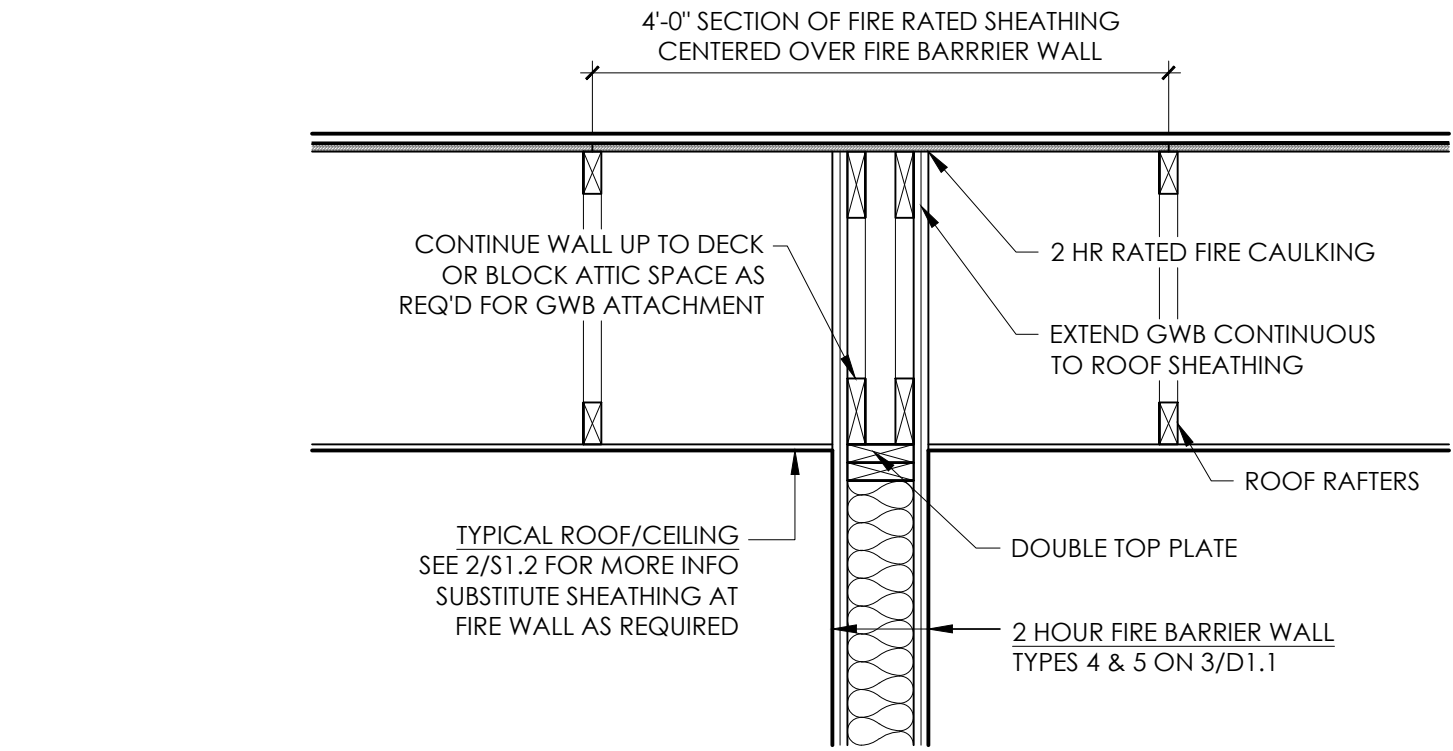
1. WHERE EXISTING WALLS, FLOORS, COLUMNS, CABINETS, COUNTERS, DOOR FRAMES, CEILINGS, DUCTWORK, ELECTRICAL DEVICES, PLUMBING FIXTURES AND RELATED PIPING HAVE BEEN REMOVED. CONTRACTOR TO PATCH DAMAGED SURFACES TO MATCH ADJOINING SURFACES THAT WILL REMAIN EXPOSED.
2. WHERE AN EXISTING OPENING IS CLOSED OR AN EXISTING PARTITION IS EXTENDED WITH NEW WORK, FINISH FACE OF NEW WORK FLUSH WITH EXISTING FINISH.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING THE REMOVAL OF ALL DEMOLITION DEBRIS FROM THE SITE.
4. REMOVE ONLY THOSE ELECTRICAL AND COMMUNICATIONS SYSTEMS SPECIFICALLY NOTED IN AFFECTED AREAS.
5. WHERE POSSIBLE, LIMIT DAMAGE TO ADJACENT ROOMS OR HALLWAYS.
6. DO NOT UNDERMINE THE EXISTING STRUTURE.



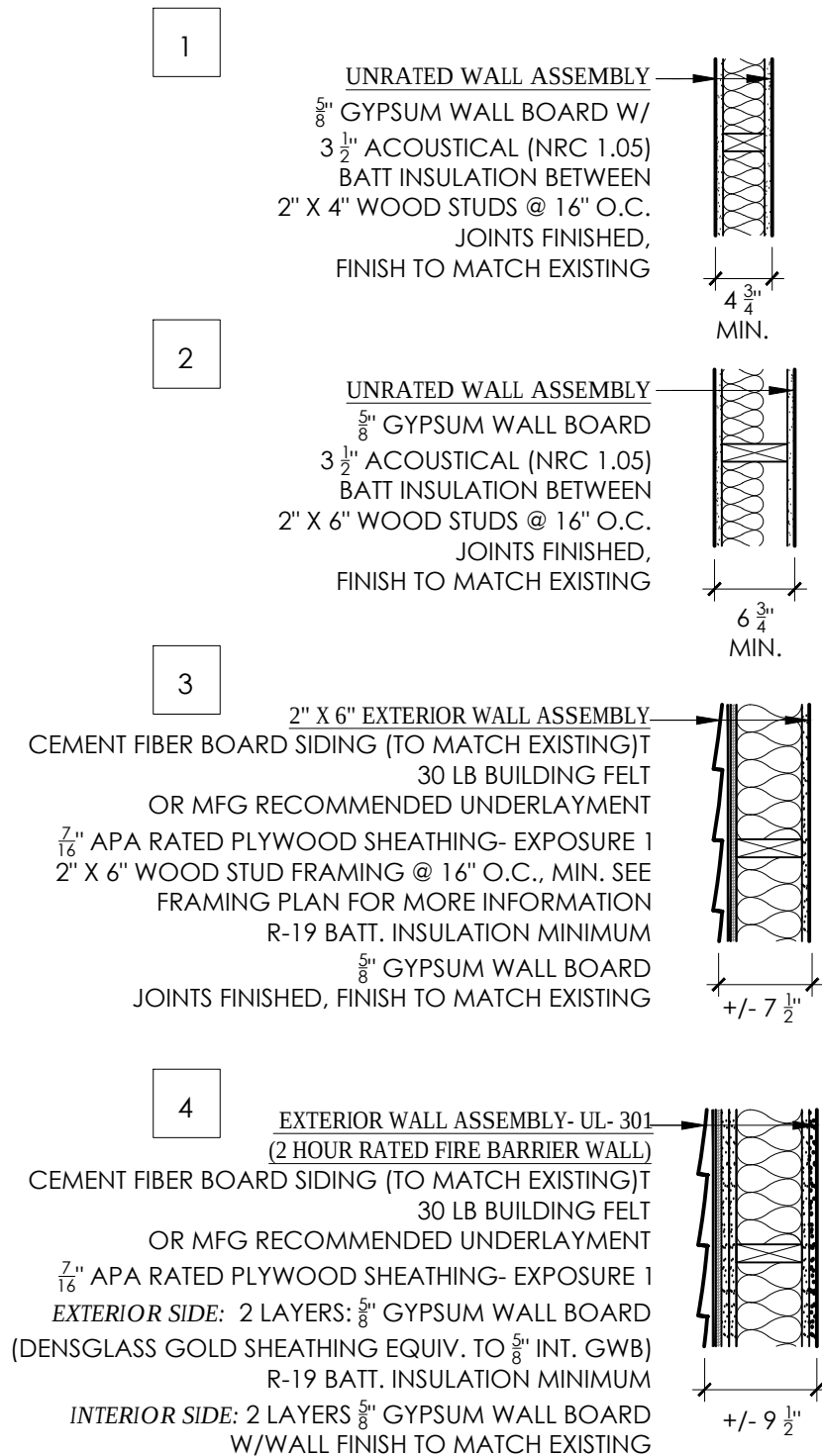
1 FIRST FLOOR DEMOLITION PLAN
SCALE: $\frac{1}{4}" = 1'-0"$



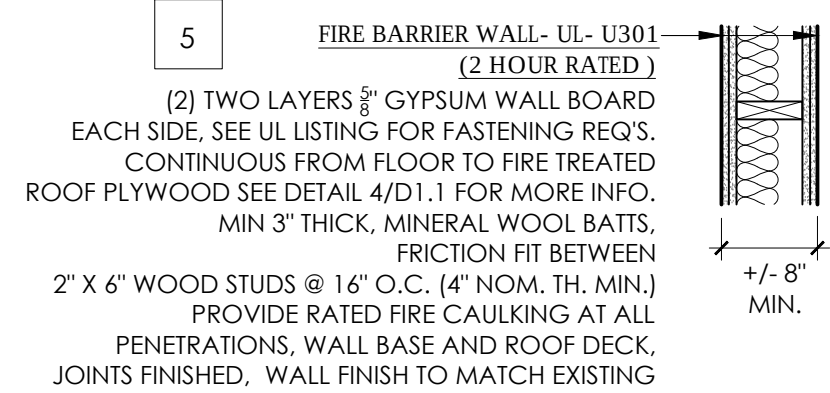
2 ROOF DEMOLITION PLAN
SCALE: $\frac{1}{4}" = 1'-0"$



4 WALL ASSEMBLIES
SCALE: $\frac{3}{4}" = 1'-0"$



IMPORTANT CONSTRUCTION NOTE:
RUN INTERIOR AND EXTERIOR AND INTERIOR GYPSUM BOARD UP TO FIRE TREATED PWD ROOF SHEATHING.
DO NOT CUT AROUND EAVES. EAVES TO BE FACE APPLIED TO EXTERIOR WALL AT AFFECTED AREAS
REQUIRING A 2 HOUR RATING ON AN EXTERIOR WALL.
COORDINATE CONNECTION W/STRUCT. ENGINEER IN THE FIELD.
FINAL LOCATION OF EXTERIOR GWB W/ENGINEER AND MFG AND ARCHITECT IN THE FIELD.



3 WALL ASSEMBLIES
NOT TO SCALE

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ADDITION
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COROLLA, NC

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ISSUED FOR CONST.	6 / 17 / 19

DRAWING NAME:
DEMOLITION
PLANS

ISSUED FOR
CONSTRUCTION

DRAWN BY: CN

DATE: 6 / 17 / 19

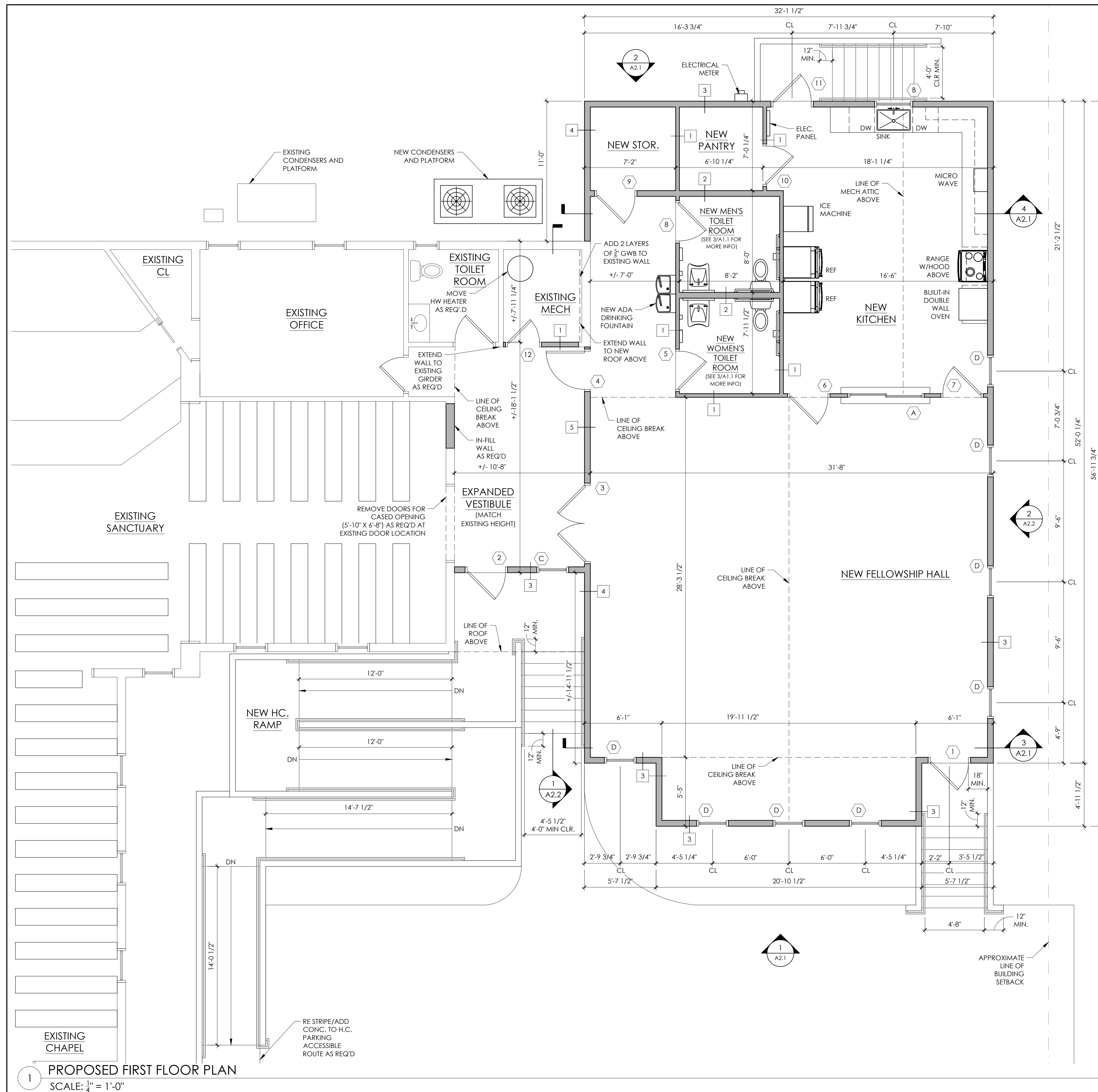
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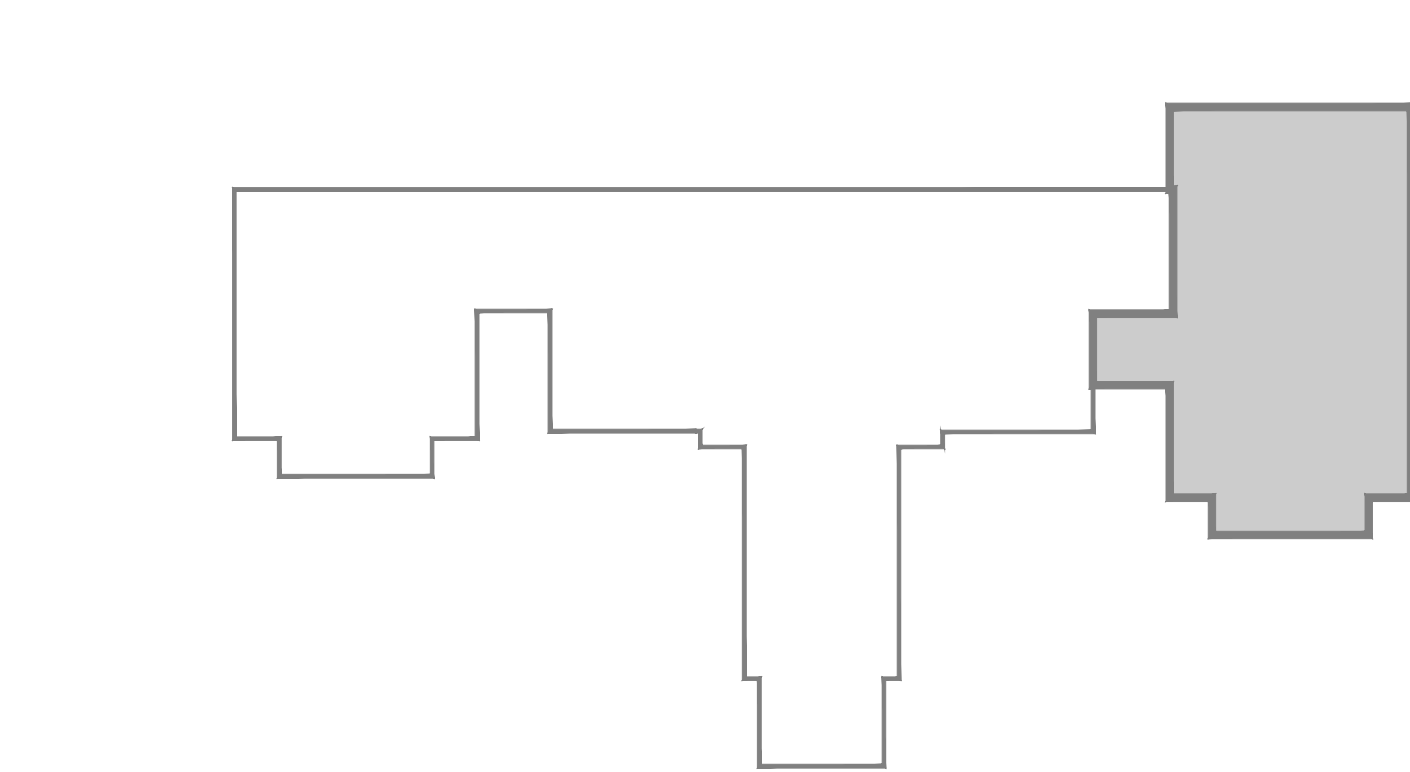
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SHEET:
D1.1

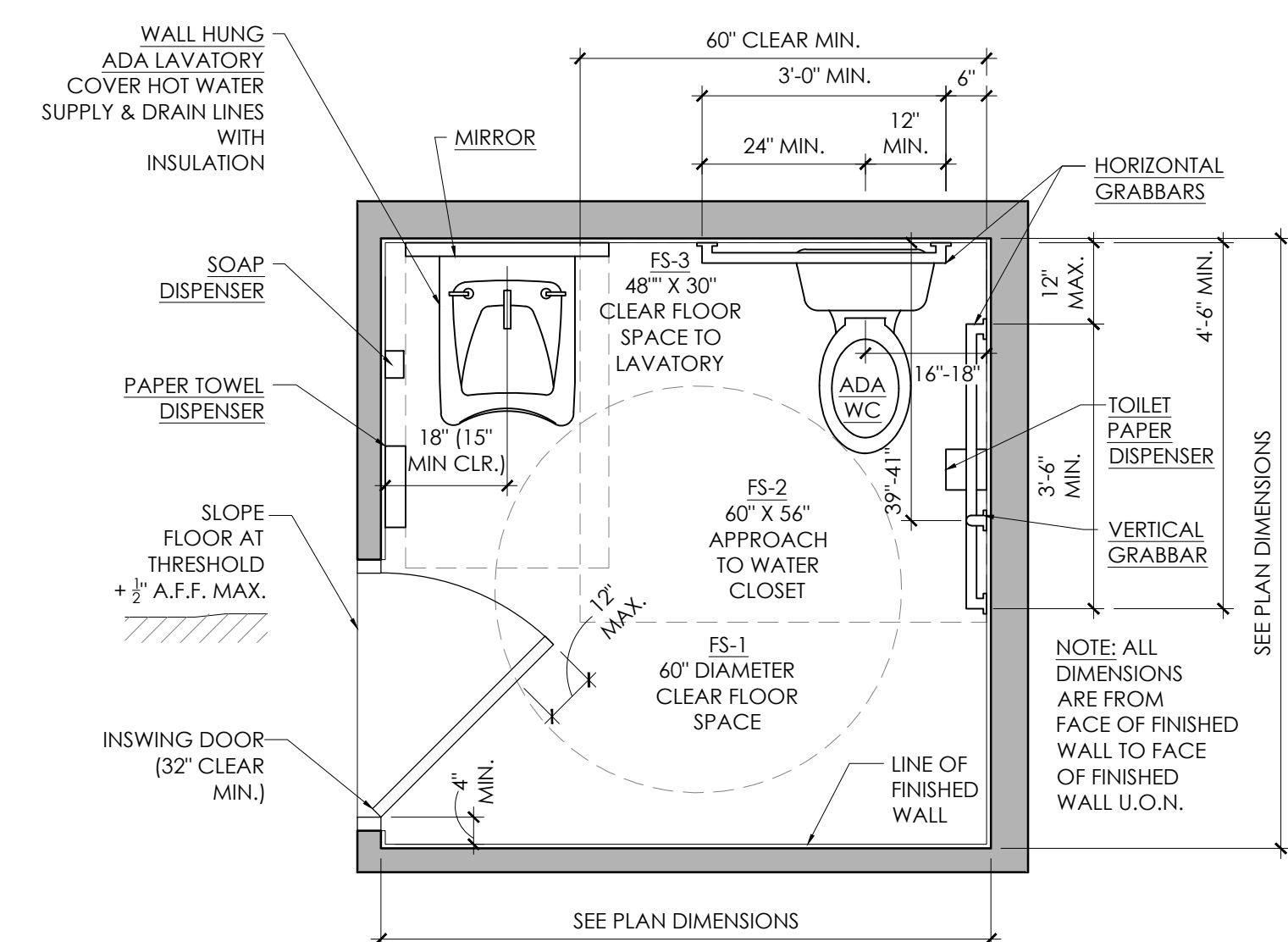


1 PROPOSED FIRST FLOOR PLAN
SCALE: $\frac{1}{4}$ " = 1'-0"

- GENERAL NOTES:
1. INSPECT AND VERIFY ALL DIMENSIONS ON THE PROJECT AND SITE AS MAY RELATE TO THE EXTENT OF CONSTRUCTION AND/OR DEMOLITION.
 2. THE CONTRACTOR/OWNER SHALL OBTAIN ALL REQUIRED PERMITS AND INSPECTIONS AS MAY BE REQUIRED TO PROCEED WITH DEMOLITION AND CONSTRUCTION.
 3. ALL WORK PERFORMED SHALL MEET ALL TOWN, COUNTY AND STATE CODES.
 4. DO NOT SCALE DRAWINGS.
 5. VERIFY ALL DOOR/WINDOW ROUGH OPENINGS WITH DOOR MFG. SPEC.
 6. CONTRACTOR TO USE TEMPERED GLASS IN ANY WINDOW OR DOOR THAT IS WITHIN 18" OF THE FINISHED FLOOR.
 7. CONTRACTOR TO COORDINATE ELECTRICAL, PLUMBING AND MECHANICAL WORK. ALL SUCH WORK MUST CONFORM TO NORTH CAROLINA CODES.
 8. CONTRACTOR TO CONFIRM PLAN DIMENSIONS PRIOR TO CONSTRUCTION WITH EXISTING SITE CONSTRAINTS. CONTRACTOR IS RESPONSIBLE FOR INFORMING THE ARCHITECT OF ANY PROBLEMS PRIOR TO CONSTRUCTION.
 9. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH ALL MANUALS AND MAINTENANCE INFORMATION BEFORE THE FINAL PAYMENT. THE CONTRACTOR SHALL WARRANTY THE WORK FOR THE PERIOD OF ONE YEAR.
 10. SEE A1.2 FOR DOOR AND WINDOW SCHEDULES.
 11. CONTRACTOR TO FIELD LOCATE BUILT-IN FIRE EXTINGUISHER CABINET W/FIRE MARSHALL PRIOR TO DRYWALLING.
 12. CONTRACTOR TO PROVIDE ADA APPROVED TACTILE SIGNAGE AT ALL EXITS AND PERMANENT SPACES TO MEET ANSI AND NCBC REQUIREMENTS. FIELD LOCATE AS REQ'D. W/BUILDING INSPECTOR.



2 KEY PLAN
NOT TO SCALE



3 ENLARGED TYPICAL TOILET ROOM PLAN
SCALE: $\frac{1}{2}$ " = 1'-0"

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COROLLA, NC

REVISIONS:	DATE:
ISSUED FOR CONST.	6 / 17 / 19

DRAWING NAME:
**BUILDING
PLAN**

**ISSUED FOR
CONSTRUCTION**

DRAWN BY: CN

DATE: 6 / 17 / 19

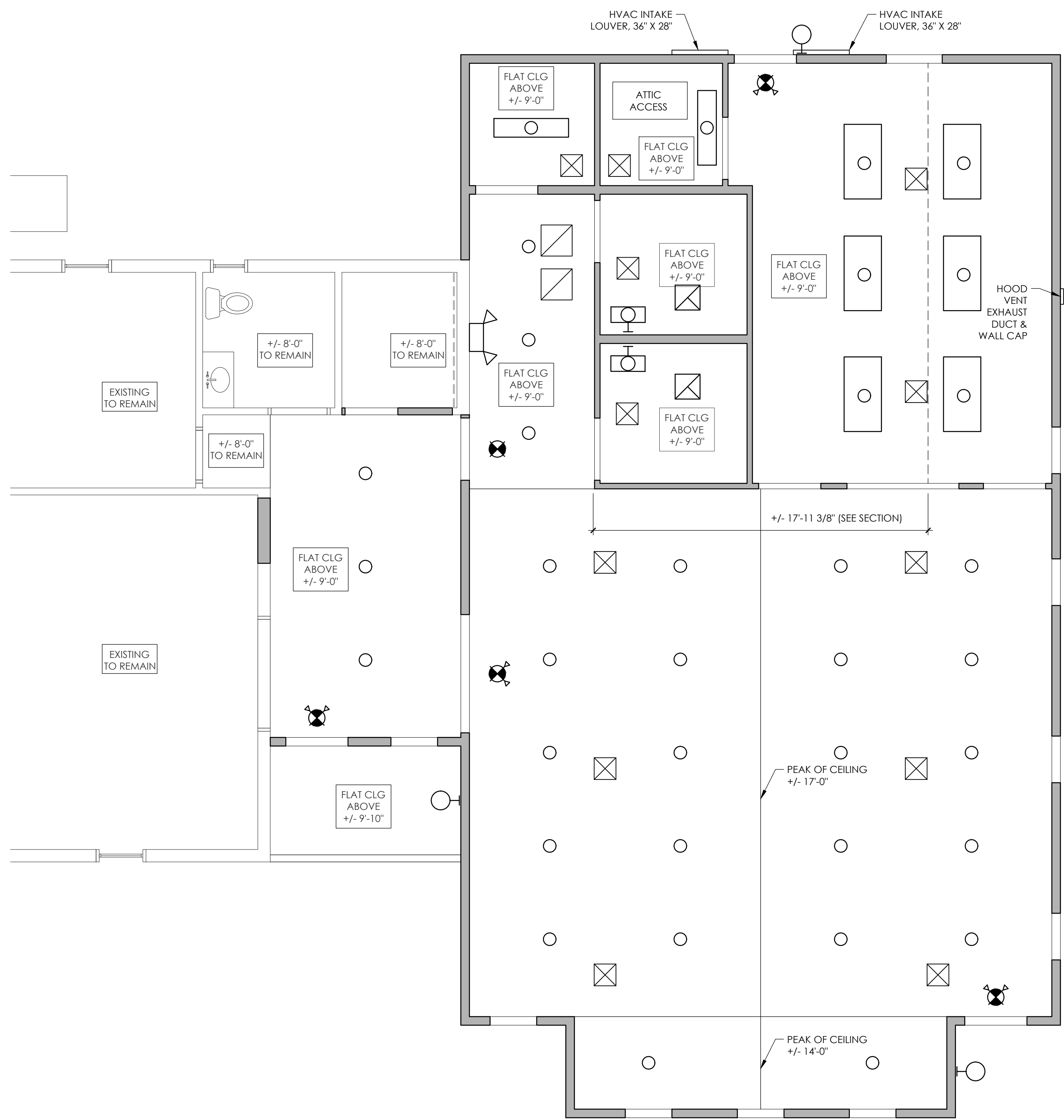
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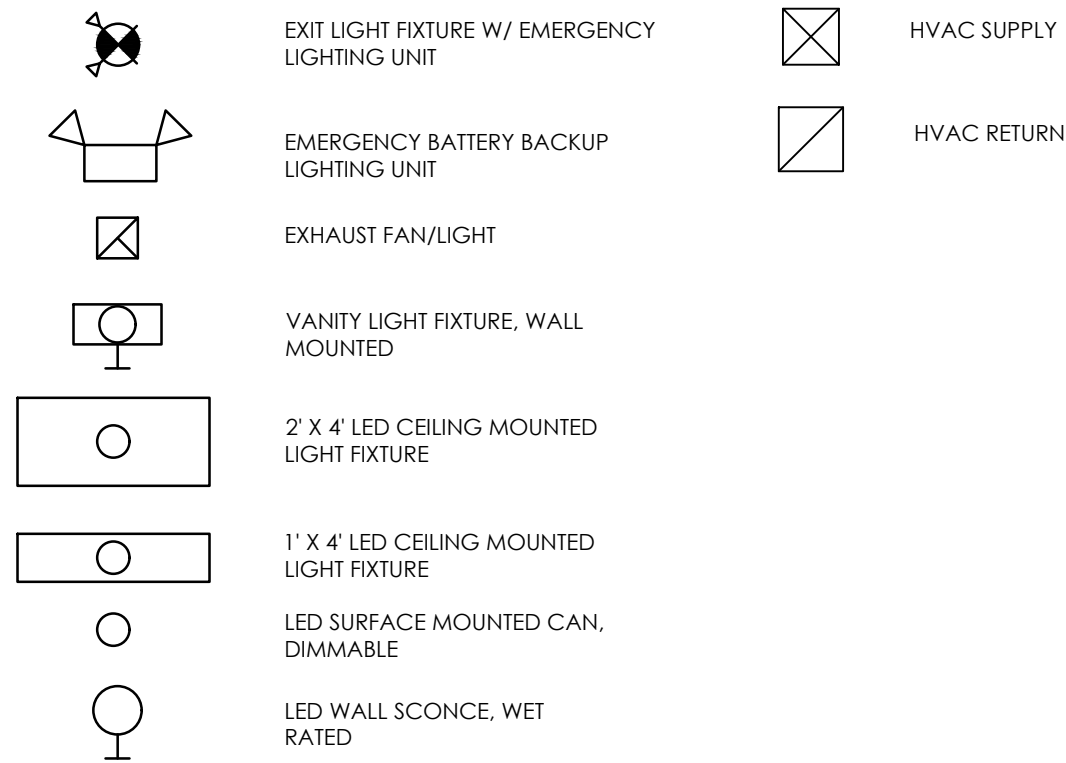
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A1.1

2 KEY PLAN
NOT TO SCALE



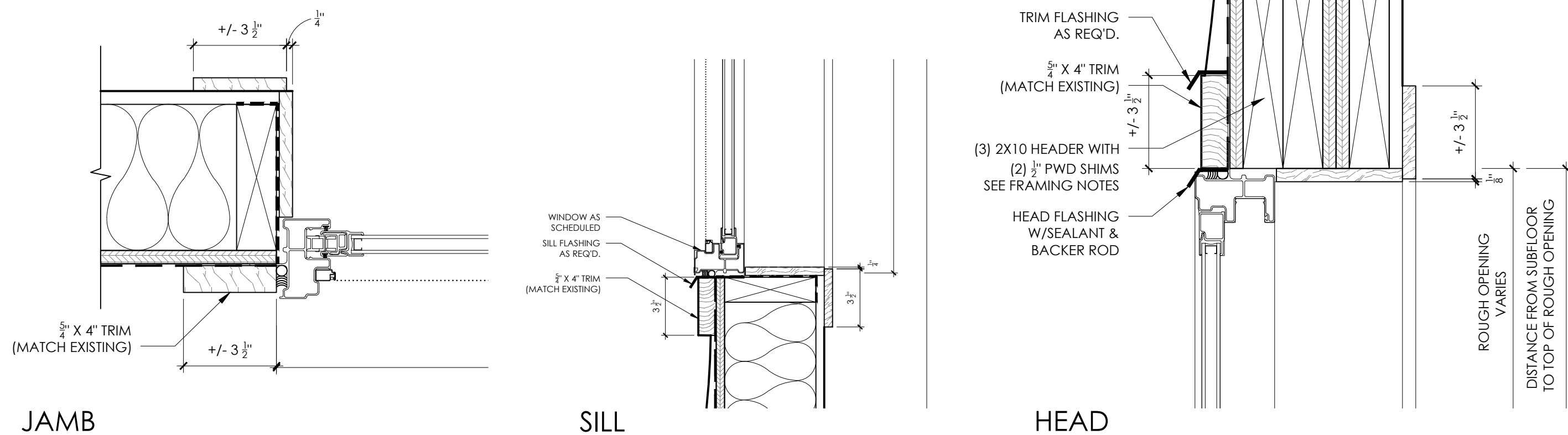
1 PROPOSED REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

3 REFLECTED CEILING PLAN LEGEND
NOT TO SCALE

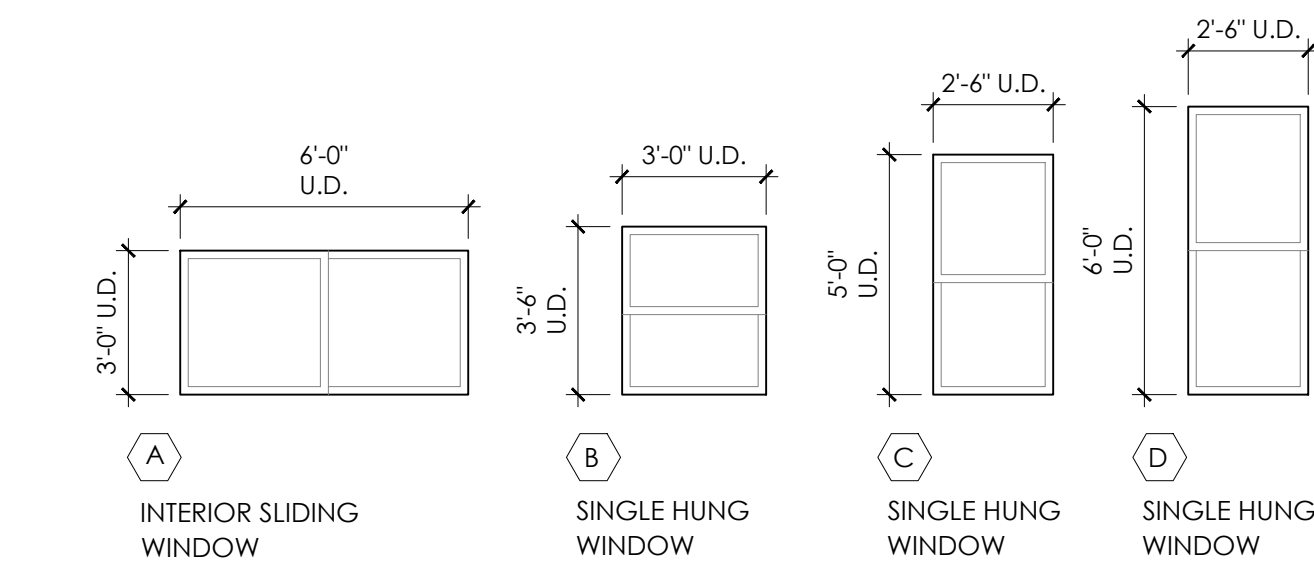


DOOR SCHEDULE											
DOOR						FRAME		THRES/SILL	HARDWARE	NOTES	
TAG	TYPE	TH.	MATERIAL	FINISH	WIDTH	HEIGHT	MATERIAL	FINISH			
1	A	1 1/2"	FIBERGLASS	PAINTED	3'-0"	6'-11"	WOOD	PAINTED	ADA	A	
2	A	1 1/2"	FIBERGLASS	PAINTED	3'-0"	6'-11"	WOOD	PAINTED	ADA	A	
3	C	1 1/2"	METAL	PAINTED	6'-0"	6'-8"	METAL	PAINTED		E	120 MIN. DOOR
4	D	1 1/2"	METAL	PAINTED	3'-0"	6'-8"	METAL	PAINTED		E	120 MIN. DOOR WITH MAGNETIC HOLD-OPEN
5	B	1 1/2"	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		B	
6	B	1 1/2"	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		C	
7	B	1 1/2"	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		C	
8	B	1 1/2"	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		B	
9	B	1 1/2"	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		D	
10	B	1 1/2"	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		C	
11	A	1 1/2"	FIBERGLASS	PAINTED	3'-0"	6'-11"	WOOD	PAINTED	ADA	A	
12	B	1 1/2"	WOOD	PAINTED	2'-6"	6'-8"	WOOD	PAINTED		D	

6 DOOR LEGEND
NOT TO SCALE



JAMB
5 TYPICAL WINDOW DETAILS
SCALE: 1/4" = 1'-0"



4 WINDOW LEGEND
NOT TO SCALE

- WINDOW NOTES:
1. MUNTINS ARE TO BE AS SHOWN ON WINDOW TYPES.
 2. SET ALL WINDOWS AT 8'-0" A.F.F. TO MATCH DOORS U.O.N. SEE EXTERIOR ELEVATIONS FOR MORE INFO.
 3. ALL WINDOW SIZES ARE APPROXIMATE AND DO NOT REPRESENT ROUGH OPENING SIZES. ACTUAL SIZE MAY VARY DEPENDING UPON FINAL MFG.
 4. ALL WINDOWS TO BE DESIGNED FOR 120 MPH WIND VELOCITY (3 SEC. GUST). WINDOW ATTACHMENT TO WALL STUDS TO BE DESIGNED BY WINDOW MANUF. OR OTHERS. WINDOW CONFIGURATIONS TO BE VERIFIED FOR INTENDED USE IN HIGH WIND ZONES. WINDOW UNITS IN MULTIPLE CONFIGURATIONS TO BE SELF SUPPORTING, MULLIONS TO BE DESIGNED BY MANUFACTURER OR OTHERS. WINDOWS TO MEET ASTM-E 1996 AND ASTM-E 1886 STANDARDS FOR WIND BOURNE DEBRIS.
 5. WINDOW COLOR TO BE MATCH EXISTING, UNLESS OTHERWISE REQUESTED BY THE ARCHITECT.
 6. WINDOWS SHOULD MEET 2018 NC ENERGY CODE REQUIREMENTS.
 7. WINDOW AND EXTERIOR DOOR MANUFACTURER TO MATCH.
 8. SET ALL WINDOWS AT DOOR HEAD HEIGHT, U.O.N., SEE EXTERIOR ELEVATIONS

- DOOR NOTES:
1. CONFIRM ACTUAL SIZE (ROUGH OPENING) WITH ACTUAL DOOR MANUFACTURER.
 2. CONFIRM ALL DESIGN PRESSURE RATINGS WITH SELECTED MANUFACTURER.
 3. SEE SCHEDULE FOR DOOR SIZING. CONTRACTOR TO CONFIRM.
 4. SEE FLOOR PLANS FOR DOOR HAND INFORMATION. CONTRACTOR TO CONFIRM.
 5. FOR INTERIOR DOORS, WIDTH AND HEIGHT VALUES REPRESENT ACTUAL DOOR SIZE AND NOT FRAME SIZE.
 6. ALL EXTERIOR FRAMES AND RATED DOORS MUST HAVE CLOSERS.
 7. CONFIRM DOOR HARDWARE SELECTIONS WITH DOOR SCHEDULE.
 8. ALL EXTERIOR DOORS ARE TO BE COMMERCIAL GRADE WITH ADA THRESHOLDS
 9. ALL EXTERIOR DOORS ARE TO MATCH EXISTING CHURCH COLOR.
 10. EXTERIOR DOORS SHOULD MEET 2018 NC ENERGY CODE REQUIREMENTS FOR COMMERCIAL STRUCTURES.
 11. ALL INTERIOR AND INSWING DOORS TO HAVE FLOOR MOUNTED/BASE MOUNTED DOOR STOPS, UNLESS OTHERWISE NOTED.

- HARDWARE SETS:
1. ALL LOCKSETS AND LATCHSETS TO RECEIVE ADA APPROVED LEVER HANDLES. ALL EXPOSED
 2. HARDWARE IS TO HAVE A FINISH TO MATCH THE EXISTING CHURCH FOR COASTAL CONDITIONS.

- HARDWARE SET A:
- ENTRY DOOR - DUMMY PULL HANDLE AND SURFACE MOUNTED PUSH BAR EXIT DEVICE WITH DOGGING KEY. KEYED DEADBOLT WITH INTERIOR THUMB-TURN. SURFACE MOUNTED HEAVY DUTY CLOSER.
- HARDWARE SET B:
- TOILET DOOR - THUMB BUTTON PRIVACY LOCKSET. LATCHBOLT OPERATED BY HANDLE FROM EITHER SIDE. EXCEPT WHEN OUTSIDE HANDLE IS LOCKED BY THUMB BUTTON LOCKING DEVICE ON INSIDE LEVER. INSIDE HANDLE ALWAYS OPERATES LATCHBOLT. SURFACE MOUNTED HEAVY DUTY CLOSER.
- HARDWARE SET C:
- PASSAGE DOOR - PUSH PULL PLATE WITH DOOR KICKSTAND ON INSIDE OF DOOR PANEL.
- HARDWARE SET D:
- STORAGE ROOM DOORS - CLASSROOM LOCKSET. OUTSIDE LEVER LOCKS AND UNLOCKS WITH KEY. INSIDE LEVER ALWAYS UNLOCKS FOR IMMEDIATE EGRESS. OPTIONAL SURFACE MOUNTED CLOSER.
- HARDWARE SET E:
- FIRE DOORS - EXTERIOR DUMMY PULL HANDLES AND SURFACE MOUNTED PUSH BAR EXIT DEVICE WITH DOGGING KEY. SURFACE MOUNTED SPRING & HYDRAULIC POWERED CLOSER ON EACH LEAF INTEGRATED WITH FIRE ALARM SYSTEM.

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COROLLA, NC

REVISIONS:	DATE:
ISSUED FOR CONST.	6 / 17 / 19

DRAWING NAME:
BUILDING
PLAN

ISSUED FOR
CONSTRUCTION

DRAWN BY: CN

DATE: 6 / 17 / 19

SCALE: -

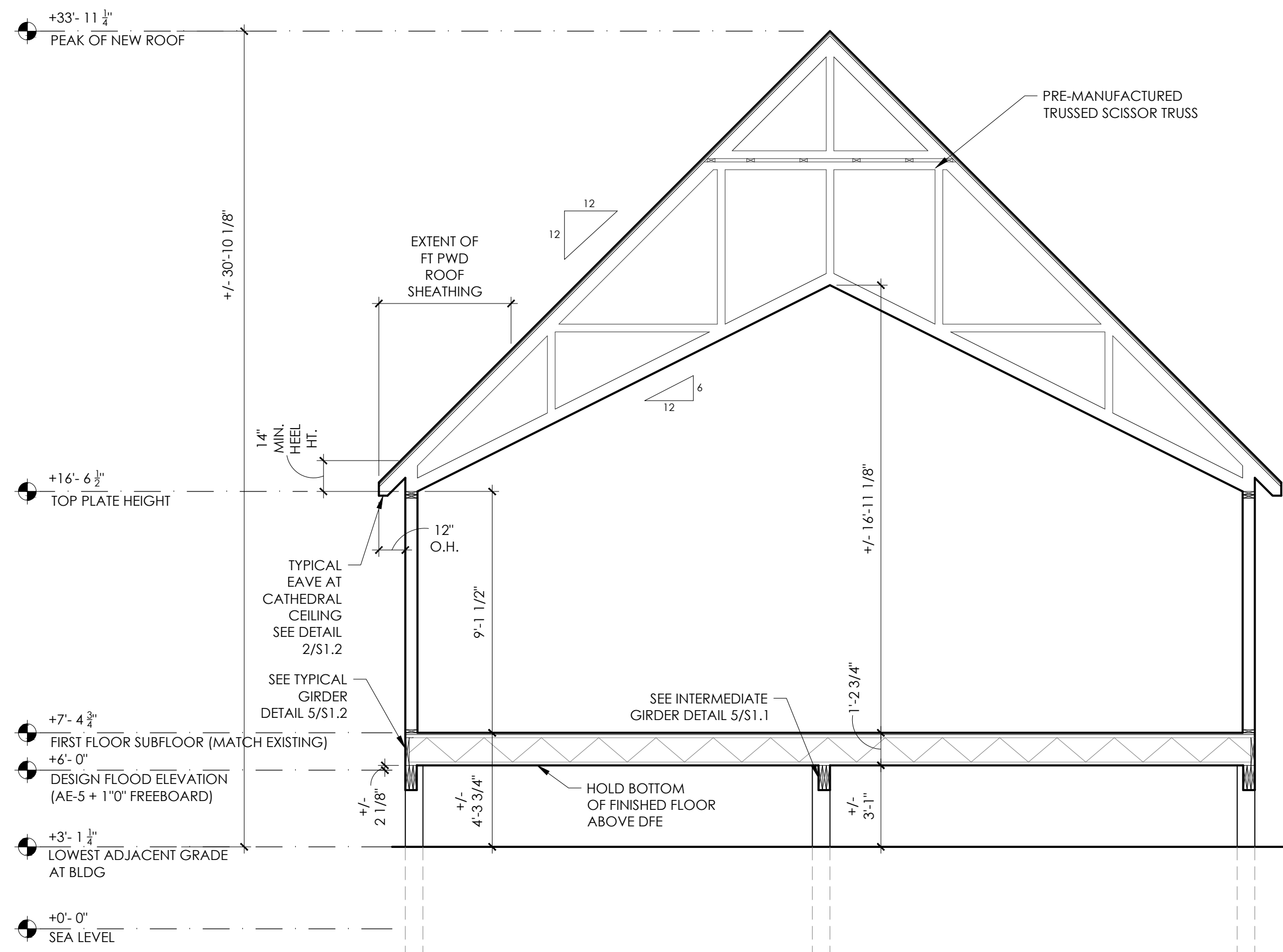
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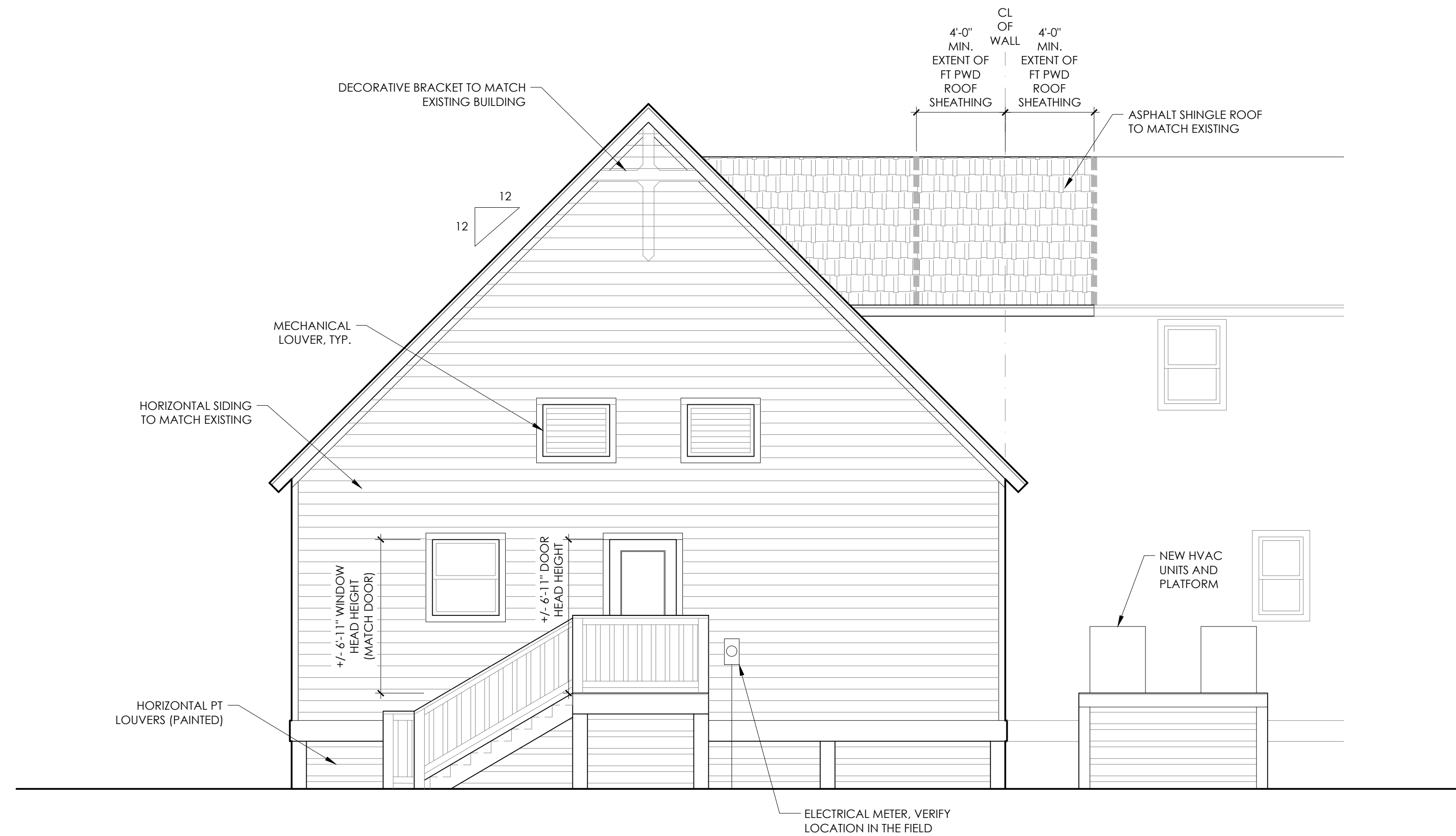
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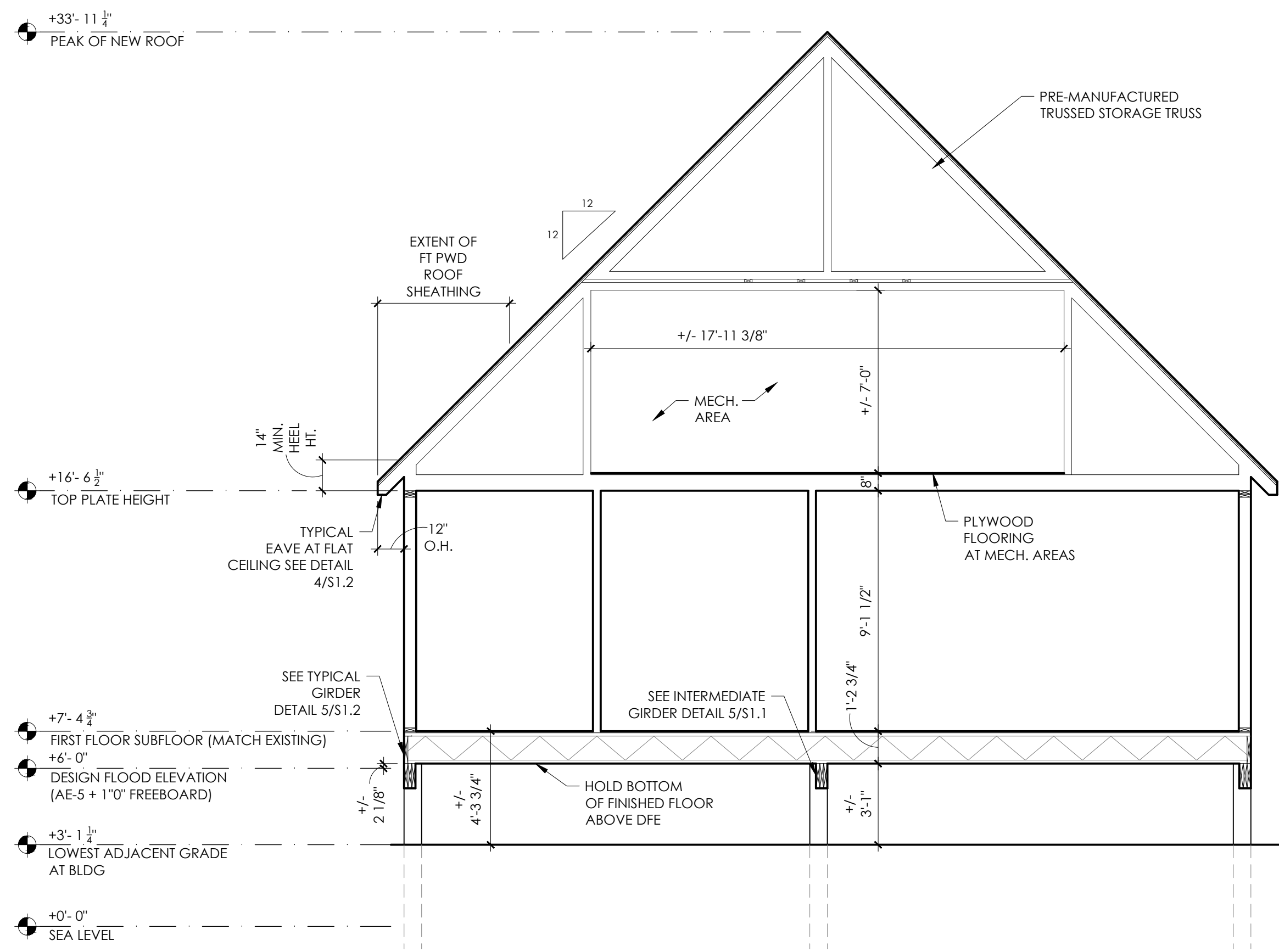
1 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



3 BUILDING SECTION
SCALE: $\frac{1}{4}" = 1'-0"$



2 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



4 BUILDING SECTION
SCALE: $\frac{1}{4}" = 1'-0"$

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DRAWING NAME:
**EXTERIOR
ELEVATIONS**

**ISSUED FOR
CONSTRUCTION**

DRAWN BY: CN

DATE: 6 / 17 / 19

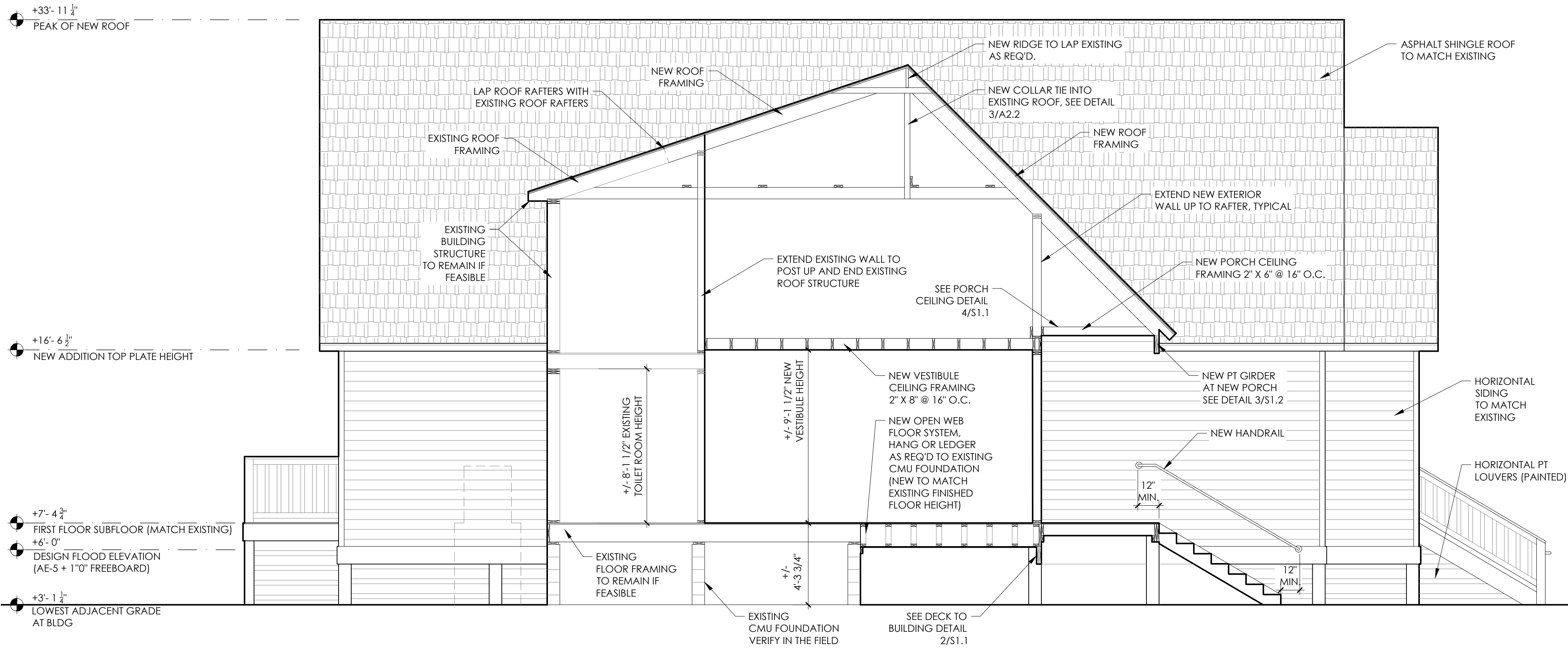
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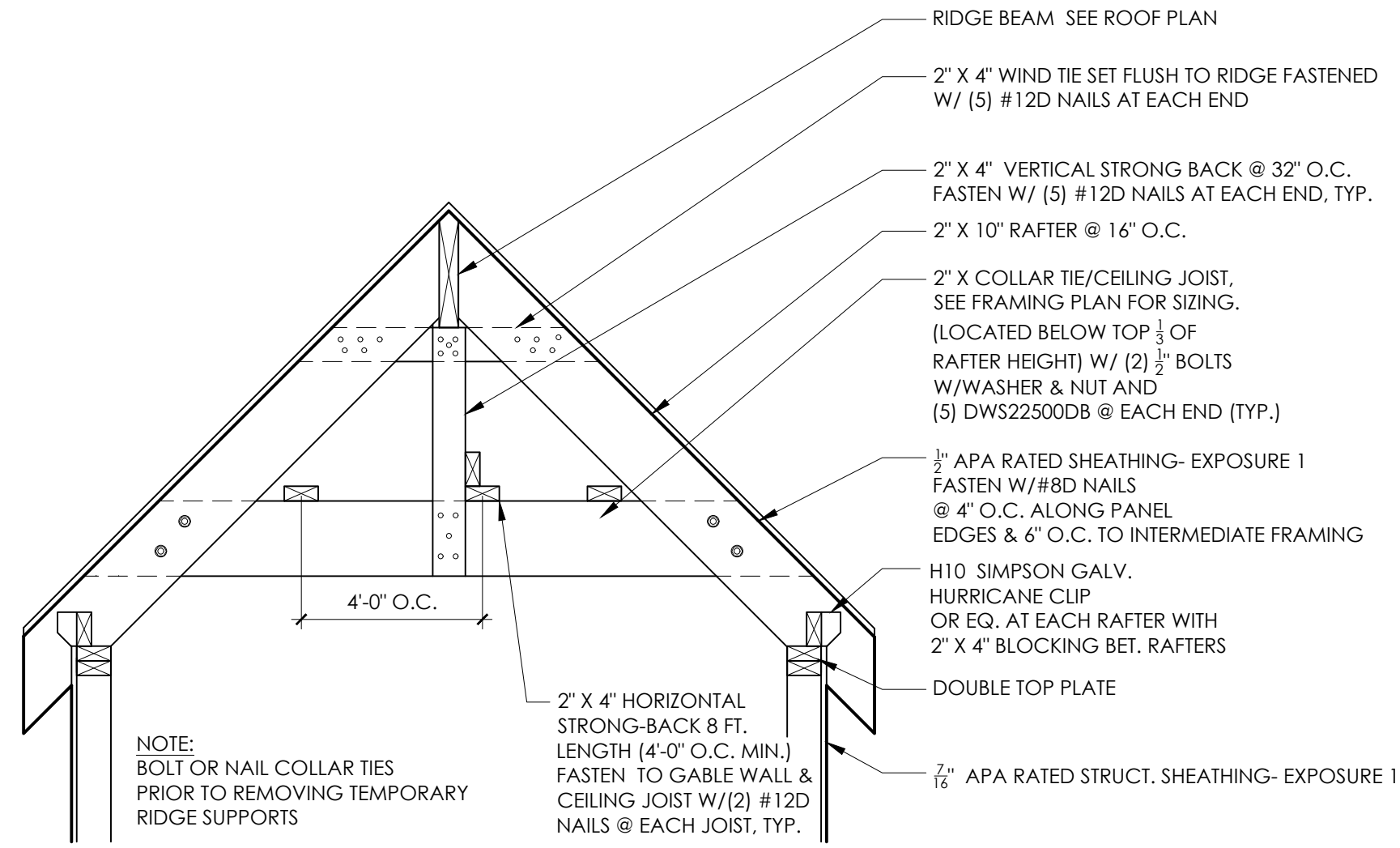
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SHEET:
A2.1



1 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



3 COLLAR TIE DETAIL
SCALE: $\frac{1}{4}" = 1'-0"$



2 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

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P.O. BOX 466
KITTY HAWK, N.C. 27949
OFFICE: 252-261-8253 FAX: 252-261-3283
ENGINEERS SEAL APPLIES ONLY TO STRUCTURAL COMPONENTS. DEVIATIONS AND/OR DISCREPANCIES ON PLANS NEED TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF HOUSE ENGINEERING, P.C. FAILURE TO DO SO WILL VOID HOUSE ENGINEERING, P.C.'S LIABILITY.

PME ENGINEER:
HICKMAN AMBROSE, INC.
814 GREENBRIAR CIRCLE,
SUITE G,
CHESAPEAKE, VA 23322

PROJECT NAME:
COROLLA CHAPEL
ADDITION
1136 COROLLA VILLAGE
COROLLA, NC

REVISIONS:	DATE:
ISSUED FOR CONST.	6 / 17 / 19

DRAWING NAME:
EXTERIOR
ELEVATIONS

ISSUED FOR
CONSTRUCTION

DRAWN BY: CN

DATE: 6 / 17 / 19

SCALE: -

STAMP:

6 / 17 / 19

© 2018-19 BEACON ARCHITECTURE + DESIGN
P.L.L.C.- ALL RIGHTS RESERVED

SHEET:
A2.2


Currituck County
Department of Planning and Community Development

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055

FAX 252-232-3026

MEMORANDUM
To: James Southern, Corolla Chapel

From: Jennie Turner, Planner II

Date: September 12, 2019
 Revised September 18, 2019 with engineer comments

Re: PB19-22 Corolla Chapel Conditional Rezoning

The following comments were received at the September 11, 2019 TRC meeting. TRC comments are valid for six months from the date of the TRC meeting.

Due to Hurricane Dorian and the State of Emergency, this memo does not include all TRC comments. Any missing comments will be provided to you by September 18th.

In order to be scheduled for the October 8, 2019 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on September 23, 2019.

Planning, Jennie Turner 252-232-6031

Reviewed

Show proposed lot coverage on conceptual plan.

Currituck County Building Inspections and Fire, Richard Godsey 252-232-6020

Approved

Insure marked exit at kitchen has exterior connectivity with public right-of-way shown on site plan.

Currituck County Engineering, Eric Weatherly 252-232-6035

Approved

Southern Outer Banks Water, Benjie Carawan, 252-453-2620

Reviewed

OK TO CONSTRUCT A 32 FEET X 52 FEET FELLOWSHIP HALL/KITCHEN ADDITION TO EXISTING COROLLA CHAPEL AS SHOWN ON SITE PLAN AS LONG AS MAINTAIN(BUILDING FOUNDATION) A MINIMUM 5 FEET FROM ANY PART OF EXISTING SEPTIC SYSTEM. *NOTE: A PROPOSED FUTURE CHILD DAYCARE CENTER OR SCHOOL LOCATED IN THE CHURCH MAY REQUIRE EXPANSION OF THE SEPTIC SYSTEM OR REQUIRE HOOKING TO A LARGE WASTEWATER TREATMENT AND DISPOSAL SYSTEM LOCATED NEARBY.

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

No Comment

Currituck County Water, Yama Jones 252-232-6061

No Comments Received

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

NONE

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

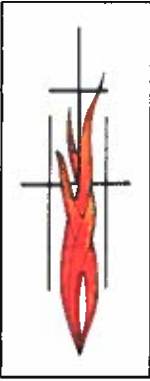
No Comment

Currituck County Parks & Recreation, Jason Weeks, 252-232-3007

Approved

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans
- 1 – 8.5 x 11” reduced copy
- 1- PDF digital copy of all revised or new documents and plans.



Corolla Chapel
 1136 Corolla Village Road
 Corolla, NC 27927
 252-453-4224
 Reverend James H. Southern, Jr MA, M.Ed. LPCS, NCC

To: Jennie Turner, Planner II

From: James H. Southern, Corolla Chapel

Date: September 23, 2019

Re: PB 19-22 Corolla Chapel Conditional Rezoning

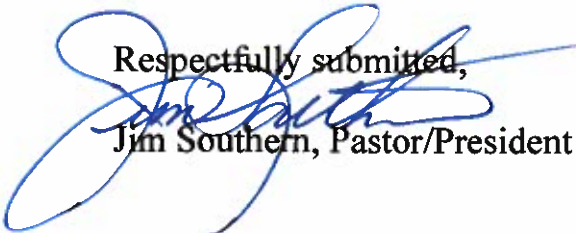
In response to the comments from the TRC meeting on September 11, 2019 the following actions were taken.

The proposed lot coverage was added to the conceptual plan and submitted to your office as requested, electronically on September 20, 2019 and hard copies to be delivered this day, September 23, 2019 to your office in Corolla.

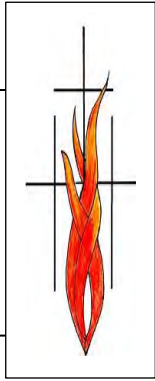
The following is in response to the comments submitted by Benji Carawan from Southern Outer Banks Water.

- At this time, nor in the foreseeable future, will changes be made to the exterior structure that borders the existing drain field or septic tank. Existing setbacks will be maintained and plans for new construction meet current requirements. There is no anticipated, increase of significance, in water or sewage usage connected with this project.
- Any future expansion or addition of programs i.e., a daycare program or afterschool program, in large part, is dependent of the completion of the mid-county bridge or an influx of year-round residents with pre-school or school age children in the primary grade levels. Both do not appear to be happening in the near future.

Respectfully submitted,


 Jim Southern, Pastor/President Corolla Chapel

Attachment: 6 trc response (PB 19-22 Corolla Chapel Conditional Rezoning)

**Corolla Chapel**

1136 Corolla Village Road

Corolla, NC 27927

252-453-4224

Reverend James H. Southern, Jr MA, M.Ed. LPCS, NCC

To: Jennie Turner, Planner II

From: James H. Southern, Corolla Chapel

Date: September 24, 2019

Re: PB 19-22 Corolla Chapel Conditional Rezoning

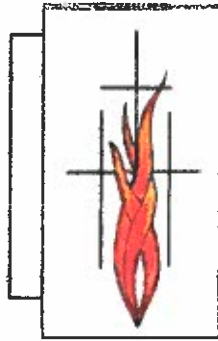
In response to the comments from the TRC meeting on September 11, 2019 the following actions were taken.

Connectivity with the public right-of-way from the marked exit at the kitchen will be available with access to Persimmon Street at rear northern corner of the property or utilizing area on the northern or southern side of structure accessing Corolla Village Road.

Respectfully submitted,

Jim Southern, Pastor/President Corolla Chapel

Attachment: 7 response to trc right of way access (PB 19-22 Corolla Chapel Conditional Rezoning)



Corolla Chapel
1136 Corolla Village Road
Corolla, NC 27927
252-453-4224

August 5, 2019

Re: Notice of Community Meeting
Request for a Conditional Rezoning by Corolla Chapel
1136 Corolla Village Rd
Corolla, NC 27927

Dear Property Owner(s),

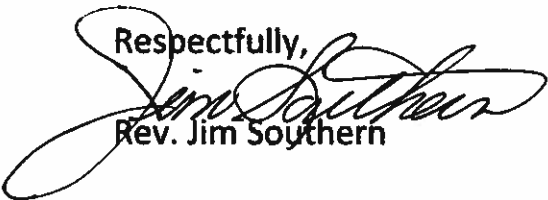
You are invited to attend a Community Meeting on August 19, 2019 at 3:00 pm in the Chapel's Fellowship Hall.

The purpose of this meeting is to inform the community of Corolla Chapel's request to have its current residential zoning changed to a Conditional Rezoning - General Business in order to build a new fellowship hall and kitchen to better meet the Chapel's ministry opportunities and serve the community. The change in zoning will allow an increase in lot coverage in order to accommodate the proposed addition to the existing structure.

The property in question is the Chapel's current location at 1136 Corolla Village Rd.

All persons having interest in this matter are invited to attend this informational meeting. Further information regarding this requested change can be obtained by contacting Pastor Jim Southern at 252-423-1432 or email pastor@corollachapel.com.

Respectfully,

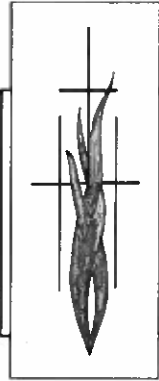


Rev. Jim Southern

Corolla Chapel Community Meeting
For
Conditional Business Rezoning Request
August 19th, 2019 - 3:00 PM at The Corolla Chapel

1. Attendee Sign-in
2. Welcome -Jim Southern, President of John W. Austin Memorial Chapel, Inc aka 'Corolla Chapel" Board and Pastor of Corolla Chapel
3. Explanation of development proposal and request for change in zoning.
 - Change our current zoning to Conditional Use Business
 - Allow for building on greater percentage of property to accommodate fellowship hall /kitchen combination
 - Presentation of proposed addition and drawings
 - Submission of Application August 22, 2019 to Planning Dept.
 - Meet with Technical Review Committee
 - Public Meeting of Planning Board to review and consider application.
 - Public Hearing with Board of Commissioners.
4. Questions, concerns regarding development proposal and zoning.
5. Explanation of application and application review process.
 - Submission of Application August 22, 2019 to Planning Dept.
 - Meet with Technical Review Committee
 - Public Meeting of Planning Board to review and consider application.
 - Public Hearing with Board of Commissioners.
6. Questions and answers regarding application and application review process.
7. Discussion on how to ameliorate or mitigate attendee or community concerns.
8. Describe requirement for written summary of the Community Meeting and attendees right to submit a written response with in 30 days after application has been determined complete.
9. Any remaining questions or concerns:

James Southern 8-19-2019



Corolla Chapel
 1136 Corolla Village Road
 Corolla, NC 27927
 252-453-4224
 Reverend James H. Southern, Jr MA, M.Ed. LPCS, NCC

August 19, 2019

Summary of Community Meeting held at Corolla Chapel at 3:00 pm on August 19, 2019.

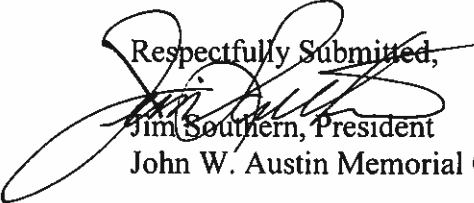
On Monday August 19, 2019 at 3 pm a meeting was held at Corolla Chapel to discuss the request to have the Church's zoning for the property located at 1136 Corolla Village Road changed from "residential" to a "conditional use" classification.

Jim Southern, Pastor of Corolla Chapel and Board Chair for the legal entity John W. Austin Memorial Chapel, Inc. officiated the meeting. There were eight others in attendance, Ed Pence Vice President of John W. Austin, Inc. Memorial Chapel, Board members Jack Riggle and Fred Kunkel. Other church members present were Kay Cole who also owns property within 500 feet of the Chapel, Bonnie and Ed McCarty, Trudi Meriholf. Jennie Turner was present representing Currituck County.

The meeting began at 3 pm and was conducted following a prepared agenda addressing the items which are outlined in the section identified as Step 2: Community Meeting in the Conditional Rezoning Application packet. The Agenda is attached. Each topic was presented and opportunity for discussion followed. No questions arose regarding the proposed plan nor the application process. Opportunities were provided to ask for clarification if needed on each point and none was requested. Those present indicated they were in support of the rezoning requests with the exception of Ms. Turner who took no position as she was there as a representative of Currituck County.

The meeting was adjourned at 3:15 pm

Respectfully Submitted,


 Jim Southern, President

John W. Austin Memorial Chapel, Inc., dba; Corolla Chapel

Attachment: 8 Corolla Chapel - Community Meeting (PB 19-22 Corolla Chapel Conditional Rezoning)

[illegible]



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2606)

Agenda Item Title

PB 19-21 Island Development Text Amendment:

Brief Description of Agenda Item:

Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

Planning Board Recommendation:

Planning Board Recommendation: Planning Board recommends denial of this request subject to the review standards in the staff report and the staff suggested Statement of Consistency and Reasonableness listed in the staff report.

Motion

Mr. Bass motioned to deny because:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- ☐ Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. *Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.*
- ☐ Policy ES1 of the LUP states that new development shall be permitted to locate only in areas where suitable soils and adequate infrastructure is available. *For reference, the soils map indicates that Long Point is unsuitable for a septic system and contains Currituck Mucky Peat (CU) and Conaby Muck (CB). These soils types are typical for islands off of the Currituck mainland.*

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

- ☐ Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

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

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave


Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Board of Commissioners
 Planning Board

From: Planning Staff

Date: September 25, 2019

Subject: PB 19-21 Island Development Text Amendment (Guy Lunsford)

Background

The purpose of the text amendment is to allow development on islands with boat only access. If approved, the text amendment will apply countywide and there are 21 privately owned islands off of Currituck Mainland. While the text amendment will apply countywide, Mr. Lunsford is particularly interested in developing the five 10+ acre lots on Long Point, an island in the Coinjock Bay.

In 2005, Wayne Meyers submitted a similar text amendment that the BOC eventually denied in 2008 for development of the same island. The primary concerns for denial of the text amendment at that time were citizen health and safety and for providing county services. Since this text amendment request is so significant in regards to citizen health and safety, it was reviewed by TRC. In reviewing the current TRC comments, you will find some of the same concerns with previous text amendment request in this text amendment request.

In 2006 The Currituck Island Company LLC purchased the property. Mr. Lunsford was the managing member of that LLC. On January 12, 2017 the Currituck Island Company LLC subdivided the single lot island into five 10+ acre lots. By North Carolina General Statute, properties being divided into lots greater than 10 acres are exempt from subdivision regulations. The 10+ acre lots are not exempt from zoning standards or NC Building code. On March 28, 2017, the property transferred from The Currituck Island Company LLC to Mr. Lunsford.

Text Amendment Review Standards

The advisability of amending the text of the UDO 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 the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - One of the purposes of the UDO is to facilitate the adequate provision of transportation, utilities, parks, recreation, emergency services, and other public facilities. (Section 1.3.J) This request is in direct conflict with the purpose of the UDO since emergency services will not be available to serve an island with boat only access. Adequate public facilities are not available to serve an island with boat only access. (Reference TRC Comments)
 3. Is required by changed conditions;
 - Staff is unaware of changed conditions since the previous text amendment request in 2005.
 4. Addresses a demonstrated community need;
 5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
 6. Would result in a logical and orderly development pattern; and
 - Allowing development on an island with boat only access where firefighting and emergency medical services is not available is neither logical or orderly.
 7. Would not result in significantly 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.

Technical Review Committee Recommendation

TRC recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.

Planning Board Recommendation

Planning Board recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.



**PB 19-21 ISLAND DEVELOPMENT
TEXT AMENDMENT
BOARD OF COMMISSIONERS
NOVEMBER 4, 2019**

Gregory E. Willis, on behalf of his client, Guy Lunsford, request an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 3 Zoning Districts, and Chapter 10 Definitions and Measurement, to allow single-family dwellings to be built on islands accessible only by boat.

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

Item 1: That Chapter 2 is amended by adding Section 2.4.19 Island Development:

2.4.19 Zoning Compliance Permit - Island Development

A. Purpose

The purpose of a zoning compliance permit for island development is to ensure no development occurs unless the development complies with the requirements of this ordinance.

B. Applicability

A zoning compliance permit for island development is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

C. Zoning Compliance Permit – Island Development Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

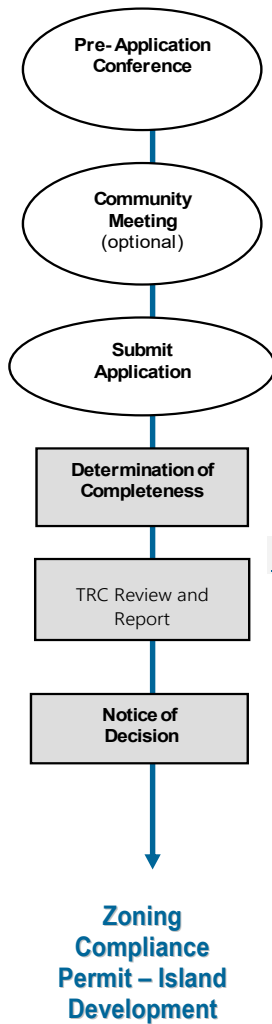
(2) Community Meeting

Not applicable

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Prior to the issuance of a zoning compliance permit for island development, verification must be submitted by the applicant that the lot will be served by either a state-approved package plat, public sewer facility, or a waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

(4) Staff Review and Action



Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decisions by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not Applicable.

(6) Public Hearing Procedures

Not Applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Zoning Compliance – Review Standards

A zoning compliance permit for island development shall be approved upon finding that the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and the following:

- (1)** The zoning compliance permit for island development contains a clearly visible disclaimer that states “County services including, but not limited to transportation, emergency services, law enforcement, and fire and rescue are not available at this location.”
- (2)** The application provides an appropriate location on the mainland, approved by the Planning Director, for staging of construction for new development on the island. The mainland location must be secured either through ownership or a written agreement provided to the Planning Director and shall be located in an appropriate zoning district.
- (3)** The application provides an appropriate location on the mainland with a boat launch, approved by the Planning Director, for parking of automobiles, boat trailers, etc.
 - (a)** The parking area must be:
 - (i)** Located in an appropriate zoning district;
 - (ii)** Surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. The materials shall be maintained in a smooth, well-graded condition;
 - (iii)** Compliant with the parking standards in Table 5.1.3.C Minimum Off-Street Parking Standards and Section 5.1.5 Dimensional Requirements; and,

- (iv) Screened on all sides, except the water side, with a Type D Opaque Buffer.

E. Effect of Development Agreement

Approval of a zoning compliance permit for island development authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

F. Amendment of Development Approval

Applicable (See Section 2.3.14)

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

Item 2: That Chapter 3 is amended by adding the bold and underlined language in Section 3.4.2.F:

Footnote [1] All lots shall maintain a minimum street frontage of 35' **for cul-de-sac lots, except for lots on an island accessible only by boat.**

Item 3: That Chapter 10, Section 10.3.3.B.6 is amended by adding the bold and underlined language in Section 3.4.2.F:

(6) Lot Access

- (a) ~~No lot shall be established which does not~~ **All lots must** abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) ~~Every lot shall be configured so as to~~ **All lots must** maintain at least 20 feet for ingress/egress of emergency service vehicles.
- (c) **Lots on islands accessible only by boat are exempt from (a) and (b) above.**

Item 4: That Chapter 10, Section 10.5 Definitions is amended by adding the bold and underlined language in Section 3.4.2.F:

ISLAND DEVELOPMENT

Development on an island accessible only by boat.

Item 5: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. *Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.*

- Policy ES1 of the LUP states that new development shall be permitted to locate only in areas where suitable soils and adequate infrastructure is available. *For reference, the soils map indicates that Long Point is unsuitable for a septic system and contains Currituck Mucky Peat (CU) and Conaby Muck (CB). These soils types are typical for islands off of the Currituck mainland.*

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

- Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

Item 6: 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 7: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

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: 10/8/19
PLANNING BOARD RECOMMENDATION: Denial
VOTE: 5 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 10/23/19 & 10/30/19
BOARD OF COMMISSIONERS PUBLIC HEARING: 11/4/19
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: 54



Currituck County

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

MEMORANDUM

To: Guy Lunsford
 c/o Attorney Gregory E. Wills

From: Tammy D. Glave, CZO, Senior Planner

Date: September 17, 2019

Re: PB 19-21 Island Development Text Amendment

The following Technical Review Committee (TRC) comments have been received for PB 19-21 Island Development text amendment submitted on behalf of Guy Lunsford. This request is scheduled for the October 8, 2019 Planning Board meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment:

1. Adequate public services will not be available to the island including, but not limited to: Fire, EMS, school transportation, public potable water, sheriff, solid waste disposal, etc.
2. Staff will not have the ability to access the island including, but not limited to: building inspectors, environmental health department, tax department, sheriff, etc.
3. A parking lot must be provided on the mainland for storage of vehicles, boat trailers, etc. and the parking lot must meet the requirements of the UDO in regards to surface material and screening.
4. Adequate public facilities are not available to service this request. (See comments below from Emergency Medical Services, Fire Department)
5. In 2007, a similar text amendment (PB 07-67) was submitted for one single-family dwelling to be built on this same island. The Board of Commissioners voted to deny that text amendment request (1/22/08) with primary concerns being citizen health and safety and for providing county services. This request is for five single-family dwellings.

Currituck County Building and Fire Inspections (Ron Schaecher, 252-232-6024)

Reviewed with comment:

1. Even though the lots are 10+ acres, Building and Fire Codes apply to the development.
2. Research disclosed one Island off of Oak Island, NC, that is developed with single-family dwellings with boat only access. Additional measures had to be taken to allow construction. For example: water tank and or water pumper truck on the property for firefighting purposes, sprinklered buildings, a boat and boat launch for emergency and county services, etc.

Attachment: 2 PB 19-21 Island Text Amendment TRC Comments 9-11-19 (PB 19-21 Island Development Text Amendment)

Currituck County Emergency Medical Services (Chief Melton and Deputy Chief Riley, 252-232-7746)

Reviewed with the following comments:

1. Emergency Medical Service is not equipped or staffed to provide emergency medical services to an island with only boat access.
2. Even if a note is placed on the plat that emergency medical services will not be provided to the island, if someone calls 9-1-1 for assistance, the caller will expect service and emergency medical services will be liable for the call if the decision is made to assist the person.
3. While the current owner may understand emergency medical services will not be provided to the island, future visitors will not have the same understanding. There could be hundreds of visitors in the summer season and this is a quality of life issue.

Currituck County Emergency Management (Mary Beth Newns, 252-232-2115)

Reviewed with comment:

1. In agreement with all EMS comments.
2. Responding to an emergency on the island would set a precedent for future calls for emergency services.

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

Reviewed with comment:

1. While 10+ acres lots are exempt from drainage requirements, they are not exempt from utility requirements such as water, sewer, solid waste, etc.

Currituck County Water Department (Yama Jones, 252-232-2769)

Reviewed with comments:

1. County water is not available at this location.

Crawford Township Volunteer Fire Department (Chief Ryland Poyner, 252-232-3313)

Reviewed with comment:

1. There is no way for the Fire Department to provide services to the island. The department does not have the equipment (i.e. fire boat) to serve an island with boat only access.
2. There is a serious health and safety concern for renters/visitors calling 9-1-1 for firefighting services, not realizing that firefighting services are not available.



Text Amendment Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: Guy Lunsford
 Address: c/o Attorney Gregory E. Wills
6541 Caratoke Hwy., Grandy, NC 27939
 Telephone: 252-491-7016
 E-Mail Address: gwills@obxlaw.com

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 10 Section(s) 10.3.3.(B)(6)(c) as follows:

Notwithstanding any other provision in the UDO, a building permit may be issued for residential construction on an island provided:

(1) the owner of the island lot for which a building permit is being requested demonstrates that he or she will be able to access the island residence without the use of overnight or long-term parking at a public parking area associated with a public boat launch site, and (2) that a disclaimer is executed by the owner of the island lot for which a building permit is being requested acknowledging that standard county services including transportation, emergency service(s), fire and rescue, are not available to such island lot(s).

*Request may be attached on separate paper if needed.

Petitioner

Date

[illegible]

Aerial Photography of Long Point
3/16/05



Attachment: 3 Application (PB 19-21 Island Development Text Amendment)

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

DISCUSSION

Mr. Woody stated that he had an initial meeting that was attended by the applicant, Planning Staff, representatives of the Sheriff's Office, Emergency Management Department, and Emergency Medical Services Department. Several concerns were raised at the meeting, after which it was decided to expand upon the existing draft while relying on the legal guidance of the County Attorney. The question is, "Does the county have any liability to provide services and are we legally responsible to provide services?" The County Attorney stated that the County does not have a legal liability to provide services, but he did suggest if a minor or major subdivision were to be developed, a statement be placed on the plat that the County is not required to provide these services. The County Attorney also suggested that when someone applies for building permits that we provide them with a statement that county services may be limited.

Mr. Delucia stated that out of the meeting he came away with yes the County will get there, but it may take some time to get there and there are some concerns about it. Mr. Delucia stated they are asking for a text amendment which would allow building on island lots.

Mr. West asked if a single family or a subdivision was going too be built on the island.

Mr. Delucia said a single family home.

Mr. West stated that the county should provide a formal statement that the county does not have a legal responsibility to provide county services as suggested by the County Attorney.

Mr. Woody stated that he, Mr. Delucia and the County Attorney will meet and come up with an agreeable wavier form.

John Snowden stated that by paying taxes and denying a homeowner to build on the island, the county would be taking the homeowner's property rights away under the constitution.

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

ACTION

Mr. West motion to recommend approval of the Island Lots UDO Text Amendment as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

PB 07-71 Bay Disposal Text Amendment: Request to amend the Currituck County Unified Development Ordinance, Table of Permissible Uses, to allow recycling centers as a special use permit within a light manufacturing (LM) zoning district.

James Schaubach, Bay Disposal, Mike Norris, Bay Disposal, and Dave Holton appeared before the board.

Mr. Woody presented the following case analysis to the board.

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: November 29, 2007

SUBJECT: PB 07-71 Bay Disposal

Bay Disposal is requesting a text amendment to the UDO to permit recycling centers or materials recovery facility as a special use permit within the light manufacturing (LM) zoning district. This request is being presented as an amendment to the reorganized UDO that will be reviewed by the Board of Commissioners on December 3, 2007. Although, the current UDO, table of permissible uses, does not address or define a recycling center or a materials recovery facility, the proposed use does not appear to have similar impacts as another use listed within the table which is the reason for the proposed amendment.

The Table of Permissible Uses is listed in Article 13, of the current UDO and the Permitted Uses Table is contained in Section 2.5 of the reorganized draft UDO document.

The proposed text amendment presented by Bay Disposal does not contain special requirements and would permit the use as a special use permit. However, after considering the impacts to neighboring property staff proposes a second option with special requirements such as setbacks, definitions, buffers and roadway improvements.

At the request of the Planning Board, staff has changed the name of the use to a recycling transfer facility and added definitions to address type of materials accepted at the facility. In addition, option two proposes recycling transfer facilities in the heavy manufacturing (HM) district with a special use permit.

Angie Yost

From: Greg Wills
Sent: Friday, August 2, 2019 10:55 AM
To: Laurie LoCicero
Cc: Angie Yost; Ethel Powell; phatphishsolid@gmail.com
Subject: Text Amendment- Pre-app conference 8.15.19 (Lunsford- long Point Island)

Laurie- I enjoyed our conversation this morning. This confirms our agreement to meet at your office, 10:00 am, August 15, 2019 to have a formal pre-application conference as called for in the UDO. You said that you will want to have formal technical committee review for this text amendment and that the submittal date for TRC review is August 22, 2019. Accordingly, I will use 8.22.19 as the target date for application submittal. This will give us one week to finalize language before my clients submit their application. This should also put them on track for a vote before the BOC in November, 2019. I believe those timelines will be satisfactory to my clients.

For discussion purposes at the 8.15.19 meeting, I suggest the following language be inserted as § 10.3.3.(B)(6)(c)

(c) Notwithstanding any other provision in the UDO, a building permit may be issued for residential construction on an island provided; (1) the owner of the island lot for which a building permit is being requested demonstrates that he or she will be able to access the island residence without the use of overnight or long term parking at a public parking area associated with a public boat launch site, and (2) that a disclaimer is executed by the owner of the lot for which a building permit is being requested acknowledging that standard county services including transportation, emergency service(s), fire and rescue, are not available to such development(s).

As we discussed, Mr. & Mrs. Lunsford likely will not be the final developer of the island so that an amendment that is general and broadly applicable to all islands in the sound is preferable to one that is specific to Long Point Island as platted. From my client's perspective, a text amendment demonstrating conceptual and practical ability to build a residential home on an island in the Currituck Sound is sufficient. The details on how to accomplish that, ie, CAMA permit, Army Corps permit, Health department septic permit, power hook up, and even dedicated parking and private boat launch, are all hurdles that the ultimate developer must comply with. Undoubtedly, you and the staff will need to think through those issues during the text amendment process. If specific language needs to be added later in the process, I believe there is the flexibility to do that prior to the final vote. In any event, I hope that by the time we meet on the 15th, you will have some thoughts on the "most palatable" language we can come up at time of submittal and will have some suggestions on where it should be inserted within the existing UDO.

Thanks for the phone call, and I look forward to working with you.

Greg.

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

SECTION 10.3: RULES OF MEASUREMENT**Subsection 10.3.4: Required Setbacks**

- (4) **Family Subdivision Lots**
- (a) Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).
 - (b) Family subdivision lots are not required to front onto a public or private street.
- (5) **Flag Lots**
- (a) Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.
 - (b) In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.
- (6) **Lot Access**
- (a) No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
 - (b) Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles.
- (7) **Lot Boundaries**
- (a) Lot boundaries shall be formed to coincide with natural or man-made drainage ways, to the maximum extent practicable, to avoid disruption of established drainage patterns.
 - (b) Lot lines shall be at, or near, right angles or radial to streets.
 - (c) Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.
- (8) **Lot Coverage in Estuarine Shoreline Areas of Environmental Concern**
- Lot coverage within estuarine shoreline areas of environmental concern (lands within 75 feet of the normal or mean high water level of an estuary) shall be limited to a maximum of 30 percent, regardless of the type of building or paving.

10.3.4. Required Setbacks**A. Definitions/Measurement****(I) Accessory Use Setback**

The minimum required distance between a side or rear lot line and the closest portion of an accessory structure or accessory use area (see Figure 10.3.4.A, Required Setbacks).

Aerial Photography of Long Point
3/16/05



Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

Lunsford

Legend



Long Poi

Long Point Island



Currituck County

Department of Planning and Inspections
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

TO: Planning Board
 Board of Commissioners

FROM: Planning Staff

DATE: June 21, 2005

SUBJECT: PB 05-17 Wayne Myers Amendment to UDO

Mr. Myers is asking to amend Section 115 of the UDO to allow zoning permits to be issued on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water). Mr. Myers has an Option to Purchase on Long Point, a 57± acre island off the point of Bell's Island (see attached map). He would like to subdivide this island into four 10+ acre lots. Since the lots are 10 acres or larger, they are exempt from subdivision regulations, but not zoning regulations. In order to get a building permit, a zoning permit must be issued. A zoning permit cannot be issued for these lots as the UDO currently requires that all lots abut a street or road. Mr. Myers request that lots whose sole means of access is through Public Trust Waters be exempt from this requirement. Without this amendment no structure will be allowed to be built on this property or similar properties, rendering the islands as "unbuildable."

Also attached for your review are letters from other agencies regarding this property. Mr. Myers ask that you review these letters as evidence that other agencies consider this island as "buildable." The Tax Office values Long Point at \$204,055.

It is important to note that if this amendment is approved, it would apply countywide and not just to Mr. Myers situation. There are 21 privately owned islands off of Currituck mainland.

STAFF RECOMMENDATION

Staff recommends denial of this amendment subject to the following:

1. County Services (Fire, EMS, Public School Transportation, Sheriff's Department, etc.) will not be available to an island. *Please note that Mr. Myers is willing to sign a waiver for all county services for Long Point.*
2. Non-availability of public utilities such as power, telephone, cable tv, etc. to an island.
- . There is no method for solid waste disposal on an island.

PLANNING BOARD DISCUSSION

Mr. Bell said that Swan Island and Monkey Island do not have electricity and the emergency services that are questioned by the staff.

Ms. Eggar said that no solid waste facilities are available on the island.

Mr. Bell asked if the island has an access on the mainland to park cars, etc.

Ms. Eggar said that the owner would have to work that out.

Mr. Myers said that until he has an approval from the board, he cannot go further with these arrangements. He also stated that solid waste would be disposed of as any other home in the area, it would be discarded at the facility.

Mr. John Snowden, Currituck Independent, stated that the island has a huge historical significance and he commends Mr. Myers for trying to preserve the island.

PLANNING BOARD RECOMMENDATION:

On July 12, 2005 the Planning Board reviewed this request and recommended approval (7-1) with Mr. Kovacs voting no.

WAYNE MYERS PB 05-17 UDO AMENDMENT REQUEST

Wayne Myers requests an amendment to Article 1, Section 115 of the UDO to allow the issuance of a zoning permit on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water).

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:

Part 1. That the following sections be amended:

Section 115 Every Lot Must Abut a Street or Road

1. No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or a private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:
 - (a) a permit for construction or use within any residential development may be allowed on a lot that does not abut a public or private street, provided such development is platted in

accordance with these regulations, the original development tract, or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes;

- (b) a permit for construction or use within any office, commercial, and industrial development may be allowed on a lot that does not abut a public or private street, provided such development is platted in accordance with these regulations, the original development tract or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes

(c) a permit for construction may be allowed on a lot that does not abut a public or private street provided the lot is on an island completely surrounded by water and its only means of access is through Public Trust Waters.

Part 2. This ordinance amendment shall be in effect from and after the ____ day of ____, 2005.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____

VOTE: ____ AYES ____ NAYES

PLANNING BOARD DATE: July 12, 2005
PLANNING BOARD RECOMMENDATION: _____
Ayes _____ Nays _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

UNOFFICIAL DOCUMENT

Collector Certification That No Delinquent Taxes
Are Due. Date 3-28-17 By DE Certification
expires Jan. 6th of the year following certification date.

Doc No: 229018
Recorded: 03/28/2017 01:10:06 PM
Fee Amt: \$250.00 Page 1 of 7
Excise Tax: \$987.00
Currituck County North Carolina
Charles A. Hall, Register of Deeds
BK 1400 PG 781 - 787 (7)

TRANSFER TAX AMOUNT 1136.00
DATE/COLLECTOR 3-28-2017

Prepared by and mail after recording to: Thomas P. Nash, IV, 200 N. Water St. #2A,
Elizabeth City, NC 27909

STATE OF NORTH CAROLINA-COUNTY OF CURRITUCK

FIN 0069-000-002A-0000, 0069-000-002A-0000, 0069-000-002B-0000, 0069-000-002C-0000,
0069-000-002D-0000, 0069-000-002E-0000

Excise Tax: \$987.00

THIS DEED IN LIEU OF FORECLOSURE, made this 7th day of March, 2017, by
and between, THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited
liability company, PO Box 1927, Nags Head, NC 27959, Party of the First
Part, and Guy D. Lunsford and wife, JoAnn V. Lunsford, 10722 Acorn Knoll
Court, Burke, VA 22015, Parties of the Second Part;

WHEREAS, Party of the First Part executed a Promissory Note or Notes
dated December 7, 2016 in the original principal amount of \$509,580.07 to
Party of the Second Part, said Promissory Notes being secured by a Deed of
Trust dated December 7, 2016 to Thomas P. Nash, IV, Trustee for the benefit
of Party of the Second Part recorded on December 29, 2016 in Deed Book 1392,
Page 682, in the Currituck County Registry; and

WHEREAS, Party of the First Part is the current holder of said Notes
and Deed of Trust.

W I T N E S S E T H :

That for and in consideration of adequate consideration, said
consideration being cancellation and release of that certain Deed of Trust
from The Currituck Island Company, LLC to Thomas P. Nash, IV, Trustee for
the benefit of Party of the Second Part recorded in Book 1392, Page 682, in
the Currituck County Registry, securing the Promissory Notes in the original
principal amount of \$509,580.07, receipt of which is hereby acknowledged,
the said Party of the First Part by these presents does freely and
voluntarily convey unto the said Parties of the Second Part, their
successors and assigns, the following described land, to wit:

See Exhibit "A" attached.

This deed is being given in lieu of foreclosure of the above-described
Deed of Trust and in consideration of the full satisfaction of all
obligations secured by the above-described Deed of Trust.

1 of 7

The Party of the First Part declares that this conveyance is freely and fairly made, and that there are no agreements, oral or written, other than this Deed and Agreement to Convey Real Property between the parties hereto with respect to said land.

TO HAVE AND TO HOLD the aforesaid lands with all rights and privileges thereto belonging or in anywise appertaining unto the said Parties of the Second Part, their heirs, successors and assigns, in fee simple forever.

And the said Party of the First Part for itself and its successors and assigns, covenants to and with the said Parties of the Second Part, their successors and assigns, that it is seized of said lands in fee simple and has a good right to convey the same in fee simple; that the said lands are free and clear of all encumbrances, SAVE AND EXCEPTING those exceptions listed below and that it will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

1. Easements and restrictions of record in the Currituck County Registry.

IN WITNESS WHEREOF, the said Party of the First Part, Grantor, has duly executed the foregoing as of the day and year first above written.

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: Guy D. Lunsford
Guy D. Lunsford, Manager

State of Virginia County/City of Fairfax

I, the undersigned Notary Public of Fairfax County/City and State aforesaid, certify that Guy D. Lunsford personally came before me this day and acknowledged that he is the Manager of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of March, 2017.

My Commission Expires: 7/31/2018

Emmanuel Mousa
Notary Public
(Typed or printed Name)

(STAMP-SEAL)



UnOfficial

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

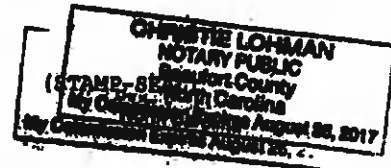
By: Brad Davis, Manager-Treasurer

State of North Carolina - County/City of Beaufort/Washington

I, the undersigned Notary Public of Beaufort County/City and State
aforesaid, certify that Brad Davis personally came before me this day and
acknowledged that he is the Manager-Treasurer of THE CURRITUCK ISLAND
COMPANY, LLC, a North Carolina limited liability company, and that by
authority duly given and as the act of such entity, he signed the foregoing
instrument in its name on its behalf as its act and deed. Witness my hand
and Notarial stamp or seal, this 14 day of March, 2017.

My Commission Expires: 8/26/17

Christie Lehman
Christie Lehman, Notary Public
(Typed or printed Name)



UnOfficial Document

UnOfficial Document

3 of 7

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

UNOFFICIAL Document

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: SAPIENCE INVESTMENTS, LLC, Member

By: Brad Davis, Manager

State of North Carolina - County/City of Beaufort / Washington

I, the undersigned Notary Public of Beaufort County/City and State aforesaid, certify that Brad Davis personally came before me this day and acknowledged that he is the Manager of SAPIENCE INVESTMENTS, LLC, a North Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 14 day of March, 2017.

My Commission Expires: 8/26/17

Christie Lehman
Christie Lehman, Notary Public
(Typed or printed Name)

CHRISTIE LOHMAN
NOTARY PUBLIC
Beaufort County
North Carolina
My Commission Expires August 26, 2017

CHRISTIE LOHMAN
NOTARY PUBLIC
Beaufort County
North Carolina
My Commission Expires August 26, 2017

4 of 7

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

Unofficial Document

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: BJAM ENTERPRISES, LLC, Member

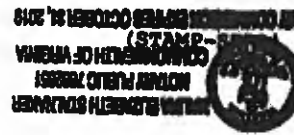
By: Nancy Warner
Nancy Warner, Manager

State of Virginia - County/City of York

I, the undersigned Notary Public of York County/City and State
aforesaid, certify that Nancy Warner personally came before me this day and
acknowledged that she is the Manager of BJAM ENTERPRISES, LLC, a North
Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY,
LLC, a North Carolina limited liability company, and that by authority duly
given and as the act of such entity, she signed the foregoing instrument in
its name on its behalf as its act and deed. Witness my hand and Notarial
stamp or seal, this 22 day of March, 2017.

My Commission Expires: 10-31-19

Malina E. Stalnaker
Malina Stalnaker, Notary Public
(Typed or printed Name)



Official Document

Unofficial Document

5 of 7

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: **ISLAND VISTA, LLC**, Member

By: *Guy D. Lunsford*
Guy D. Lunsford, Manager

State of Virginia - County/City of Fairfax

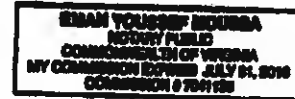
I, the undersigned Notary Public of Fairfax County/City and State aforesaid, Certify that Guy D. Lunsford personally came before me this day and acknowledged that he is the Manager of ISLAND VISTA, LLC, a North Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of March, 2017.

My Commission Expires: 7/31/2018

Erin Younger Bourba
Notary Public
(Typed or printed Name)

(STAMP-SEAL)

F:/Doc/Darrell/Deeds/Lunsford-Currutuck Isl/Deed in Lieu



6 of 7

EXHIBIT "A"

All those certain lots or parcels of land situated in Crawford Township, Currituck County, North Carolina and more particularly described as follows:

TRACT ONE:**PARCEL ONE:**

All that certain lot of land shown and delineated on that certain map or plat thereof, entitled in part "A RAY MEGGINSON & DENYSE B. MEGGINSON LAND," Crawford Township, Currituck Co., North Carolina, prepared by Benjamin M. Evans, Jr., Inc. Professional Engineer-Land Surveyor, under date of 23 July, 2001 and duly recorded in Plat Cabinet G, Slide 319 of the Currituck County Public Registry.

Same being the property conveyed to Lewis W. Parker, Jr., by deed dated August 31, 2001, and duly recorded in Book 543, Page 312 of the Currituck County Registry, to which reference is made for a more particular description.

PARCEL TWO:

All that certain parcel of land lying and being in the Village of Barco, Crawford Township, Currituck County, North Carolina, adjoining other lands of Lewis W. Parker, Jr. and being more particularly described as follows:

Beginning at a point lying in the bulkhead on the North side of a canal running into Coinjock Bay, said point of beginning marking the Southernmost corner of the property conveyed to the said Lewis W. Parker, Jr. by deed dated August 31, 2001 recorded in Book 543, Page 312 of the Currituck County Registry, thence running along the North side of said canal along the bulkhead South 73 deg. 14 min. 30 sec. West 20.08 feet to a point; thence North 21 deg. 57 min. 00 sec. East 96.72 feet to a point; said line running along the Eastern edge of another canal running in a Northerly direction; thence North 72 deg. 12 min. 50 sec. East 20.05 feet to the Northwesternmost corner of the said parcel conveyed to Lewis W. Parker, Jr. as referenced above, said point also marking the Southwesternmost corner of the lands now or formerly owned by Victor M. Quintero by deed recorded in Deed Book 209, Page 238 of the Currituck County Registry; thence along the West line of the said Lewis W. Parker, Jr. South 21, deg. 57 min. 00 sec. East 97.08 feet to the point of place of beginning.

Said parcel being the Southernmost portion of what is referred to as "Simpson Road," which is an easement to approximately twenty feet (20') in width.

Together there is also conveyed hereby a perpetual nonexclusive easement for use of the canal lying immediately West of said parcel, made expressly subject to any other persons to whom a similar easement for use has been granted.

Same being a portion of the "First Tract" described in and conveyed by the said Charles D. Simpson and wife, Katherine L. Simpson by deed dated July 27, 1945, and recorded in Book 75, Page 157, Public Registry of Currituck County, North Carolina, the said Katherine L. Simpson being the surviving spouse of Charles D. Simpson who died March 24, 1992, a resident of Currituck County, North Carolina.

Said parcel lying immediately West of and abutting the lands conveyed by the said Charles D. Simpson and wife, Katherine L. Simpson to A.B. Megginson and wife, Eugenia B. Megginson, subsequently conveyed to A. Ray Megginson and Denyse B. Megginson, husband and wife, who conveyed same to Lewis W. Parker, Jr. by deed dated August 31, 2001 and recorded in Book 543, Page 312 of the Currituck County Registry.

For further reference see map or plat made from a survey by Benjamin M. Evans, Jr., Inc., Professional Engineer-Land Surveyor, entitled "A. Ray Megginson & Denyse B. Megginson Land, Crawford Township, Currituck Co., North Carolina," filed in Plat Cabinet G, Slide 319 of the Currituck County Registry.

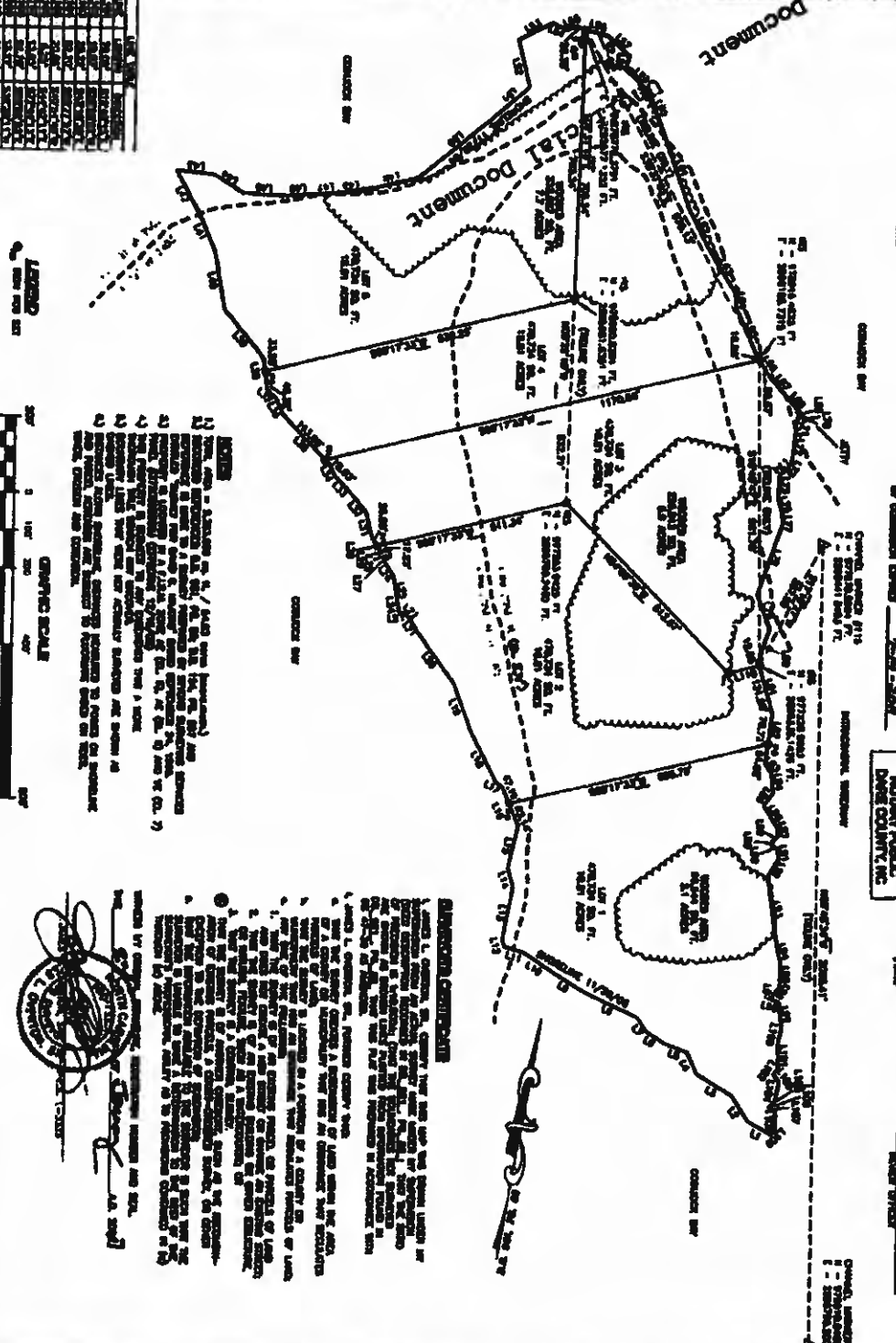
TRACT TWO:

Being all of Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5 as shown and delineated on that certain plat prepared by Charles L. Overton, Sr., P.L.S., under date of October 19, 2006, entitled in part "Long Point," recorded in Plat Cabinet J, Slide 140, Currituck County Registry.

Filed for registration on January 12, 2007
in the Office of the Clerk of Superior Court
at the County of Cumberland, Maryland
Chas. P. Clark
Register of Deeds

UNOFFICIAL

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----



LEGEND



[Signature]
C. L. Clark
Register of Deeds

[Signature]
1/2/07
Nancy Brown
CUMBERLAND COUNTY, MARYLAND
COUNTY CLERK

[Signature]
1/2/07
J. Mue
CUMBERLAND COUNTY, MARYLAND
COUNTY CLERK

SUBDIVISION OF
"LONG POINT"
BEING THE PROPERTY DESCRIBED IN D.B. 961, PG. 88
CUMBERLAND COUNTY, MARYLAND

NO.	DATE	DESCRIPTION
1	1/2/07	Original Subdivision



Cabinet 3 Slide 140

Currituck County GIS Online Mapping

- Communities**
 - Apollon
 - Basco
 - Carpenter
 - Corolla
 - Currituck
 - Gilman Woods
 - Grandy
 - Hatteras
 - Jarvisburg
 - Kendall Island
 - Maple
 - Marysack
 - Point Harbor
 - Poplar Branch
 - Powells Point
 - Shawboro
 - Stags
 - Watersville
- County Boundary**
 - State
 - County
- Streets**
 - Major Streets
 - Arterial_Principal
 - Arterial_Major
 - Collector_Major
 - Flareouts
- ☐ **Currituck County**



This map should be used for general reference purposes only. Currituck County assumes no legal liability for the information shown on this map.

Currituck County GIS
(252)222-2034
www.co.currituck.nc.us/Geographic-Information-Services.cfm

Winston, Guy

PAGE 7

01/03/2007 13:00

2-24-2006 13:00 EXIT OUTER BANKS REALTY 2322500404



DEPARTMENT OF INSPECTION

Currituck County
Currituck, N. C. 27929

August 31, 1990

Roy Nell
521 Wilder Drive
Virginia Beach, VA 23451

Dear Mr. Nell:

As per our phone conversation this morning, we have no problem issuing a building permit for Long Point Island in Currituck Sound being we have approval from CAMA and Army Corps of Engineers. After obtaining a septic tank permit and we are presented with a complete set of plans, as of this date, we will be able to issue a building permit.

Any changes in the future could change the possibility of issuing a building permit.

If you should have any questions concerning this please contact our office at 232-3378.

Sincerely,

C.V. Payne
Chief Building Inspector

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

PAGES

02-24-2005 12:59 EXIT OUTER BRNKS REPLY 2522252404



State of North Carolina
 Department of Environment, Health and Natural Resources
 Division of Coastal Management
 Highway 17 South • Elizabeth City, North Carolina 27909

James G. Martin, Governor
 William W. Cobey, Jr., Secretary

Roger N. Schectur
 Director

July 10, 1990

Roy M. Niel
 521 Wilder Drive
 Virginia Beach, VA 23451

Dear Mr. Niel:

Please reference the onsite meeting with Ralph Thompson of the U. S. Army Corps of Engineers on July 9, 1990 at your island property near Barco in Currituck County. The three proposed home sites on your island are not within the 75 ft. Estuarine Shoreline Area of Environmental Concern and do not impact any coastal marsh on the island. As currently proposed, no CAMA permits will be required for the construction of homes on the three sites.

Any other structures, such as, walkways, piers, bulkheads, boat houses, etc., within 75 ft. of the normal water level or located in any coastal marsh will require CAMA authorization. Most of these structures maybe authorized under a CAMA General Permit issued through this office. If you have further questions or if your plans change please feel free to call myself or Todd Ball at (919) 264-3901.

Sincerely,

Pete Colwell

Peter B. Colwell
 Field Representative I

PBC/dc

cc: File

Route 6 Box 203, Elizabeth City, North Carolina 27909 Telephone 919-264-4901

An Equal Opportunity Affirmative Action Employer

98844

02-24-2005 13:08 EXIT OUTER BANKS REPLY 252558482

JOHN B. SLUDGE, JR. M. D.
Director



Phone No.
Coinjock 282-2871
Area Code (818)

**CURRITUCK COUNTY
HEALTH DEPARTMENT**
CURRITUCK, N. C. 27929

August 30, 1990

Roy M. Neil
521 Wilder Drive
Virginia Beach, Va. 23451

Re: Long Point Island, Coinjock, N.C.

Dear Mr. Neil:

On October 25, 1989 I visited the above site with you present, to determine suitability and adequate area for septic tank disposal system. I informed you to consult with the Army Corps of Engineers and OAMA officials to determine setbacks from wetlands. I received letters from both agencies on August 30, 1990 indicating that the three areas checked are not within the wetlands area nor within the 75 ft. Estuarine Shoreline Area of Environmental Concern.

Results of the site evaluation done 10/25/89 is as follows:

Area 1 (approx. 50'x75') - Filled Soil, Soil Wetness at 36 inches
Area 2 (approx. 50'x 60') - Filled Soil, Soil Wetness at 24 inches
Area 3 (approx. 50'x 60') - Filled Soil, Soil Wetness at 24 inches

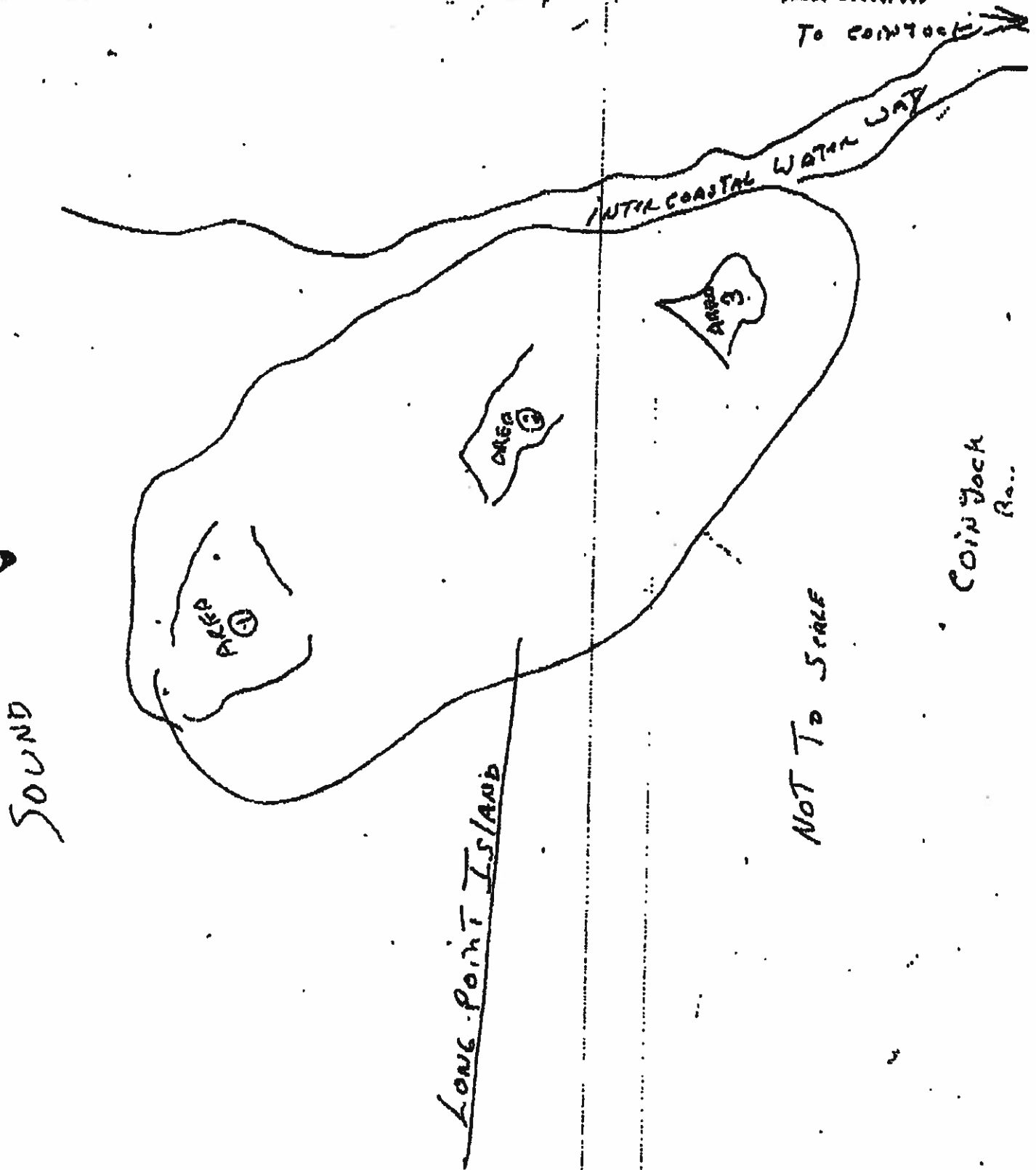
Areas two and three will need 18 to 24 inches of fill. However, before any modifications are done please provide this department with plat showing the exact areas with measurements for the septic tank systems, and make application for septic tank permits providing information necessary for me to figure size of systems. Due to limited space available on these areas checked and the soil profile, system sizes will be limited to three bedroom houses.

Sincerely,

John N. Baum, R. S.
Environmental Health Coordinator

Enc: 1
cc: Jack Simoneau, Pl./Zoning Dir.
Vincent Payne, Bldg. Insp.

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)





DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1899
WILMINGTON, NORTH CAROLINA 28402-1899

August 13, 1990

IN REPLY REFER TO

Regulatory Branch

SUBJECT: CESAN-0090-0-027-Long Point Island

Mr. Roy M. Niel
521 Wilder Drive
Virginia Beach, Virginia 23451

Dear Mr. Niel:

Please reference your meeting on July 9, 1990, with Mr. Ralph Thompson of my staff on your property at Long Point Island, off of the Intercoastal Waterway near Coinjock, Currituck County, North Carolina. Mr. Peter Colwell and Mr. Todd Ball of the Division of Coastal Management were also present during the meeting.

Inspection of the property revealed that no wetlands exist within the limits of the property staked for septic tank installation, as shown on the survey dated July 23, 1978. Accordingly, no Department of the Army (DA) authorization is required for any work proposed within the three staked areas which were inspected. Please be aware that jurisdictional wetlands exist at other locations on the property, and the discharge of dredged or fill material within these areas would require prior DA authorization. No Department of the Army permit is required to install pile-supported structures within wetlands subject to regulation under Section 404 of the Clean Water Act, provided such work is accomplished without the discharge of dredged or fill material. Pile-supported structures extending below the mean high water mark or ordinary high water would require prior DA authorization under Section 10 of the Rivers and Harbors Act of 1899.

If you should have any questions concerning this matter, please contact Mr. Thompson at the Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27689-1000, or telephone (919) 975-3694.

Sincerely,

Wayne Wright
Mr. Wayne Wright
Chief, Regulatory Branch

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

02-24-2005 12:59 EXIT OUTER BANKS REALTY 252228484



State of North Carolina
Department of Environment, Health, and Natural Resources

Division of Marine Fisheries

P.O. Box 769 • Morehead City, North Carolina 28557-0769

James C. Martin, Governor
William W. Cobey, Jr., Secretary

William T. Hargrath, Director
(919) 726 7021

30 August 1991

CERTIFIED
P 397 963 681

Mr. Roy M. Niel, Jr.
521 Wilder Drive
Virginia Beach, VA 23452

Re: NIEL, ROY M. JR.
CUR-0006-000-COB1

Dear Mr. Niel:

Consistent with the authority vested in me by the Secretary of the Department of Environment, Health, and Natural Resources, I have recently reviewed the G.S. 113-205 claim to submerged land filed by Linald R. Caroon and Saint Elmo Caroon on or before 1 January 1970. In my review, I have consulted with representatives of the Attorney General's Office. This letter addresses only the land or lands described herein. If your claim also concerned other lands not described in this letter, these portions of your claim will be addressed under separate correspondence.

The below description leads us to the finding that no portion of this property is submerged or beneath navigable waters and therefore, not within the scope of G.S. 113-205.

61.2 acre island on Coinjock Bay and Currituck Sound plus right of way to shoreline as described in Book 154 Page 557, recorded in the Register of Deed's Office in Currituck County.

Because this property is adjacent to navigable waters, you may have certain riparian rights such as the right to build a pier for access to open water. These rights are inherent in the land itself and are not affected by a finding that the property described does not include any navigable waters. These riparian rights do not

PAGE 3

02-24-2005 12:59 EXIT OUTER BANKS REALTY 252550404

Mr. Roy M. Niel, Jr.
Page 2
30 August 1991

include the right to exclude any member of the general public from exercising their public trust rights. Should you wish to contest this determination, G.S. 113-206(e) allows you three (3) years from the date of your receipt of this notice to file civil action in the Superior Court of the county in which the property is located.

Thank you for your patience while your claim was resolved. If you have any questions concerning this matter, please contact P.A. Wojciechowski, Director of the Submerged Lands Program at the letterhead address, or by telephone at 1-800-682-2632 (in North Carolina) or 919-726-7021.

Sincerely,



William T. Hogarth, Ph.D.
Director

WTH/jjp

cc: P.A. Wojciechowski
cc: Attorney General's Office

Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2607)

Agenda Item Title

PB 18-23 Fost PD-R, Amended:

Brief Description of Agenda Item:

Convert 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes (multi-family), add 3 additional single-family dwelling units, remove alley-ways and some roadways, provide additional connectivity to the tract to the north, modify phasing schedule, and other plan revisions, PIN 0015-000-0086-0000, Moyock Township.

Planning Board Recommendation:

Planning Board Recommendation:

The Planning Board recommends approval of the Amended Planned Development - Residential rezoning with the following conditions and the consistency and reasonableness statement listed above:

- Net density change: -34 dwelling units.
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave



STAFF REPORT

PB 18-23 FOST TRACT AMENDED PD-R

BOARD OF COMMISSIONERS

NOVEMBER 4, 2019

APPLICATION SUMMARY

Property Owner: Sandra Davis Fost and Iris Ann O'Connor 121 Soundshore Dr Currituck NC 27929	Applicant: Allied Properties LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development - Residential
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 228.83
Moyock Small Area Plan Classification: Limited Service	Zoning History: 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
Current Zoning: PD-R	Proposed Zoning: Amended PD-R
Request: Convert 72 two-sided townhomes (multi-family) into 35 TND townhomes (multi-family); increase SFD lots from 350 to 353, remove alley-ways; remove some roadways; provide additional connectivity to the tract to the north; modify the phasing schedule; increase front setback and maximum building size for TND townhomes (multi-family); reduce minimum lot size, typical lot size, and minimum lot width for TND single-family lots; increase maximum setback and lot coverage for TND single-family lots; decrease minimum lot size, typical lot size, minimum lot width, and typical lot width for CONV. Single-family lots; increase maximum setback and lot coverage for CONV single-family lots; lower minimum right-of-way width for typical divided boulevards and provide a range for width.	

REQUEST

NARRATIVE

On May 6, 2019, the Board of Commissioners approved a Planned Development – Residential (PD-R) for this property. The developer is requesting the following amended PD-R proposal:

Unit Type	Approved	Proposed	Net Change
Two-sided townhomes	72	0	-72
Multi-Family (Rear-loaded townhomes)	91	126	+35
Single-Family (TND/Conv SF)	350	353	+3
Neighborhood commercial	22,000 sf	22,000 sf	0
Total dwelling units	513	479	-34

The developer states that the market no longer supports two-sided townhomes, and that is why he is requesting to convert the 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes

(multi-family). The developer is also increasing single-family dwelling units by three. This will lower overall dwelling unit count to 479. The developer also indicates that he is refining the plan by:

- Eliminating alley-ways and some roadways;
- Providing additional connectivity to the tract to the north; and,
- Modifying the phasing schedule.

After staff review of the master plan and the terms and conditions document, the amended plan also:

- Increases front setback and maximum building size for TND townhomes (multi-family);
- Reduces minimum lot size, typical lot size, and minimum lot width for TND single-family lots;
- Increases maximum setback and lot coverage for TND single-family lots;
- Decreases minimum lot size, typical lot size, minimum lot width, and typical lot width for CONV Single-family lots;
- Increase maximum setback and lot coverage for CONV single-family lots; and,
- Lowers minimum right-of-way width for typical divided boulevards and provide a range for width.

COMMUNITY MEETING

A community meeting was held on June 24, 2019 at 6:00 pm at the Moyock Library. One member of the community attended the meeting. Primarily questions were regarding drainage, traffic, and Ranchland having only one point of access.

SURROUNDING PARCELS		
	Land Use	Zoning
North	Single-family dwellings, retail	AG, GB, SFM
South	Single-family dwellings, cultivated farm land	AG, SFM
East	Single-family dwellings, cultivated farmland	GB, SFM
West	Single-family dwellings, cultivated farmland	AG

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea. The policy emphasis for the Moyock subarea is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Where central sewer is proposed, 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. The Board of Commissioners found the proposed plan consistent with the following policy in the plan;

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. (Summary)
------------	--

MOYOCK SMALL AREA PLAN

In 2013, the Board of Commissioners recognized the uniqueness of Moyock and the concerns of the area's citizens, so they commissioned the Moyock Small Area Plan (MSAP) to comprehensively review growth and development. The MSAP examines issues, concerns, and expectations of the Moyock community and establishes public policy that works to accomplish the public's vision. The MSAP includes policies that will address growth management, sense of place and quality of life, and economic development specific to Moyock. The MSAP Plan classifies this site as Limited Service. The policy emphasis for Limited Service is for the land to be less intensely developed than Full Service areas. Limited service designations provide for limited availability to infrastructure and services and low to moderate residential densities. Residential densities in this designation range between 1 – 1.5 units per acre. The Board of Commissioners found the proposed plan consistent with policies in the plan, including:

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. (Summary)
-------------	--

Drainage and Utilities

County Engineer Comments

The drainage and utility requirements in the June 24, 2019 approved Order (attached) remain unchanged.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends approval of the Amended Planned Development – Residential rezoning with the following conditions/revisions:

- Net density change: -34 dwelling units.
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

CONSISTENCY AND REASONABLENESS STATEMENT

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

The Board of Commissioners determined that this PD-R zoning request is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan because:

- It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and,
- It is compatible with existing Moyock Township Subdivision.

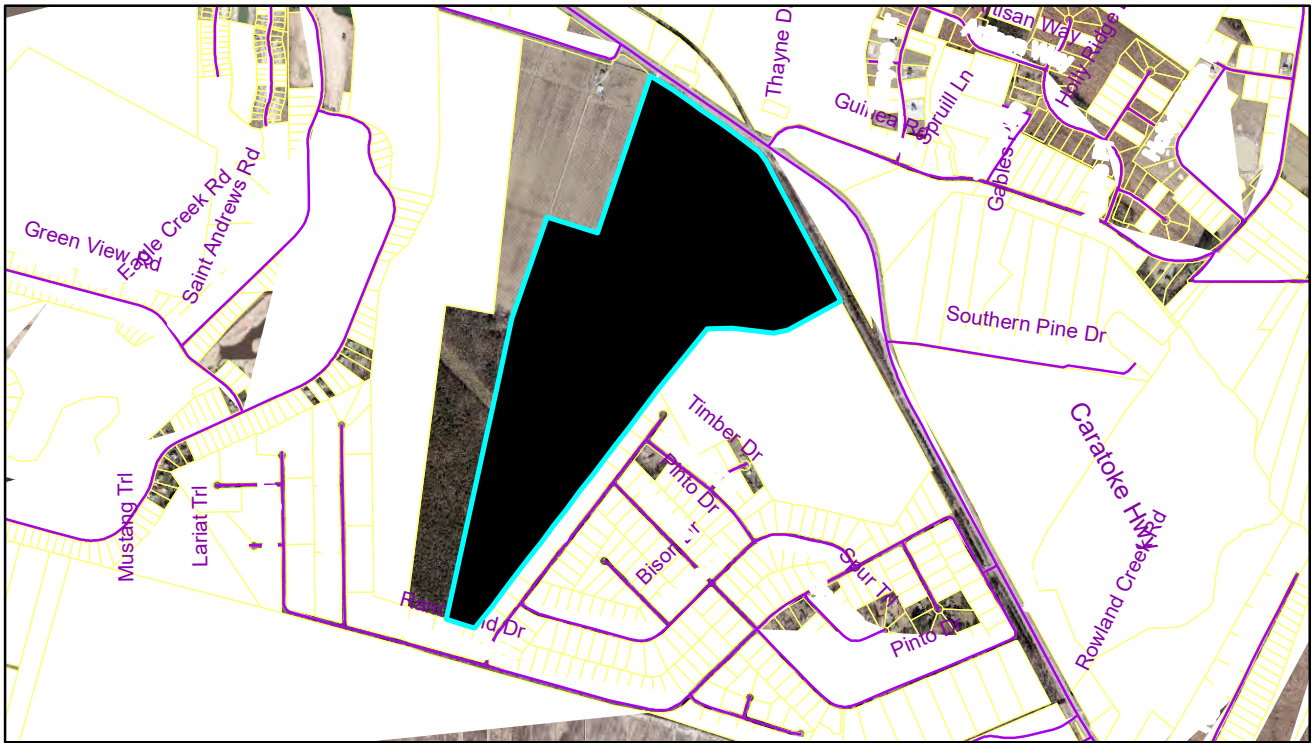
It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

RECOMMENDATION**Planning Board**

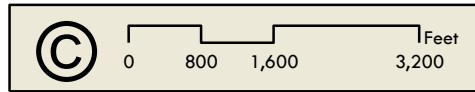
The Planning Board recommends approval of the Amended Planned Development – Residential rezoning with the following conditions and the consistency and reasonableness statement listed above:

- Net density change: -34 dwelling units.
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

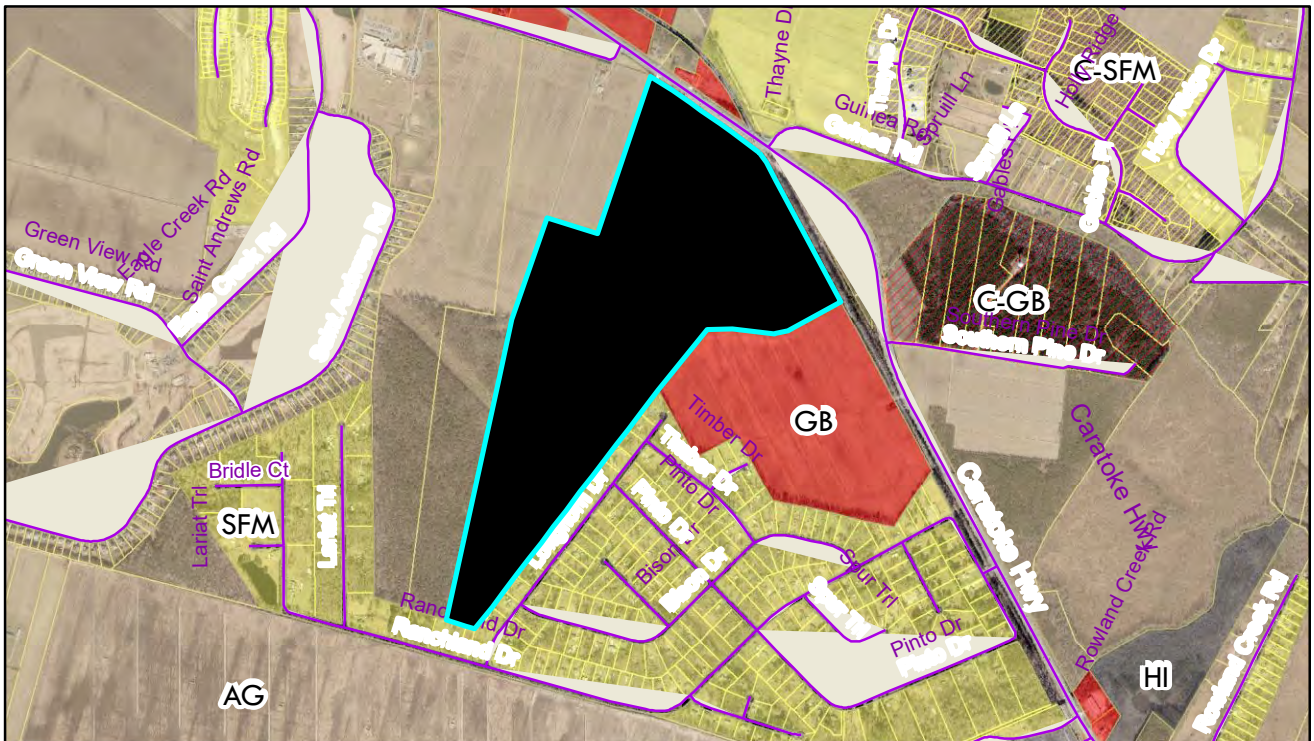
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



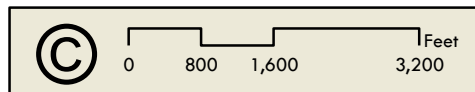
PB 18-23 Fost
Amended PD-R Zoning
2016 Aerial Photography



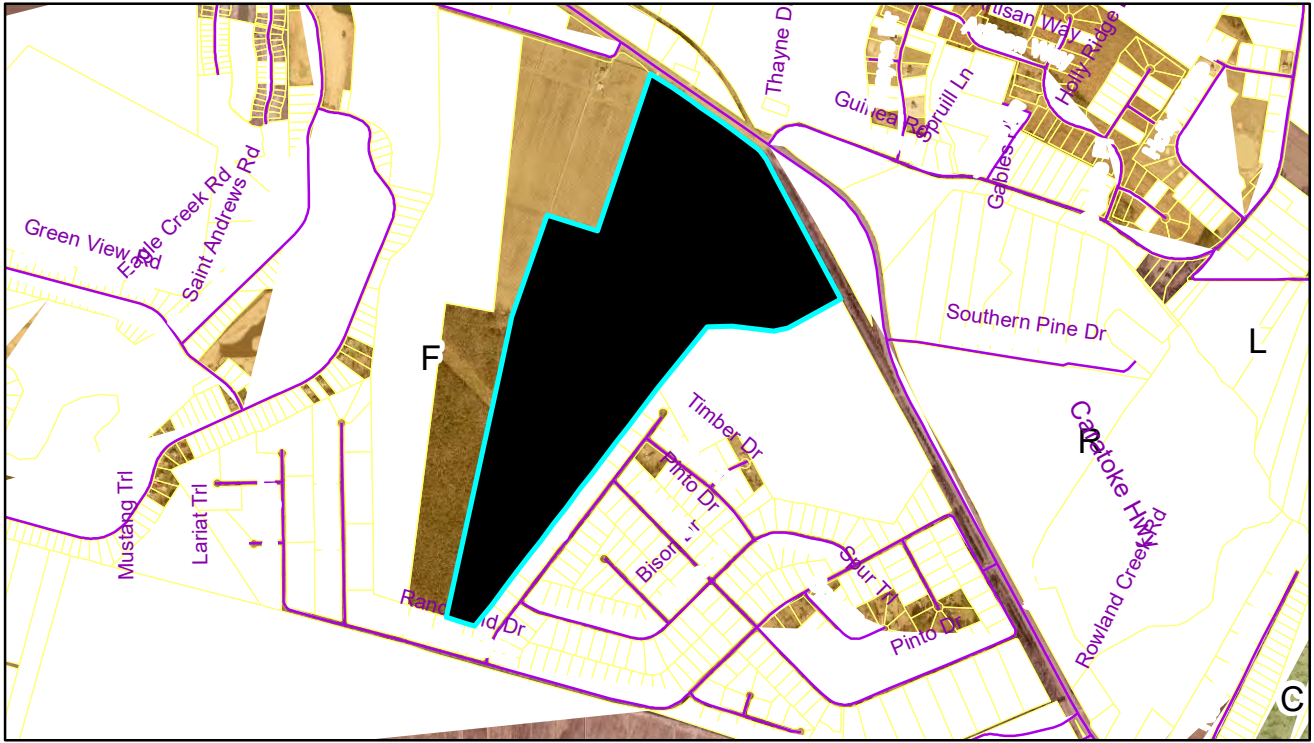
Currituck County
Planning and
Community Development



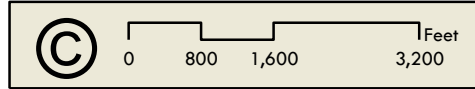
PB 18-23 Fost
Amended PD-R Zoning
Zoning



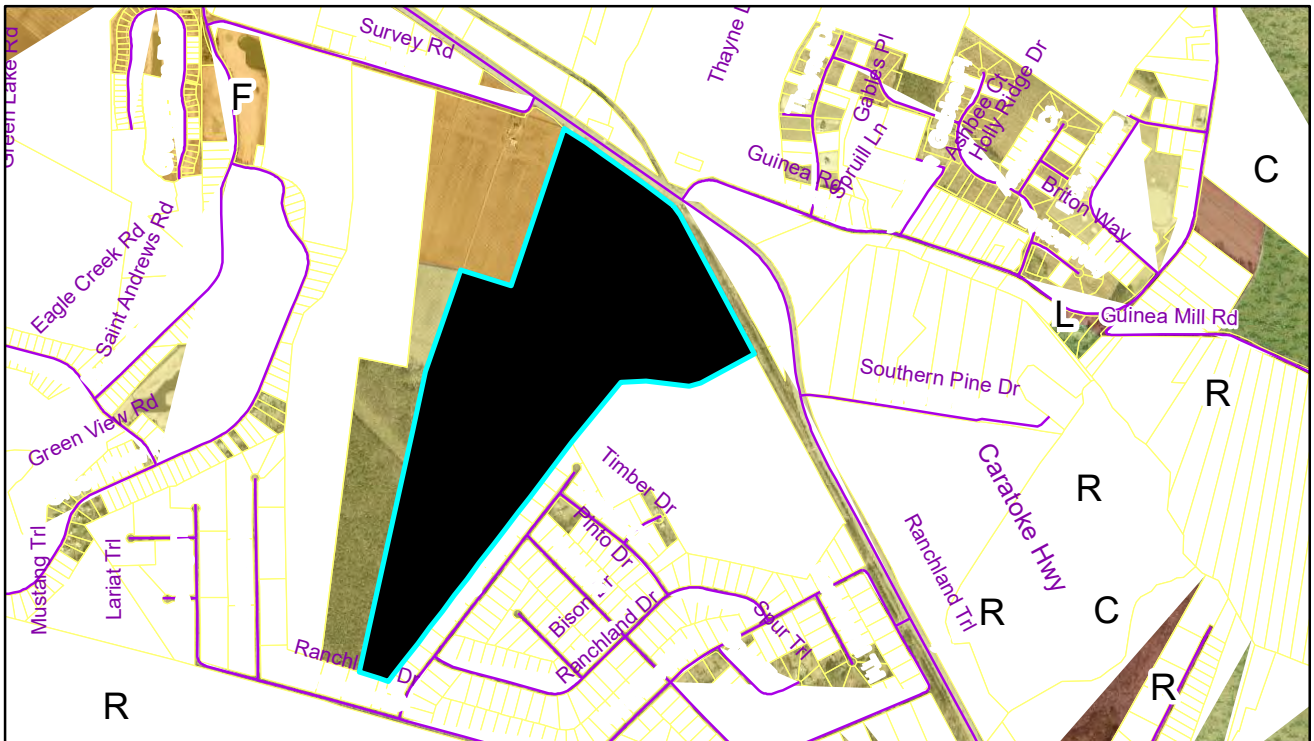
Currituck County
Planning and
Community Development



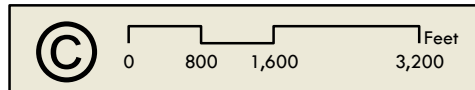
PB 18-23 Foster
Amended PD-R Zoning
LUP Classification



Currituck County
Planning and
Community Development



PB 18-23 Foster
Amended PD-R Zoning
Moyock SAP Classification



Currituck County
Planning and
Community Development

Approved Development Standards and Setbacks

<u>DEVELOPMENT STANDARDS & SETBACKS</u>				
STYLE:	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND SF LOT</u>	<u>CONV. SF LOT</u>
Min Lot Size:	800 SF	1,800 SF	8,000 SF	10,000 SF
Typ. Lot Size:	800 SF	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width:	22'	20'	50'	60'
Typ. Lot Width:	22' – 24'	20' – 25'	50' – 60'	65' – 100'
Front Setback:	N/A	20'	20'	20'
Side Setback:	0	0	10'	10'
Rear Setback:	N/A	20'	20'	25'
Corner Side Setback:	15'	15'	15'	15'
Maximum Setback:	N/A	25'	25'	35'
Maximum Height:	35'	35'	35'	35'
Maximum Bldg. Size:	4,800 SF	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	100%	40%	35%

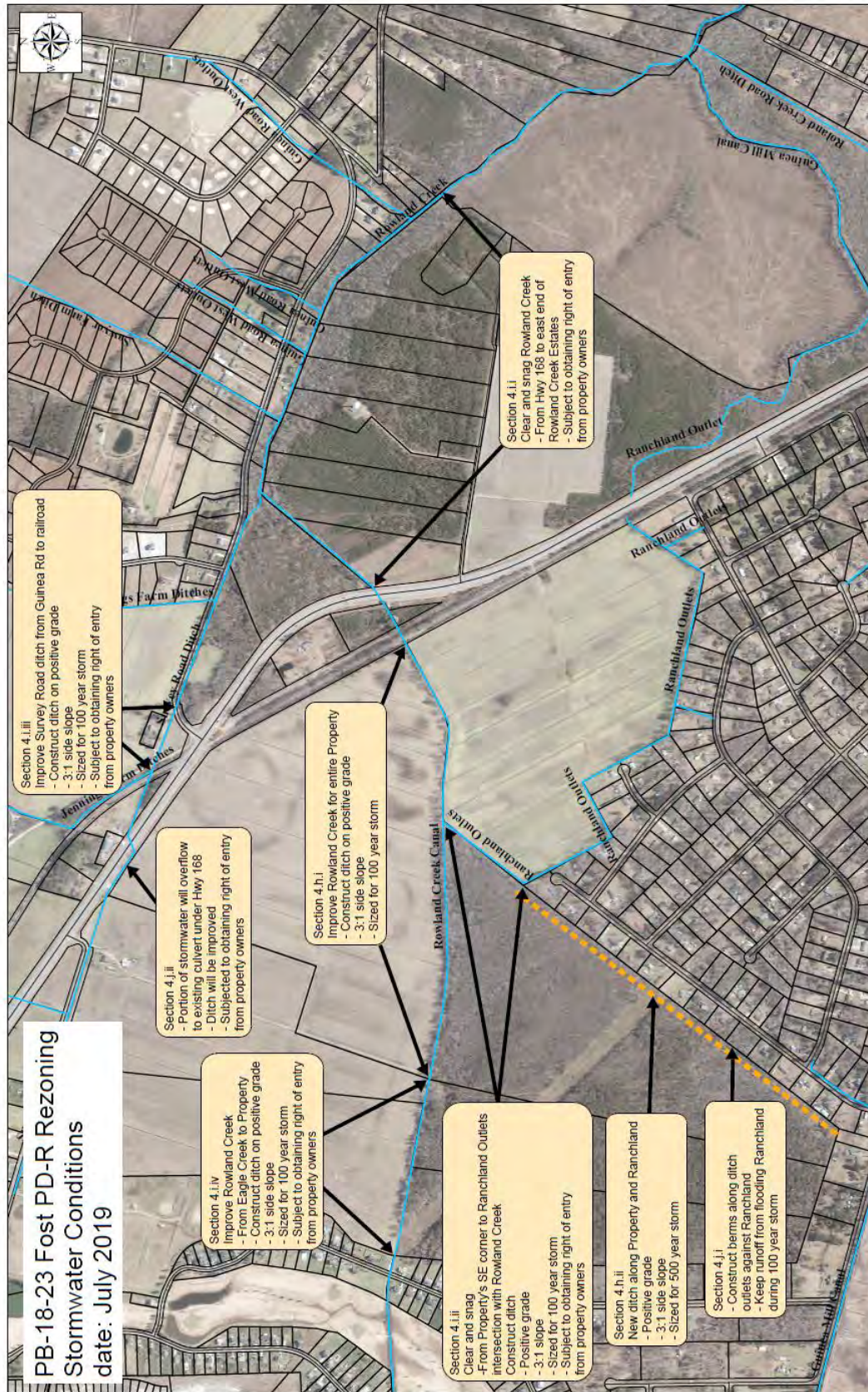
Proposed Development Standards and Setbacks

<u>SCHEDULE A</u>			
<u>DEVELOPMENT STANDARDS & SETBACKS</u>			
STYLE:	<u>TND T.H.</u>	<u>TND SF LOT</u>	<u>CONV. SF LOT</u>
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF
Min. Lot Width:	20'	35'	35'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	75'	140'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>TND.T.H.</u>	<u>IND.S.F.</u>	<u>CONV.S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	25	12	34	71	Rowland Creek Drainage Improvements
2	19	9	16	44	Main Lake
3	16	14	-	37	Village Green
4	27	7	25	66	Clubhouse
5	-	17	39	46	Swimming Pool
6	-	-	20	37	Multi-Use Path
7	39	-	31	70	Up to 22,000 SF Neighborhood Commercial
8	-	-	70	70	
9	-	-	32	32	
10	-	-	24	24	
Utility					
TOTALS	126	59	312	497	





MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

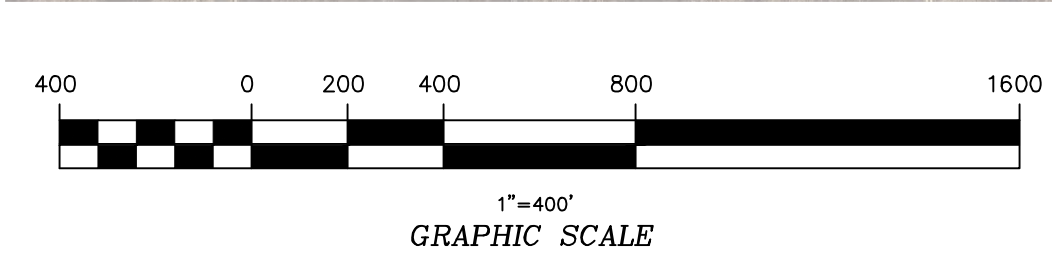
To build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses are proposed, primarily to serve the needs of the residents in this development.

1. **PROPERTY OWNER:** SANDRA D. FOST & IRIS A. O'CONNOR
121 SOUNDSHORE DRIVE
CURRITUCK, NC 27929
2. **APPLICANT:** ALLIED PROPERTIES, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
3. **PROPERTY DATA:** ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
PIN: 0015-000-0086-0000
RECORD: D.B.13, P.G:E/12
ACREAGE: 228.83 ACRES
4. **ZONING:** EXISTING: PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)
5. THE DEVELOPER SHALL DESIGN AND CONSTRUCT OR INSTALL REQUIRED OR PROPOSED ON-SITE PUBLIC FACILITIES IN COMPLIANCE WITH APPLICABLE COUNTY, STATE AND FEDERAL REGULATIONS.
6. THE DEVELOPER SHALL DEDICATE TO THE PUBLIC THE RIGHT-OF-WAYS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OR INSTALLATION OF REQUIRED OR PROPOSED ON-SITE PUBLIC FACILITIES IN COMPLIANCE WITH APPLICABLE COUNTY, STATE AND FEDERAL REGULATIONS.

COVER SHEET & DEVELOPMENT NOTES
DEVELOPMENT SETTING/CONTEXT
AMENDED DEVELOPMENT PLAN
PRELIMINARY DEVELOPMENT PHASING OVERVIEW
PRELIMINARY DEVELOPMENT UTILITY OVERVIEW

DATE: 6/26/19	SCALE: AS NOTED
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW/DMK	APPROVED: BPG
SHEET: 1 OF 5	
CAD FILE: 465100MP1	
PROJECT NO: 4651	

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NO.

DATE

DESCRIPTION

BY

REV

DATE

1

7/22/19

TRC COMMENTS

BY

1

7/22/19

NO.

DATE

DESCRIPTION

BY

REV

DATE

2

9/26/19

TRC SUBMITTAL

BY

2

9/26/19

DATE: 6/26/19

SCALE: 1" = 400'

DESIGNED: BPG

CHECKED: MSB

DRAWN: KFW/DMK

APPROVED: BPG

SHEET: 2 OF 5

CAD FILE: 465100MP1

PROJECT NO: 4651

PROJECT

THE FOST TRACT PD-R

MOYOCK TOWNSHIP

CURRITUCK COUNTY

NORTH CAROLINA

DEVELOPMENT SETTING

(CONTEXT)

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PROJECT

THE FOST TRACT PD-R

MOYOCK TOWNSHIP

CURRITUCK COUNTY

NORTH CAROLINA

AMENDED MASTER PLAN

BRS

PROFESSIONAL GROUP

Bissell Professional Group

Firm License # C-956

1000 North Carolina Highway

P.O. Box 1008

Wilmington, North Carolina 27409

Phone: (252) 281-1760

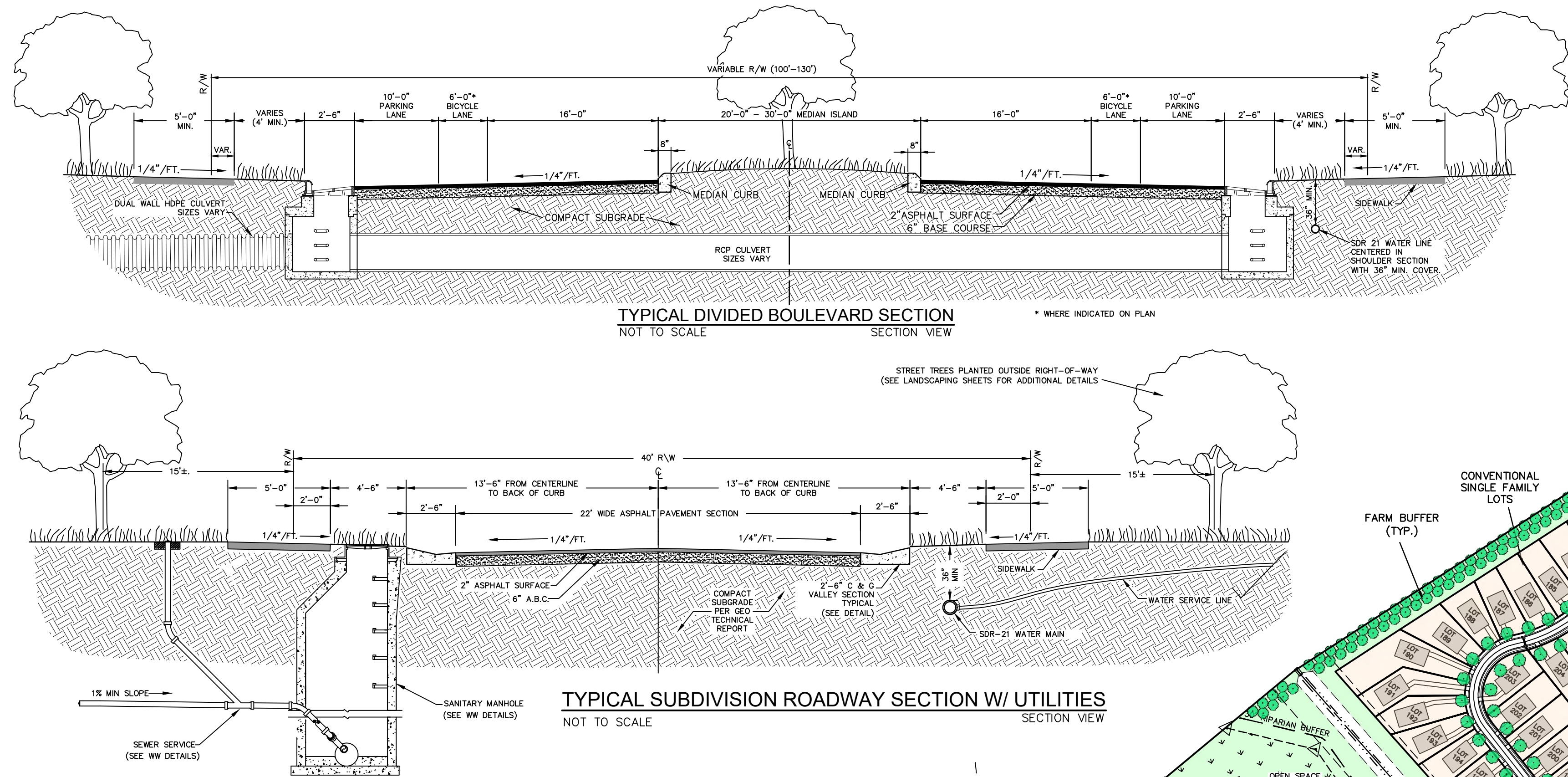
FAX: (252) 281-1760

Engineers, Planners, Surveyors

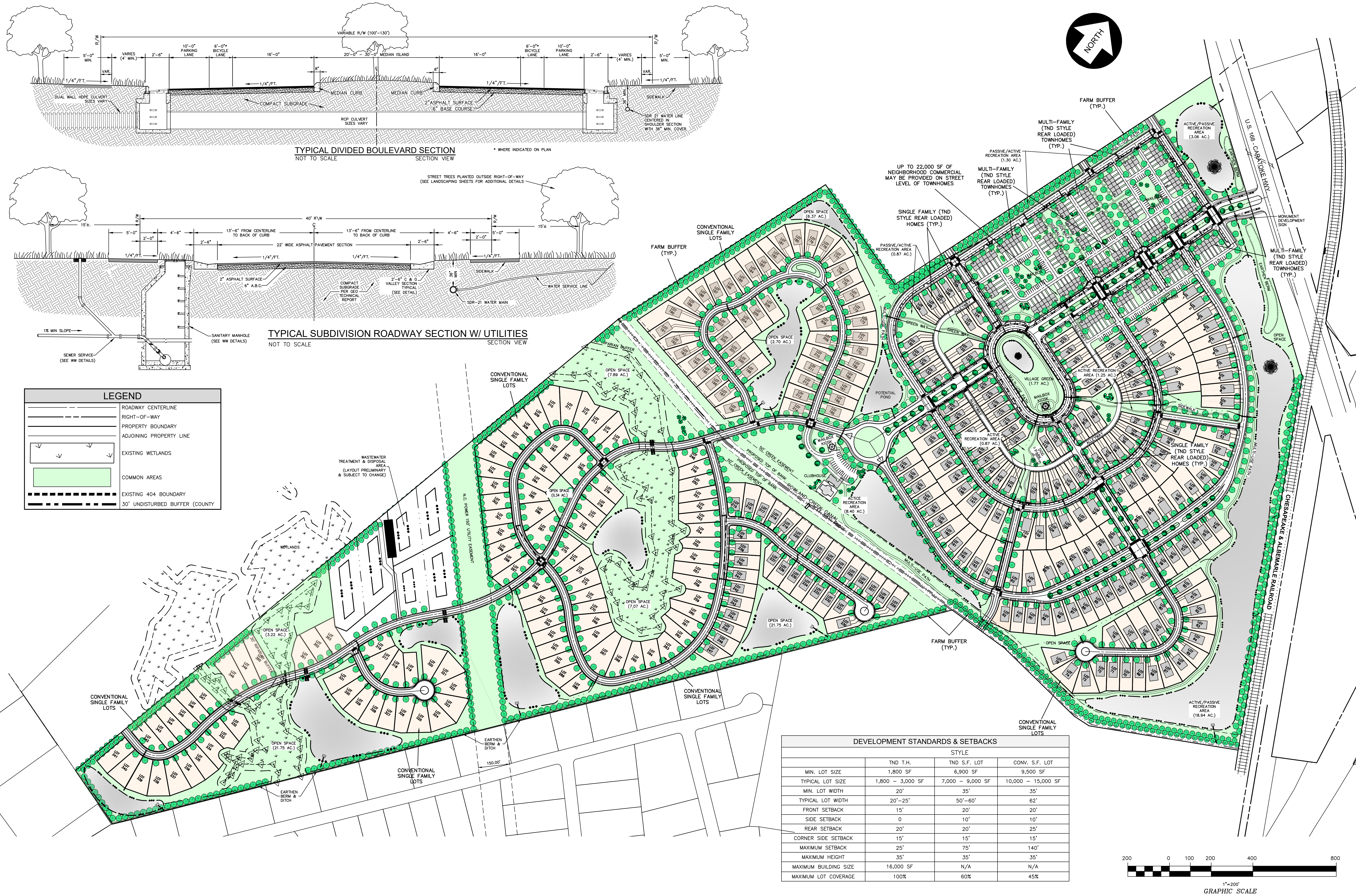
and Environmental Specialists

Packet Pg. 81

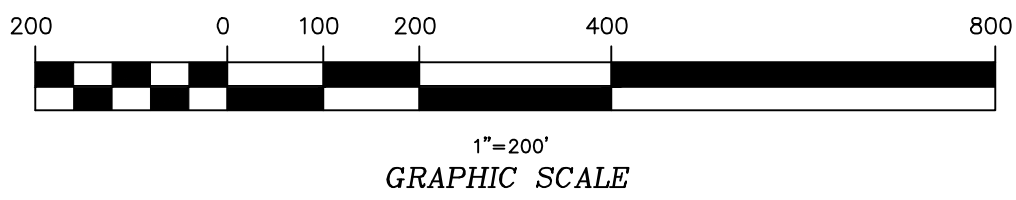
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LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING WETLANDS
	COMMON AREAS
	EXISTING 404 BOUNDARY
	30' UNDISTURBED BUFFER (COUNTY)



DEVELOPMENT STANDARDS & SETBACKS			
	STYLE		
	TND T.H.	TND S.F. LOT	CONV. S.F. LOT
MIN. LOT SIZE	1,800 SF	6,900 SF	9,500 SF
TYPICAL LOT SIZE	1,800 - 3,000 SF	7,000 - 9,000 SF	10,000 - 15,000 SF
MIN. LOT WIDTH	20'	35'	35'
TYPICAL LOT WIDTH	20'-25'	50'-60'	62'
FRONT SETBACK	15'	20'	20'
SIDE SETBACK	0	10'	10'
REAR SETBACK	20'	20'	25'
CORNER SIDE SETBACK	15'	15'	15'
MAXIMUM SETBACK	25'	75'	140'
MAXIMUM HEIGHT	35'	35'	35'
MAXIMUM BUILDING SIZE	16,000 SF	N/A	N/A
MAXIMUM LOT COVERAGE	100%	60%	45%



BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

4651 FOST TRACT PD-R
AMENDED MASTER PLAN

THE FOST TRACT PD-R
AMENDED MASTER PLAN

MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

AMENDED DEVELOPMENT PLAN

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REVISIONS

NO.	DATE	DESCRIPTION	BY	REV
1	7/22/19	TRC COMMENTS	TRC	1
2	9/26/19	TRC RESUBMITAL NEW	TRC	2

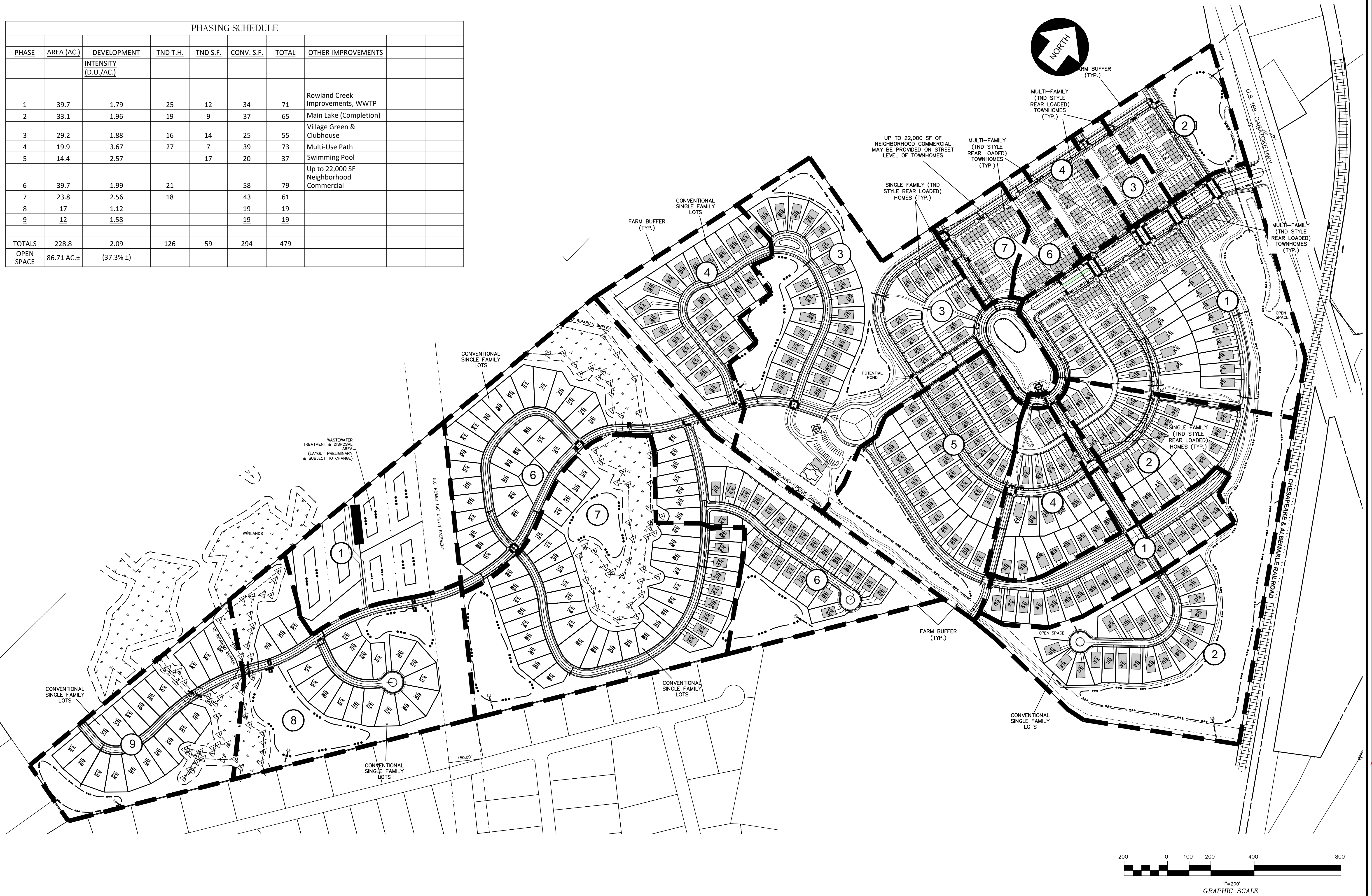
PRELIMINARY FOR REVIEW PURPOSES ONLY

DATE: 6/26/19
DESIGNED: BPG
DRAWN: KFW/DMK
SHEET: 3 OF 5

SCALE: 1" = 200'

CAD FILE: 465100MP1
PROJECT NO: 4651

PHASING SCHEDULE									
PHASE	AREA (AC.)	DEVELOPMENT	TND T.H.	TND S.F.	CONV. S.F.	TOTAL	OTHER IMPROVEMENTS		
		INTENSITY (D.U./AC.)							
1	39.7	1.79	25	12	34	71	Rowland Creek Improvements, WWTP		
2	33.1	1.96	19	9	37	65	Main Lake (Completion)		
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse		
4	19.9	3.67	27	7	39	73	Multi-Use Path		
5	14.4	2.57		17	20	37	Swimming Pool		
6	39.7	1.99	21		58	79	Up to 22,000 SF Neighborhood Commercial		
7	23.8	2.56	18		43	61			
8	17	1.12			19	19			
9	12	1.58			19	19			
TOTALS	228.8	2.09	126	59	294	479			
OPEN SPACE	86.71 AC.±	(37.3% ±)							



Amended Terms and Conditions

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (71) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Amended Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that may be constructed on site in accordance with NCDEQ Standards and approved by NCDEQ. A regional wastewater system may become available to provide wastewater service to this development. If so, this offsite wastewater connection will be the preferred method of wastewater service, and the land that was set aside for wastewater

disposal may be utilized for lot development as shown on the Amended Master Plan and has been set aside for the construction of a centralized wastewater treatment and disposal facility that may be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. If a wastewater system is constructed on site, the utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience. If an off-site wastewater service becomes available (either a private system approved by Currituck County or the County System), the development may connect to the off-site wastewater service.

- h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
 - i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.

- iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
- v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
- vi. Should Developer be unable to obtain right of entry from any landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.
- j. Overall stormwater conditions:
 - i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
 - ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.
- k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on

the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).

- I. Perimeter compatibility shall be addressed as follows:
 - i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
 - ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
 - iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.

- m. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TNDSFLOT</u>	<u>CONV.SFLOT</u>
Min Lot Size:	1,800 SF	8,000 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width (@ 20'	20'	35'	43'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	20'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:			
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	50%	45%

SCHEDULE B

PHASING SCHEDULE

PHASE	TNDT.H.	TNDS.F.	CONV.S.F.	TOTAL	OTHER IMPROVEMENTS
1	25	12	34	71	Rowland Creek Drainage Improvements
2	19	9	16	44	Main Lake
3	16	14	-	37	Village Green
4	27	7	25	66	Clubhouse
5	-	17	39	46	Swimming Pool
6	-	-	20	37	Multi-Use Path
7	39	-	31	70	Up to 22,000 SF Neighborhood Commercial
8	-	-	70	70	
9	-	-	32	32	
10	-	-	24	24	
Utility					
TOTALS	126	59	312	497	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (701) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
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- g. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for

a Certificate of Public Necessity and Convenience. ~~If an off-site wastewater service becomes available, the development may connect to the off-site wastewater service.~~

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 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
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Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.
- k. Rear loaded ~~cottage-TND~~ lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes ~~cottage-TND~~ lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).
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- shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
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The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

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SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

STYLE:	TND T.H.	TND SFLOT	CONV. SFLOT	
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF	Formatted: Font color: Blue
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF	Formatted: Font color: Blue
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Typ. Lot Width:	20' – 25'	50' – 60'	62'	Formatted: Font color: Blue
Front Setback:	15'	20'	20'	Formatted: Font color: Blue
Side Setback:	0	10'	10'	Formatted: Font color: Blue
Rear Setback:	20'	20'	25'	
Corner Side Setback:	15'	15'	15'	
Maximum Setback:	25'	75'	140'	Formatted: Font color: Blue
Maximum Height:	35'	35'	35'	Formatted: Font color: Blue
Maximum Bldg. Size:	16,000 SF	N/A	N/A	Formatted: Font color: Blue
Maximum Lot Coverage:	100%	60%	45%	Formatted: Font color: Blue

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (AC.)</u>	<u>DEVELOPMENT INTENSITY (D.U./AC.)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	39.7	1.79	25	12	34	71	Rowland Creek Improvements
2	33.1	1.96	19	9	37	65	Main Lake (Completion)
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse
4	19.9	3.67	27	7	39	73	Multi-Use Path
5	14.4	2.57		17	20	37	Swimming Pool
6	39.7	1.99	21		58	79	Up to 22,000 SF Neighborhood Commercial
7	23.8	2.56	18		43	61	
8	17	1.12			19	19	
9	<u>12</u>	<u>1.58</u>			<u>19</u>	<u>19</u>	
TOTALS	228.8	2.09	126	59	294	479	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'
Boulevard w/out bike lane	80'	16' each way



July 22, 2019

Ms. Tammy Glave, CZO
 Senior Planner
 Currituck County Department of Planning & Community Development
 153 Courthouse Road, Suite 110
 Currituck, NC 27929

Reference: Fost Property - Amended PR-R Rezoning Request, TRC Review

Dear Tammy:

We are responding to the TRC comments reviewed and discussed at the July 17, 2019 TRC meeting as follows:

Planning (Tammy Glave)

1. The typographical error as to current zoning has been corrected on the application form.
2. We have reviewed the specific requirements for Planned Development-master plans in the UDO and found the following language:
 - a. 3.7.2.A.(4) states "identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity." On previous submittals we have provided significantly more detail than is required by the UDO, which for a residential section appears to require only a designation of the acreage, the number and type of units, and residential density, along with the general location of proposed roadways.
 - b. 3.7.2.A.(8) states "identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems." The UDO appears to require us to show where a wastewater treatment facility will be generally located on site, and also where a force-main would leave the site to connect to an off-site county system.

Based on these paragraphs, it appears that we should be able to designate Phase 10 as the general location for a wastewater treatment facility and also for up to 24 single family residential dwelling units, which would solve the developers problem of needing a placeholder for that density without having to go back through the entire amendment process again when an off-site treatment plant becomes available. It also appears to meet the UDO requirement for showing how a force main would leave the site to connect to an off-site facility. Finally it appears to solve the county's problem of not approving more than one master plan. This amended master plan accounts both the density and the wastewater requirements.

**Currituck County Building and Fire Inspections (Bill Newns)**

1. We have reviewed the notes and standards that have been brought to our attention. We understand these address them in more detail at the Preliminary Plat submittal stage.

Albemarle Regional Health Services (Joe Hobbs)

1. The developer will consult with NCDEQ regarding the details of the wastewater system during the actual design and permitting of the facility.

US Post Office (Moyock)

1. The local post office has been contacted and the method of mail delivery will be via a number of cluster box units to be located strategically around the site.

We are submitting 3 full size copies of revised plans, one 8.5 x 11 reduction of the revised plans and a .pdf digital copy of all plans and documents, including the amended terms and conditions.

Thank you for your assistance.

Sincerely yours,
Bissell Professional Group

Mark S. Bissell, PE

cc: Mr. Justin Old

Attachment: 5 TRC Response Letter (PB 18-23 Fost Amended PD-R)



Planned Development Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Allied Properties, LLC
 Address: 417 Caratoke Hwy., Unit D
Moyock, NC 27958
 Telephone: (252) 435-2718
 E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: Sandra Davis Fost & Iris Ann O'Conner
 Address: 121 Soundshore Drive
Currituck, NC 27929
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: Caratoke Highway
 Location: Moyock, NC 27958
 Parcel Identification Number(s): 0015-000-0086-0000
 Total Parcel(s) Acreage: 228.83
 Existing Land Use of Property: Agricultural/Woodland

Request

Current Zoning of Property: AG

Proposed Zoning District

- ☒ Planned Development – Residential (PD-R)
☐ Planned Development – Mixed (PD-M)
☐ Planned Development – Outer Banks (PD-O)

Amendments

- ☒ Amended Master Plan
☒ Amended Terms and Conditions

Community Meeting

Date Meeting Held: 06/24/2019 Meeting Location: Moyock Library

Planned Development Request

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 master plan, terms and conditions document, 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 planned development so authorized and shall be submitted to the Technical Review Committee.

Sandra Davis Fost Robert M. Fost
 Property Owner (s)

6-26-19
 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.

Planned Development Application
 Page 5 of 7

Revised 7/1/2018

Attachment: 6 Application (PB 18-23 Fost Amended PD-R)



Planned Development Application

7.C.g

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

Contact Information

APPLICANT:

Name: Allied Properties, LLC
 Address: 417 Caratoke Hwy., Unit D
Moyock, NC 27958
 Telephone: (252) 435-2718
 E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: Sandra Davis Fost & Iris Ann O'C
 Address: 121 Soundshore Drive
Currituck, NC 27929
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: Caratoke Highway
 Location: Moyock, NC 27958
 Parcel Identification Number(s): 0015-000-0086-0000
 Total Parcel(s) Acreage: 228.83
 Existing Land Use of Property: Agricultural/Woodland

Request

Current Zoning of Property: AG

Proposed Zoning District

- ☐ Planned Development – Residential (PD-R)
☐ Planned Development – Mixed (PD-M)
☐ Planned Development – Outer Banks (PD-O)

Amendments

- ☒ Amended Master Plan
☒ Amended Terms and Conditions

Community Meeting

Date Meeting Held: 06/24/2019 Meeting Location: Moyock Library

Planned Development Request

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 master plan, terms and conditions document, 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 planned development so authorized and shall be submitted to the Technical Review Committee.

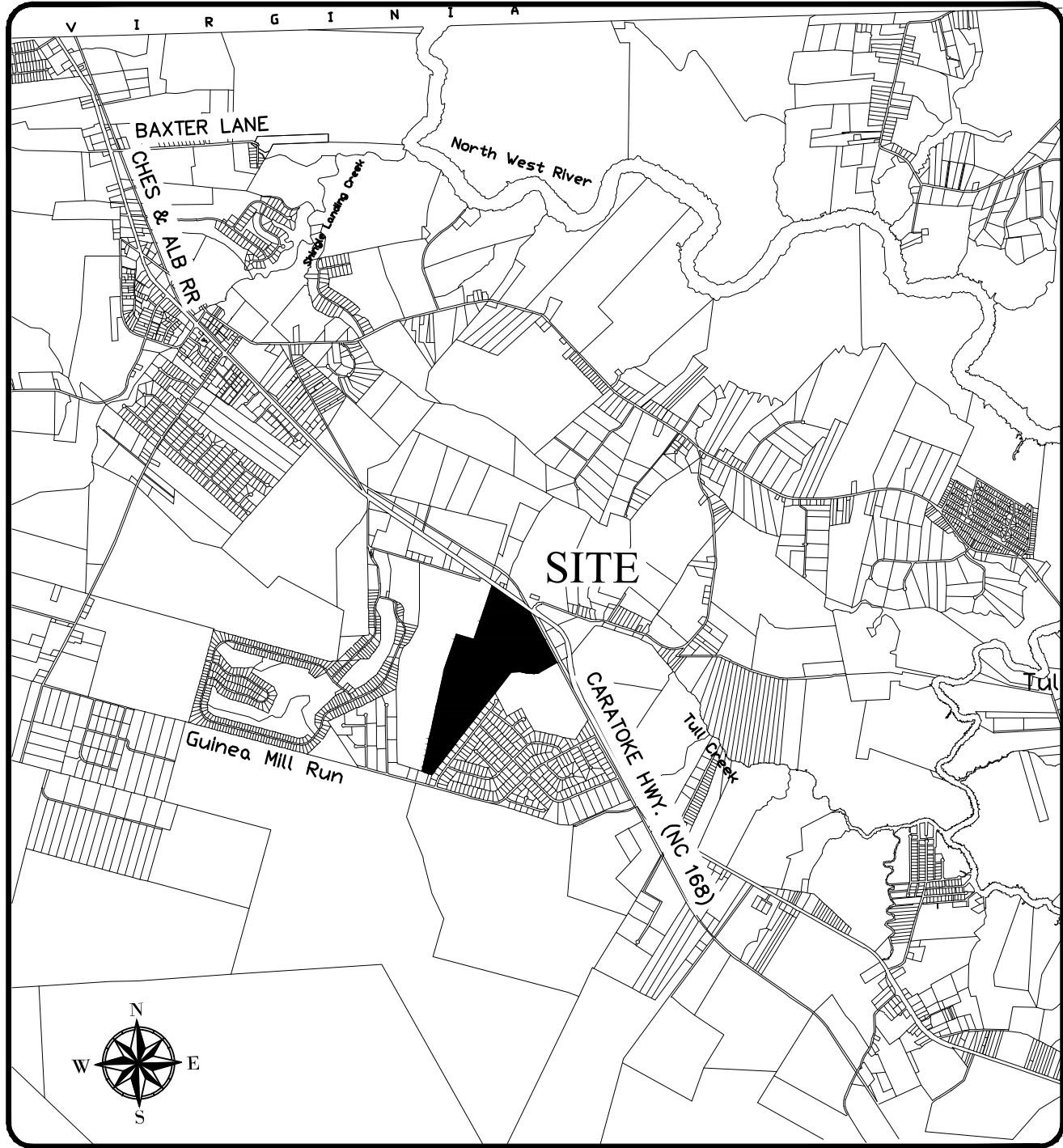
Property Owner(s): _____

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.

20190624062419

Packet Pg. 104

Attachment: 7 Signed Application (PB 18-23 Fost)



VICINITY MAP SCALE: 1" = 5,000'

GENERAL DEVELOPMENT NOTES

1. PROPERTY OWNER: SANDRA D. FOST & IRIS A. O'CONNOR
121 SOUNDSHORE DRIVE
CURRITUCK, NC 27929
2. APPLICANT: ALLIED PROPERTIES, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
3. PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
PIN: 0015-000-0086-0000
RECORD: D.B.13, PG: E/12
ACREAGE: 228.83 ACRES
4. ZONING: EXISTING: AGRICULTURAL (AG)
PROPOSED: PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)

THE FOST TRACT

PLANNED DEVELOPMENT - RESIDENTIAL

PRELIMINARY MASTER PLAN

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

OBJECTIVE:

To build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses are proposed, primarily to serve the needs of the residents in this development.

SHEET

DESCRIPTION

- | | |
|---|--|
| 1 | COVER SHEET & DEVELOPMENT NOTES |
| 2 | DEVELOPMENT SETTING/CONTEXT |
| 3 | DEVELOPMENT OVERVIEW - RENDERED VERSION |
| 4 | DEVELOPMENT OVERVIEW - AUTOCAD VERSION |
| 5 | PRELIMINARY DEVELOPMENT PHASING OVERVIEW |
| 6 | PRELIMINARY DEVELOPMENT UTILITY OVERVIEW |

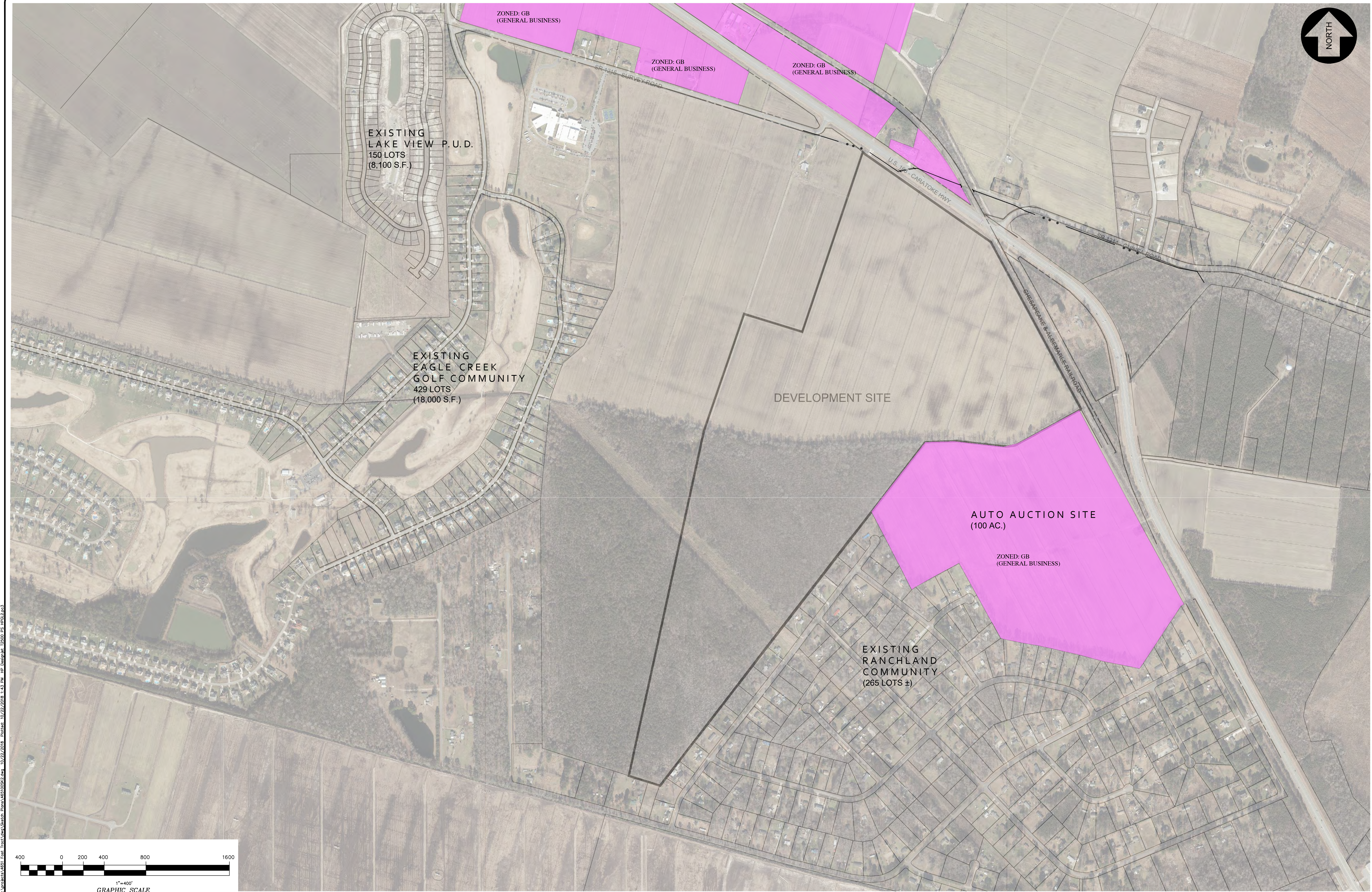
BISSELL
PROFESSIONAL GROUP
Bissell Professional Group
Firm License # C-566
P.O. Box 1028
1000 Highway 101 North
Cary, NC 27513
Cell: 919.286.1760
Fax: (252) 281-1760
Engineers, Planners, Surveyors
and Environmental Specialists

COVER SHEET
DEVELOPMENT NOTES
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PROJECT: THE FOST TRACT PD-R
BY: [Signature]
DATE: 08/23/18
SCALE: AS NOTED
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DRAWN: KFW/DMK
APPROVED: BPG
SHEET: 1 OF 6
CAD FILE: 465100SK2
PROJECT NO: 4651

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SCALE

1" = 400'

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CAD FILE:

4651005K2

PROJECT NO:

4651

THE FOST TRACT PD-R

MOYOCK TOWNSHIP

CURRITUCK COUNTY

NORTH CAROLINA

PRELIMINARY MASTER PLAN

DEVELOPMENT SETTING

(CONTEXT)

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Firm License # C-566

10000 Highway 101

P.O. Box 1008

Charlotte, North Carolina 27249

Phone: (704) 296-1000

FAX: (704) 296-1760

BISSELL

PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

Attachment: 8 Original FOST MASTER PLAN SET (PB 18-23 Fost Amended PD-R)

Packet Pg. 106



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PROFESSIONAL GROUP
P.O. Box 1068 • Kilm Hawk, NC 27949
O: (252) 261-3266 F: (252) 261-1760 C: (252) 202-1215
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www.bissellprofessionalgroup.com

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PROJECT NO: 4651

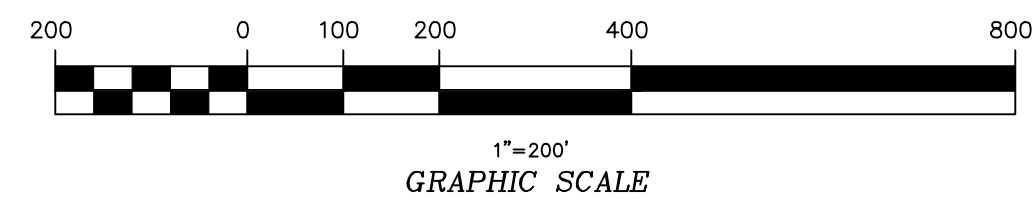
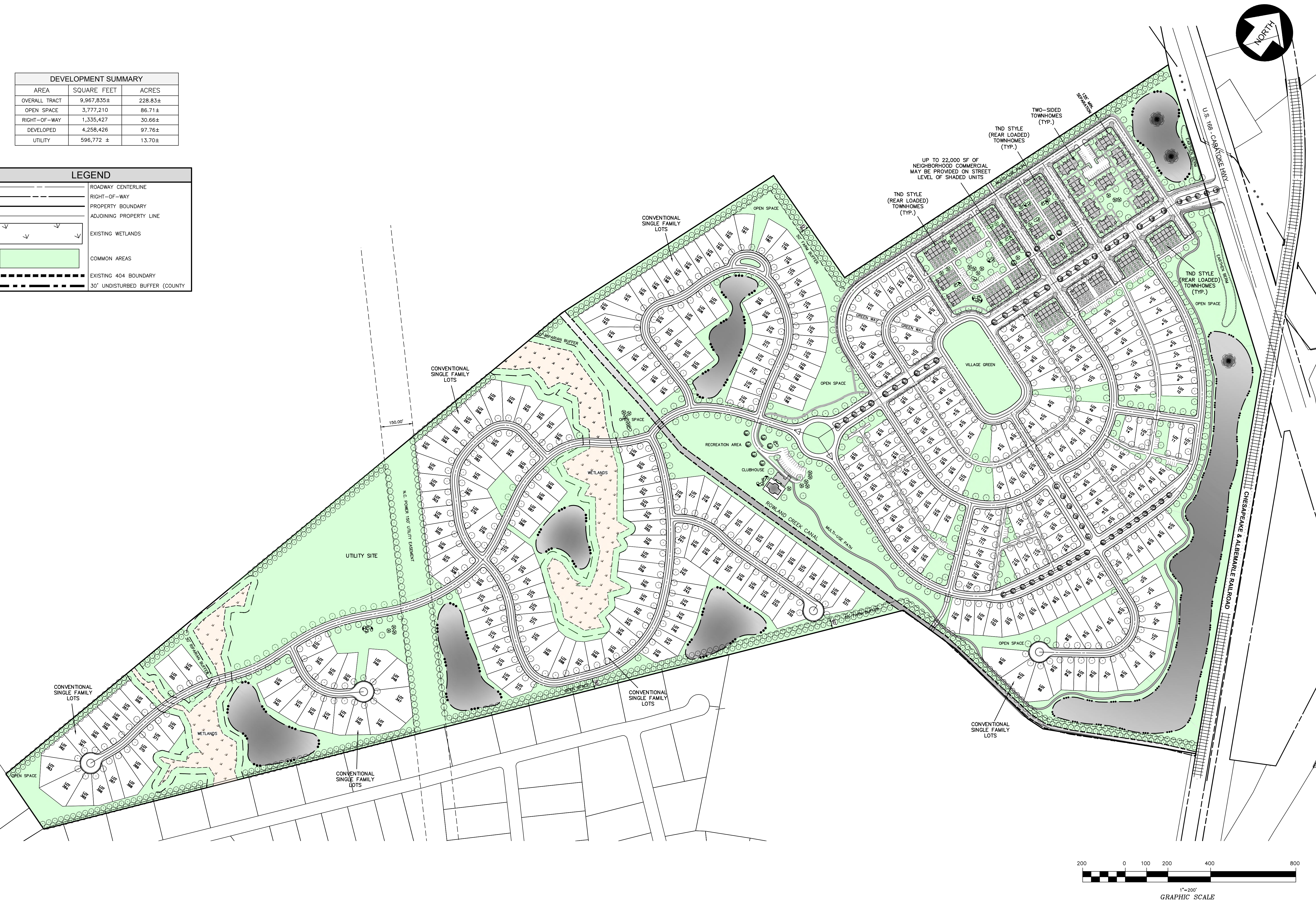
PROJECT: THE FOST TRACT PD-R NORTH CAROLINA
MOYOCK TOWNSHIP CURRITUCK COUNTY
PRELIMINARY MASTER PLAN

DEVELOPMENT OVERVIEW
RENDERED VERSION
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Kilm Hawk, NC 27949
O: (252) 261-3266
F: (252) 261-1760
C: (252) 202-1215

DEVELOPMENT SUMMARY		
AREA	SQUARE FEET	ACRES
OVERALL TRACT	9,967,835±	228.83±
OPEN SPACE	3,777,210	86.71±
RIGHT-OF-WAY	1,335,427	30.66±
DEVELOPED	4,258,426	97.76±
UTILITY	596,772 ±	13.70±

LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING WETLANDS
	COMMON AREAS
	EXISTING 404 BOUNDARY
	30' UNDISTURBED BUFFER (COUNTY)



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and Environmental Specialists

Bissell Professional Group
Firm License # C-936
P.O. Box 1089, Station Highway
P.O. Box 1089
KITTY HAWK, North Carolina 27949
(252) 261-3266
FAX (252) 261-1760

DEVELOPMENT OVERVIEW

AUTOCAD VERSION

CT. THE FOST TRACT PD-R PRELIMINARY MASTER PLAN

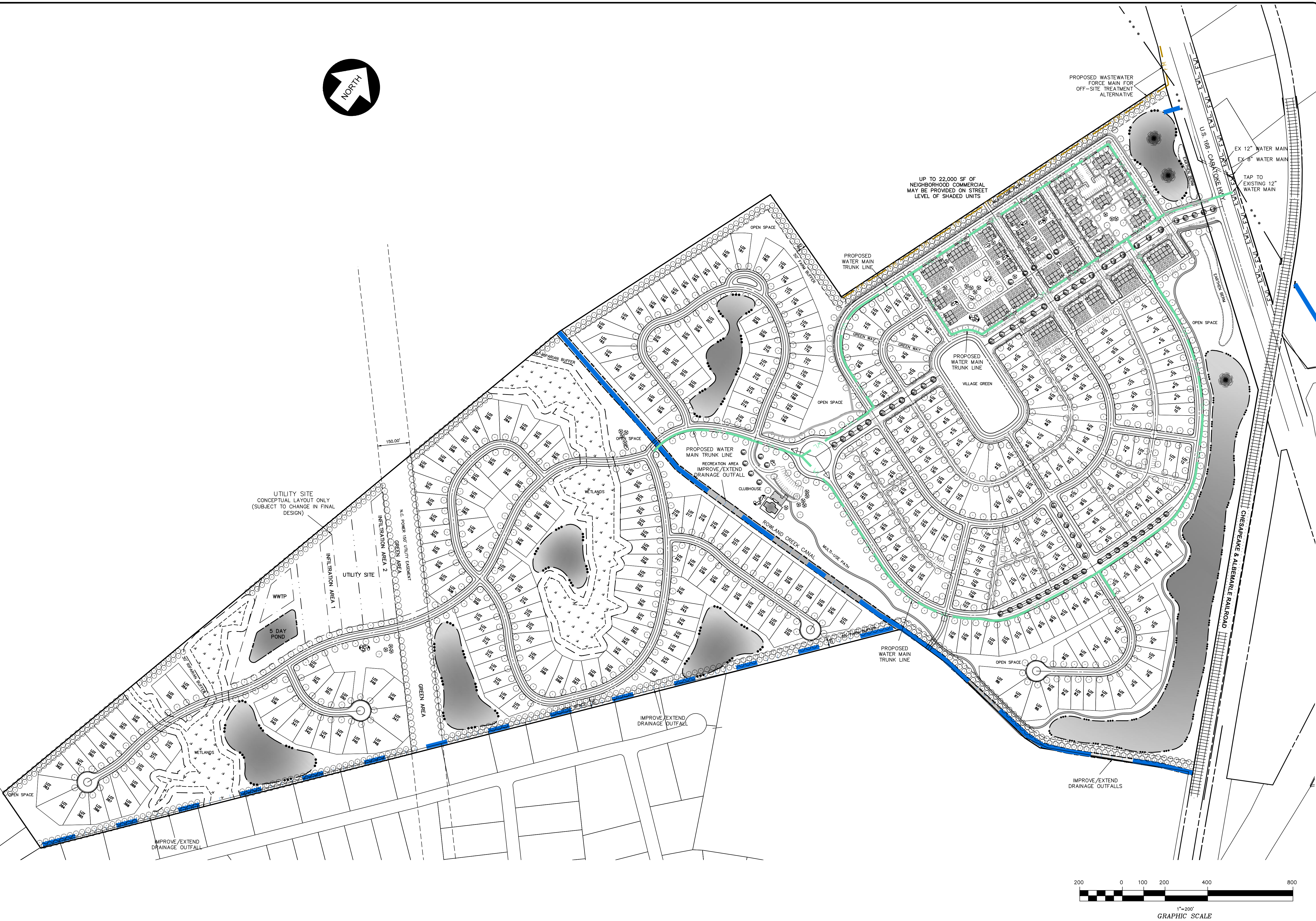
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DO NOT USE FOR
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SHEET: 4 OF 6	
CAD FILE: 465100SK2	
PROJECT NO: 4651	

PHASE	AREA (AC.)	DEVELOPMENT INTENSITY (D.U./Ac)	2-SIDED T.H.	TND T.H.	TND S.F.	CONV. S.F.	TOTAL
1	22.8	3.07	32	11	23	4	70
2	26.5	1.70	--	--	18	27	45
3	13.8	2.54	--	14	21	--	35
4	16.8	3.51	--	26	10	23	59
5	11.2	2.96	--	--	20	13	33
6	20.1	3.33	40	--	--	27	67
7	17.8	4.10	--	40	--	33	73
8	35.9	1.67	--	--	29	31	60
9	24.4	1.52	--	--	--	37	37
10	25.8	1.32	--	--	--	34	34
Utility	<u>13.7</u>	<u>0</u>	--	--	--	--	--
TOTALS	228.8	2.24	72	91	121	229	513





**PRELIMINARY DEVELOPMENT
DRAINAGE & UTILITY OVERVIEW**

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(252) 261-3256
FAX (252) 261-1760



**PB 18-23 FOST PD-R REZONING
BOARD OF COMMISSIONERS
FEBRUARY 18, 2019**

Amendment to the Official Zoning Map

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina:

Section 1: The Official Zoning Map for Currituck County is hereby amended by conditionally rezoning 228.83 acres located in Moyock Township located on the west side of Caratoke Highway and north of Ranchland Subdivision with Parcel Identification Number 0015-000-0086- 0000, (the "Property") from Agriculture (AG) to Planned Development – Residential (PD-R).

Section 2: The zoning map amendment for the Property is appropriate because:

- a. the conditional rezoning is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan;
- b. the conditional rezoning is consistent with all review standards provided under Unified Development Ordinance (UDO) Section 2.4.3.C;
- c. the proposed conditions for the conditional rezoning of the Property will improve drainage problems on the Property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and
- d. the conditional rezoning is compatible with existing Moyock Township subdivisions

Section 3: The zoning map amendment for the Property is reasonable and in the public interest because of the need for higher density growth in areas of Moyock outside of Currituck Station regardless of the availability of public and centralized sewer treatment and disposal..

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the

Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy (70) residential units.

- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached) subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wasterwater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience. If an off-site wastewater service becomes available, the development may connect to the off- site wastewater service.
- h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by

- construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
- ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
 - v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
 - vi. Should Developer be unable to obtain right of entry from any landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall

be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

- i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
- ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm even and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

- k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).
- l. Perimeter compatibility shall be addressed as follows:
 - i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
 - ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks,

- berms and landscaping.
 - iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.
- m. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

Section 5: 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.

Section 6: This zoning map amendment shall be in effect from and after the 6th day of May 2019.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:


Clerk to the Board


Date

(NOT VALID UNTIL FULLY EXECUTED)


Chairman

Board of Commissioners

(SEAL)



SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TNDS FLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	800 SF	1,800 SF	8,000 SF	10,000 SF
Typ. Lot Size:	800 SF	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width:	22'	20'	50'	60'
Typ. Lot Width:	22' – 24'	20' – 25'	50' – 60'	65' – 100'
Front Setback:	N/A	20'	20'	20'
Side Setback:	0	0	10'	10'
Rear Setback:	N/A	20'	20'	25'
Corner Side Setback:	15'	15'	15'	15'
Maximum Setback:	N/A	25'	25'	35'
Maximum Height:	35'	35'	35'	35'
Maximum Bldg. Size:	4,800 SF	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	100%	40%	35%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	22.8	3.07	32	11	23	4	70	Rowland Creek Drainage Improvements
2	26.5	1.70	-	-	18	27	45	Main Lake
3	13.8	2.54	-	14	21	-	35	Village Green & Clubhouse
4	16.8	3.51	-	26	10	23	59	Up to 22,000 SF Neighborhood Commercial
5	11.2	2.96	-	-	20	13	33	Swimming Pool
6	20.1	3.33	40	-	-	27	67	Multi-Use Path
7	17.8	4.10	-	40	-	33	73	
8	35.9	1.67	-	-	29	31	60	
9	24.4	1.52	-	-	-	37	37	
10	25.8	1.32	-	-	-	34	34	
Utility	<u>13.7</u>	<u>0</u>						
TOTALS	228.8	2.24	72	91	121	229	513	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2632)

Agenda Item Title

Through the Fence Airport Easement for 118 Aviator Drive, Brady Landing Airpark, Maple

Brief Description of Agenda Item:

On October 4, 1999 the Board of Commissioners approved a special use permit for development of Brady Landing, a residential airpark subdivision, bounded on one side by Maple Road and on the other side by Currituck Regional Airport. The residential airpark subdivision concept provided for the ability of property owners to house an airplane on their subdivision lot and have access to the airport runway through a gate located in the fence surrounding the airport. Additional property was thereafter included as part of the residential airpark subdivision.

To facilitate airport access for Brady Landing property owners, the county conveyed an easement in 2002 allowing aircraft access to the airport. The 2002 easement, with Federal Aviation Administration required conditions, was superseded by an easement conveyed from the county to the Brady Landing Property Owners Association, Inc. and dated November 4, 2014. Property owned by Mark Leuzinger and wife, Robin L. Leuzinger was not platted as part of the originally approved Brady Landing but was created at a later date as a Family Subdivision. The Leuzinger property was not included in the easement from the county to Brady Landing Property Owners Association, Inc.

The Leuzingers have now requested that they be allowed to access the county airport through the same easement as other properties within Brady Landing. Attached for the Board of Commissioners' consideration is a proposed Deed of Easement from the county to the Leuzingers that will allow access from their property to the county's airport. The Deed of Easement contains the same conditions as the easement conveyed to Brady Landing Property Owners Association, Inc. The county has contacted the Federal Aviation Administration about conveyance of an easement to the Leuzingers which is not opposed by that agency.

Recommend Approval

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Ike McRee

From: William Nelson
Sent: Wednesday, September 11, 2019 10:45 AM
To: Ike McRee
Subject: FW: RTTF technical correction for airport easement

From: Vick, Thomas (FAA) [<mailto:Thomas.Vick@faa.gov>]
Sent: Wednesday, September 11, 2019 10:29 AM
To: William Nelson
Cc: Haney, Heather (FAA)
Subject: RTTF technical correction for airport easement

Dear Mr. Nelson.

Thank you for your telephone call asking how to add a RTTF homeowner who accidentally was omitted in a RTTF subdivision easement by the developer and airport sponsor. I understand that the homeowner has been paying the same access fees and meeting other requirements for their aircraft as the other RTTF homeowners. As we discussed, as long as the homeowner is meeting the same RTTF requirements as the other users in the same subdivision (agreement, fees, and requirements), then it appears that the airport sponsor would meet its obligations if it includes that homeowner to the RTTF easement.

If you have any further questions, please let me know.

Sincerely,

Thomas M. Vick, A.A.E.
ACO-100
Federal Aviation Administration
(202) 267-8725

Prepared by and return to:
 Donald I. McRee, Jr., Attorney
 153 Courthouse Road, Ste. 210
 Currituck, NC 27929

Transfer Tax: Exempt
 Tax Parcel

NORTHCAROLINA

CURRITUCKCOUNTY

THIS DEED OF EASEMENT made this _____ day of _____, 2019 by and between COUNTYOF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, ("Grantor"), and MARK LEUZINGER and wife, ROBIN L. LEUZINGER, 118 Aviator Drive, Maple, North Carolina 27956, ("Grantee"):

WITNESSETH:

WHEREAS, Grantor is the owner of a certain tract or parcel of land located in Crawford Township, County of Currituck, North Carolina more particularly described in that instrument recorded in Deed Book 875, Page 807 of the Currituck County Registry and known as the Currituck County Regional Airport, (the "Airport"); and

WHEREAS, the Grantee is owner of a parcel of land identified as a 1.25 acres as shown and delineated on that certain plat entitled "Family Subdivision for Brady Landing Airpark, Phase IIB, recorded in Plat Cabinet J, Slide 15 of the Currituck County Registry; , (the "Property").

NOW, THEREFORE, the Grantor and Grantee do hereby agree as follows:

1. Grant of Easement By Grantor: Grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee an easement, 60 feet in width, for the purpose of a taxiway, over, upon an along a strip or parcel of land lying and being in Currituck County, North Carolina, and more particularly described as follows:

Beginning at a point located 101.3 feet North 33 degrees 19 minutes 42 seconds East of a 5/8" iron rod (set), then 60 feet North 33 degrees 19 minutes 42 seconds East, then 299.83 feet South 56 degrees 42 minutes 40 seconds East, then 60 feet South 33 degrees 15 minutes 56 seconds West, then 299.85 feet North 56 degrees 42 minutes 40 seconds West to the point of origin.

This 60-foot easement is shown on a plat entitled in part "Private Access Subdivision of Brady Landing Airpark" said plat prepared by Edward T. Hyman, Jr., dated September 17, 1999, recorded in Plat Cabinet G, Slide 336, Currituck County Public Registry, which said plat is incorporated herein by reference.

The point of entry and exit and route described herein may be used by (a) Grantee for the purpose of accessing and exiting the Airport's public runways, taxiways and facilities and (b) by escorted fly-in visitors to the Grantee's Property, or renter of Grantee's Property, provided that Grantee is responsible for the conduct and actions of the fly-in visitor to Grantee's Property or renter of Grantee's Property when entering or exiting the Brady Landing Airpark via the Airport.

The Grantor may temporarily and reasonably deny access to the easement described herein due to adverse weather conditions, emergencies, repairs or improvements projects and shall make a reasonable effort to give advance notice to Grantee of the temporary closure of the easement. The Grantee is responsible for maintenance and repairs to the security gate and all taxiway improvements described within in this easement.

The Grantor and Grantee agree that the terms and conditions of this instrument shall supersede and replace any prior easement or agreement that may exist between the Grantor and Grantee regarding Grantee's access to the Airport on the easement described in this instrument.

2. Term: The Term of this Agreement shall commence November 4, 2019 and terminate September 30, 2034 and may be renewed prior to the expiration of term for an additional ten (10) year term by mutual agreement of the Grantor and Grantee.

3. Access Fee: Grantee shall pay to the County an annual access fee equal to the annual, on Airport, single-engine aircraft, outside tie-down fee (the "Access License Fee"), with a minimum Access License Fee not less than the annual on-airport aircraft tie-down fee as established from time to time by Grantor.

4. **Fee Schedule:** The initial Access License Fee is payable upon execution of this instrument. Subsequent annual fees to be paid during the term of this license shall be paid on or before January 1 of each year.

5. **Compliance:** Grantee must comply with all Airport rules and regulations promulgated by the Grantor, the terms and conditions of this instrument, and any requirements of existing or future Federal Aviation Administration, (the "FAA"), grant agreements, including the FAA Airport Compliance Manual, and will operate Grantee's aircraft in accordance with FAA rules and requirements and any other applicable governmental regulations. This instrument is subordinate to the Grantor's FAA grant assurances and federal obligations. Should any provision of this instrument violate the Grantor's FAA grant assurances or federal obligations, the Grantor shall have the unilateral right to amend or terminate this instrument to remain in compliance with its grant assurances and federal obligations.

6. **Security, Gates & Maintenance:** Grantee shall access the Airport at the point described in this instrument through a secured gate and taxiway improvements provided for and maintained by Brady Landing Airpark Property Owners Association, Inc. Grantee shall close and secure the gate at the access point immediately after each use and not leave the immediate area until the gate is fully closed. The access point and route described in this instrument is limited to Grantee's aircraft, escorted visitors of Grantee and renters of a single-family residential dwelling owned by Grantee. Grantee shall ensure that Grantee's visitors and renters are fully briefed on the safety and security implications of proper Airport-Airpark gate operation.

7. **Conditions of Easement:** In addition to the terms and conditions set forth in this instrument, which terms and conditions are by reference incorporated herein, the following terms and conditions shall apply:

- A. Grantee's Property shall be used for residential, non-commercial purposes only.
- B. No aircraft may be moved from Grantee's Property to the Airport or from the Airport to Grantee's Property except as taxied by a licensed pilot or qualified mechanic, or towed by a person qualified to do so.
- C. The Airport is a non-towered airport. Grantee shall be and remain responsible and accountable for compliance with all local, state and federal safety operational requirements imposed on all aircraft using or utilizing the Airport.
- D. Grantee shall not permit any commercial aviation ventures or operations to be conducted on Grantee's Property including, but not limited to, fuels sales, self-fueling, commercial aircraft maintenance or annual inspections (except for annual inspections of non-commercial aircraft based in the Airpark), flight instruction, flying clubs, banner-towing operations, ultra-light towing operations and rental of hanger or tie-down space except as a part of the combined rental of a single family residential structure and hanger on Grantee's Property.

8. Termination: The Grantor may suspend access across the easement area upon failure of Grantee to pay the Access Fee on or before January 1 of each year or upon the Grantee's failure to comply with any condition of this instrument, if the Grantee has not corrected non-compliance within ten (10) days written notice from Grantor. Access will be reinstated to Grantee upon correction of the non-compliance or payment of past due Access Fees.

9. Assignment or Transfer: This instrument shall not be assigned or transferred without the written consent of Grantor except in the event Grantee transfers ownership of Grantee's Property.

10. Rules and Regulations: Grantee shall comply with rules and regulations concerning the Airport that Grantor may establish from time to time.

TO HAVE AND TO HOLD the above described easement unto the Grantee, Grantee's successors and assigns forever.

Grantor does covenant that it is seized of said premises in fee simple and that Grantor has the right to grant this easement for the purposes set forth herein, that Grantor will warrant and defend title to said property thus conveyed against the lawful claims of all persons whosoever except as to those exceptions stated herein. Title to the property hereinabove described is subject to easements, restrictions, rights of way and other matters of record.

IN TESTIMONY WHEREOF, Grantor has duly executed and sealed this document and deed of easement this the day and year first above written.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

COUNTY OF CURRITUCK, NORTH
CAROLINA

By: _____
Name: _____
Title: _____

STATE OF NORTH CAROLINA
COUNTY/ CITY OF _____

I, _____ a Notary Public of the County/City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is _____ of the County of Currituck, North Carolina, and that by authority duly given and as the act of the county, the foregoing instrument was signed in its name by its _____, sealed with its corporate seal, and attested by himself (or herself) as its _____.

Witness my hand and notarial seal this the _____ day of _____, 2014.

NOTARY PUBLIC

Printed Name _____

(AFFIX NOTARY SEAL)

My Commission expires: _____

MARK LEUZINGER

ROBIN L. LEUZINGER

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public do hereby certify that Mark Leuzinger and wife, Robin L. Leuzinger appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal this _____ day of _____, 2019.

NOTARY PUBLIC

Printed Name

(AFFIX NOTARY SEAL)

My Commission expires: _____



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2635)

Agenda Item Title

IT Budget Amendment for Security Required Computer Replacements

Brief Description of Agenda Item:

The current workstations the county utilizes operate off of Windows 7, which is supported by Microsoft. Windows 7 will be reaching its EOL (End of Life) cycle on January 14th 2020. This means that Microsoft will no longer provide weekly security updates. If new security updates are not pushed out to the workstations it will leave each workstation at risk with newly discovered vulnerabilities. Funds are being requested to replace all of the computers in the county that are not able to be upgraded to the new operating system, Windows 10.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number 20200047

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-532000	Supplies	\$ 10,000	
10441-557100	Software License Fees	\$ 3,200	
10441-590000	Capital Outlay	\$ 401,203	
10750-590000	Capital Outlay	\$ 52,671	
10796-590000	Supplies	\$ 2,762	
10380-481000	Investment Earnings		\$ 100,000
10390-495015	T F - Occupancy Tax		\$ 2,762
10390-499900	Fund Balance Appropriated		\$ 367,074
61818-590000	Capital Outlay	\$ 14,343	
61360-473000	Reconnection Fees		\$ 14,343
66868-532000	Supplies	\$ 1,745	
66360-470000	Utilities Charges		\$ 1,745
67878-532000	Supplies	\$ 1,745	
67360-471000	Connection Fees		\$ 1,745
		<u>\$ 487,669</u>	<u>\$ 487,669</u>

Explanation: Various Departments - Windows 10 upgrade to all County computers that are operating on Windows 7.

Net Budget Effect: Operating Fund (10) - Increased by \$468,091.
Occupancy Tax (15) - Increased by \$15,093.
Mainland Water Fund (61) - Increased by \$14,343.
Southern Outer Banks Water Fund (66) - Increased by \$1,745.
Mainland Sewer Fund (67) - Increased by \$1,745.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmend-IT Computers-Windows 10 (IT Computer Replacements)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2629)

Agenda Item Title

Reappointment of Vivian Simpson to the Jury Commission

Brief Description of Agenda Item:

Clerk of Superior Court, Ray Matusko, is requesting consideration by the Board of Commissioners be given to reappoint Vivian Simpson to the Jury Commission for the 2020-2021 Biennium. Ms. Simpson has served as the Currituck County Commissioner's appointment since 2011, and her experience and expertise with the Jury Commission's duties is exceptional. She is graciously willing to continue to serve as a Jury Commissioner. A formal request from the Mr. Matusko is included in the agenda packet.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

CURRITUCK COUNTY BOARD OF COMMISSIONERS

It is time for the appointment of the Currituck County Jury Commission for the 2020-2021 biennium. Currituck County has 3 members that serve on our Jury Commission. The Currituck County Board of Commissioners appoints one of the Commissioners. The Senior Resident Superior Court Judge and the Clerk of Superior Court appoint the other 2 members. The Jury Commission is tasked with preparing a Master Jury List from Raw Jury data provided from The NC Dept. of Transportation and the Currituck County Board of Elections.

I am formally requesting that the Board of Commissioners appoint Vivian Simpson of 149 Snowden Road Moyock to the Jury Commission. She has served on the Jury Commission for the last 3 terms and has been the appointee of the Board of Commissioners.

Thank you very much for your time and attention to this matter.

Best Regards,

Ray Matusko
Clerk of Superior Court
Currituck County

Attachment: Jury Commission Appointment (Jury Commission-Reappointment)



CURRITUCK COUNTY NORTH CAROLINA

October 21, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Currituck Station

The Currituck County Board of Commissioners and Currituck County Planning Board met at 4 PM in the Board Meeting Room for a work session to review the Unified Development Ordinance text amendment draft and Pattern Book for the Currituck Station mega-site. Staff present included Laurie LoCicero, Planning and Community Development Director, and Donna Voliva, Assistant Planning and Community Development Director.

Ms. LoCicero provided the history and vision for Currituck Station and reviewed key goals within the master plan. Ms. Voliva discussed the various zoning districts and sub-areas in Currituck Station and presented density and building height requirements for each district. Ms. Voliva responded to questions related to stormwater drainage, the developer review process, street lighting, and access roads.

Ms. Voliva reviewed the draft pattern book, which provides design direction for residential and commercial building, street patterns, public areas and community amenities. Currituck vernacular designs were compared with traditional commercial design, and Ms. Voliva highlighted changes in the UDO that will affect development both inside and outside of Currituck Station. Timelines and processes going forward were reviewed, with a tentative track to the Board of Commissioners in December.

The work session concluded at 5:05 PM.

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)

A) Invocation & Pledge of Allegiance-Reverend David Clift, Moyock United Methodist Church

Reverend David Clift attended to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Payment moved to amend the agenda by adding item 9 to Consent Agenda: Consideration of approval of Stormwater Technician job description and revised Salary Classification Chart. Commissioner Jarvis seconded the motion. The motion carried 7-0 and the agenda was approved as amended.

Approved agenda:

Work Session

4:00 PM Currituck Station

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend David Clift,
Moyock United Methodist Church

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.

Commissioner's Report

County Manager's Report

Administrative Reports

A) **NC Forest Service Report-Erik Alnes, Currituck Ranger**

Public Hearings

A) **PB 15-23 Corolla Adventure Park:** Brett Harrison of Corolla Adventure Park is requesting an amendment to their outdoor recreation use permit to add hatchet throwing as an allowable outdoor activity. The property is located at 1215 Ponton Lane, Corolla, Tax Map 114, Parcel 3P, Poplar Branch (Beach) Township.

B) **PB 14-05 The Gables:** Gables NC, LLC is requesting an amended preliminary plat/use permit for a 66 lot traditional development located off Guinea Road, Tax Map 22M,

Parcels 1 through 66, Moyock Township.

C) Consideration of a Request for Deferral: PB 19-17, Baxter Station Request for deferral for Baxter Station.

- D) PB 19-17 Baxter Station:** Planned Development - Residential zoning to support 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.

Old Business

- A) PB 19-15 Windswept Pines:** A request to conditional zone 66.8 acres from Conditional-Mixed Residential District (C-MXR) to Conditional-Mixed Residential District (C-MXR) to add 14 residential lots, streets, and modify phases in the Windswept Pines development located on the north side of Baxter Road in Moyock, Tax Map 9H, Parcels 42-58, 1-12, and OSA-OSC; and, Tax Map 9, Parcels 6A and 11L, Moyock Township.

New Business

A) Consideration of Hangar Lease Credits for Currituck County Airport Tenants

B) Board Appointments

1. Carova Beach Road Maintenance Service District Advisory

C) Consent Agenda

1. Approval Of Minutes for October 7, 2019
2. Budget Amendments
3. Surplus Resolution-Communications
4. Surplus Resolution-Mainland Water
5. Amendment to Notice to Proceed for Pre-Event Contract for Disaster & Debris Removal Services
6. Ocean Sands Wastewater Treatment Plant-Change Order, Hauling
7. FEMA Designation of Applicant's Agent
8. Records Disposal-Finance
9. **Amended Item:** Consideration of Approval of Stormwater Technician Job Description and Revised Salary Classification Chart

Adjourn

Special Meeting-Tourism Development Authority

Budget Amendments-TDA

Adjourn

Special Meeting-Ocean Sands Water & Sewer District

OSWSD-Budget Amendment

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, 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 White opened the Public Comment period.

Jamie Schwedler, Attorney with law firm Parker Poe, Raleigh, spoke on behalf of Allied Properties and the Windswept Pines rezoning, an item on the agenda under Old Business that was continued from the September 16, 2019, Board of Commissioners meeting. Ms. Schwedler asked that the Public Hearing for Windswept Pines be reopened to allow a new condition to be proposed by the applicant. Ms. Schwedler read the condition, which would establish age-restricted ownership and address the issue with school capacities.

No others wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White reported on Strategic Planning Sessions recently attended by Commissioners and thanked Ben Stikeleather, County Manager, for providing the opportunity for Commissioners to get together and discuss their vision for the County. He reported on the recent groundbreaking ceremony for the Currituck Maritime Museum. The Chairman announced North Carolina Senator Bob Steinburg was cleared by the state ethics committee over his interaction with the county and its sponsorship of a basketball tournament he promoted.

Commissioner Payment expressed his appreciation to Commissioners and staff involved in the Planning Sessions. He talked about the need for volunteers at local fire departments and encouraged citizens to serve. Commissioner Payment announced the upcoming Heritage Festival and noted profits from the BBQ contest will benefit Currituck Kids.

Commissioner Mary Etheridge announced the Department of Social Services (DSS) will accept applications for Operation Santa Clause until November 22, 2019, and encouraged those needing assistance or those able to donate to contact DSS.

Commissioner Beaumont attended the recent meeting of the Albemarle Regional Planning Organization Transportation (ARPO) for Division I. Projects still tracking include the Mid-Currituck Bridge and the widening of North Carolina 158 in Camden and Currituck Counties. He described funding challenges the North Carolina Department of Transportation is working through, caused by lawsuits they are involved in.

Commissioner Jarvis also reported on the Division I ARPO transportation meeting, and said attendees received a map of all regional transportation projects. She attended the Senior Volunteer Banquet and congratulated Stacy Joseph, Senior Center Coordinator, and her staff who host the event to recognize volunteer service. Commissioner Jarvis described her experience as a judge at the Animal Lovers Assistance League's Bark N Park event over the weekend.

Commissioner J. Owen Etheridge said the Strategic Planning Sessions provided an opportunity for Commissioners to interact with staff and look at the future in a pro-active way and looks forward to seeing plans come to fruition. He noted he received favorable comments about the beauty of Currituck County while attending a music festival in Corolla over the weekend.

Commissioner McCord congratulated Cameron Lowe, Cooperative Extension Director, and staff for a job well-done in putting together the program for the Planning Sessions. He offered condolences to the Wright family who recently lost their business in a fire and acknowledged the work of all of the first responders. Commissioner McCord announced the December 6, 2019, Christmas Parade and acknowledged how well-attended the Bark N Park event was.

RESOLUTION OF APPRECIATION-NC HIGHWAY PATROL TROOPER MATTHEW GRESHAK

Commissioner McCord acknowledged the heroic efforts of North Carolina Highway Patrol Trooper Matthew Greshak. Over the summer, Trooper Greshak responded to an accident in which a young victim was seriously injured. He provided lifesaving aid until Paramedics arrived at the scene.

Commissioner McCord read the Resolution and moved for adoption. Commissioner Beaumont seconded the motion. The resolution was unanimously adopted by the Board of Commissioners and presented to Trooper Greshak, who was in attendance, as were the young victim and her family.

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS IN APPRECIATION FOR THE SERVICE OF TROOPER MATTHEW GRESCHAK TO THE CITIZENS OF CURRITUCK COUNTY, NORTH CAROLINA

WHEREAS, on July 31, 2019 North Carolina State Highway Patrol Trooper Matthew Greschak responded to an automobile accident in Barco, North Carolina where he found an occupant of the automobile suffering from life threatening injuries; and

WHEREAS, Trooper Greschak forced his way into the damaged automobile to reach and render lifesaving aid to the injured person until relieved by emergency medical services personnel; and

WHEREAS, Trooper Greschak's immediate and selfless act rendering lifesaving aid to another is a credit to him and the tradition of the North Carolina State Highway Patrol for which the traveling public is grateful.

NOW, THEREFORE BE IT RESOLVED, by the Currituck County Board of Commissioners that on behalf of the citizens of Currituck County the Board of Commissioners acknowledges the lifesaving action of Trooper Matthew Greschak and extends its appreciation for his dedicated public service.

ADOPTED this 21st day of October, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, thanked Commissioners for participating in the recent Strategic Planning Sessions. He announced the Currituck County Finance Department has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada. He informed the Board of his upcoming vacation.

ADMINISTRATIVE REPORTS

A. NC Forest Service Report-Erik Alnes, Currituck Ranger

Erik Alnes, North Carolina Forest Service Ranger for Currituck County, presented agency activities and accomplishments over the past year. Mr. Alnes reported statistics for fire response and reviewed forest management and prescribed burn activities. Logging operations inspected within the county turned up no violations. He reported twenty information and education events were held in the county, and noted they are looking to fill an Assistant County Ranger position. He thanked the Board of Commissioners for their continued support and responded to questions.

Commissioner Payment noted the value of joint fire training, and Mr. Alnes said they could incorporate that training if there is interest. Commissioner J. Owen Etheridge talked of the educational training programs through the Forest Service and said the Currituck County Future Farmers of America (FFA) chapter had just won a district forestry championship. Mr. Alnes provided information on prescribed burns in the county.

PUBLIC HEARINGS

A. PB 15-23 Corolla Adventure Park:

APPLICATION SUMMARY

Property Owner:	Applicant:
Ocean Hill Commercial LLC c/o Mona Smith	Brett Harrison Corolla Adventure Park

APPLICATION SUMMARY

1408 Dundaff St., Apt. 110 Norfolk, VA 23507	1215 Ponton Lane Corolla, NC 27927
Case Number: PB15-23	Application Type: Use Permit – Amendment #1
Parcel Identification Number: 0114-000-003P-0000 1215 Ponton Lane, Corolla, Poplar Branch Beach Township	Existing Use: Aerial Adventure Park (Outdoor Recreation Facility)
Land Use Plan Classification: Full Service within Corolla Subarea	Parcel Size (Acres): 7.92 ac
Request: Amend Use Permit to add hatchet throwing as an outdoor activity	Zoning: SFO with PUD Overlay and GB Allocation

SURROUNDING PARCELS

	Land Use	Zoning
North	Single-Family Dwellings & Vacant Property	SFO w/ PUD Overlay
South	Water Treatment Area	SFO w/ PUD Overlay
East	Single-Family Dwellings & NC12	SFO w/ PUD Overlay
West	Federal Property/Woodlands/ Commercial Uses	SFO w/ PUD Overlay

On February 1, 2016 the Board approved a use permit for an outdoor recreation facility for operation of an Aerial Adventure Park.

Brett Harrison of Corolla Adventure Park has submitted an amendment application to add hatchet throwing as an allowable outdoor recreation activity. Based on the parking narrative provided, adequate parking for this use is available on site.

COMMUNITY MEETING

A community meeting was held on August 20, 2019. A summary is provided in the agenda packet.

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

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

1. These existing use permit conditions shall remain in place:
 - a. The facility shall comply with the standards as set forth by the Association for Challenge Course Technology (ACCT).
 - b. The facility shall provide for annual inspection by an ACCT certified inspector.

- c. The applicant shall provide the annual inspection report to the County upon request.
 - d. Hours of operation are limited to 8:00AM to sunset.
 - e. The facility shall not exceed the minimal light requirements as set forth for safety as established by the County.
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
- a. Site plan approval is required and the hatchet throwing area shall be constructed in substantial conformance with the proposed elevation drawing.
 - b. Safety and activity standards set by the National Axe Throwing League shall be met or exceeded.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

- 1. The highest standards shall be applied to the hatchet throwing activity.
- 2. Standards set by the National Axe Throwing League shall be met or exceeded.

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

Preliminary Applicant Findings:

- 1. The use does not cause outside disturbance or noise.
- 2. There is very little structure involved, no actual building and minimal land disturbance.

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

Preliminary Staff Findings:

- 1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:

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

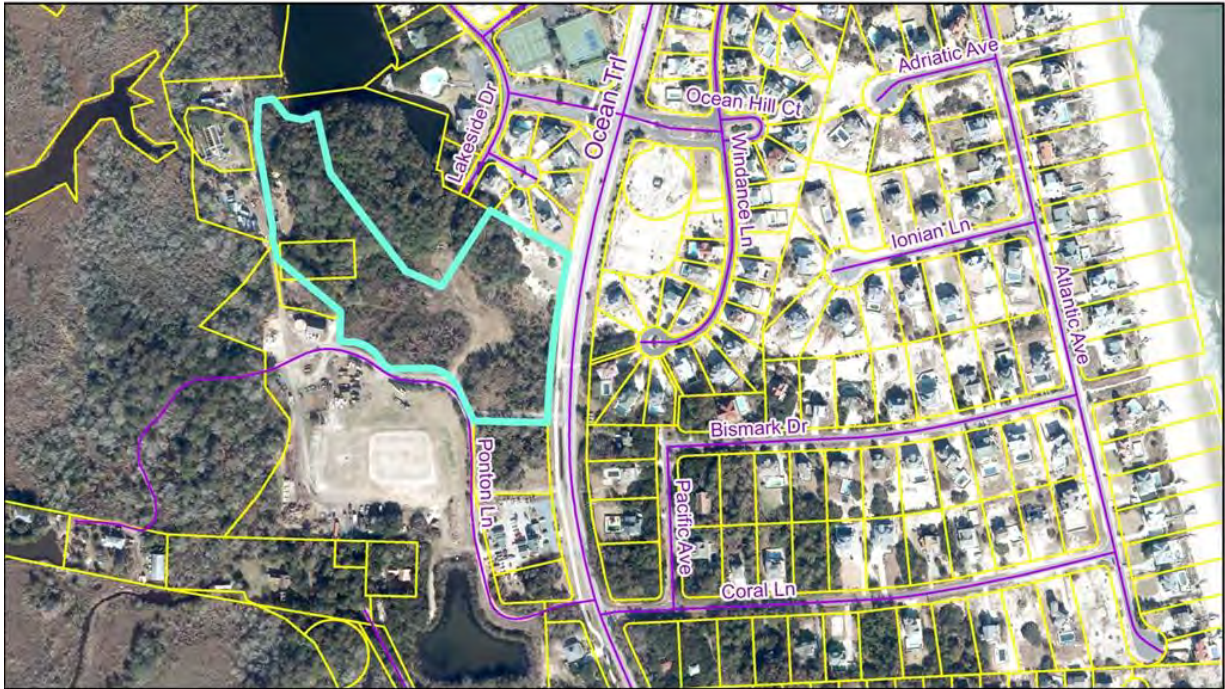
POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized..

POLICY OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

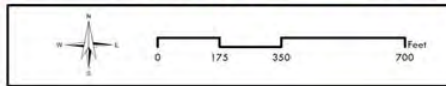
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

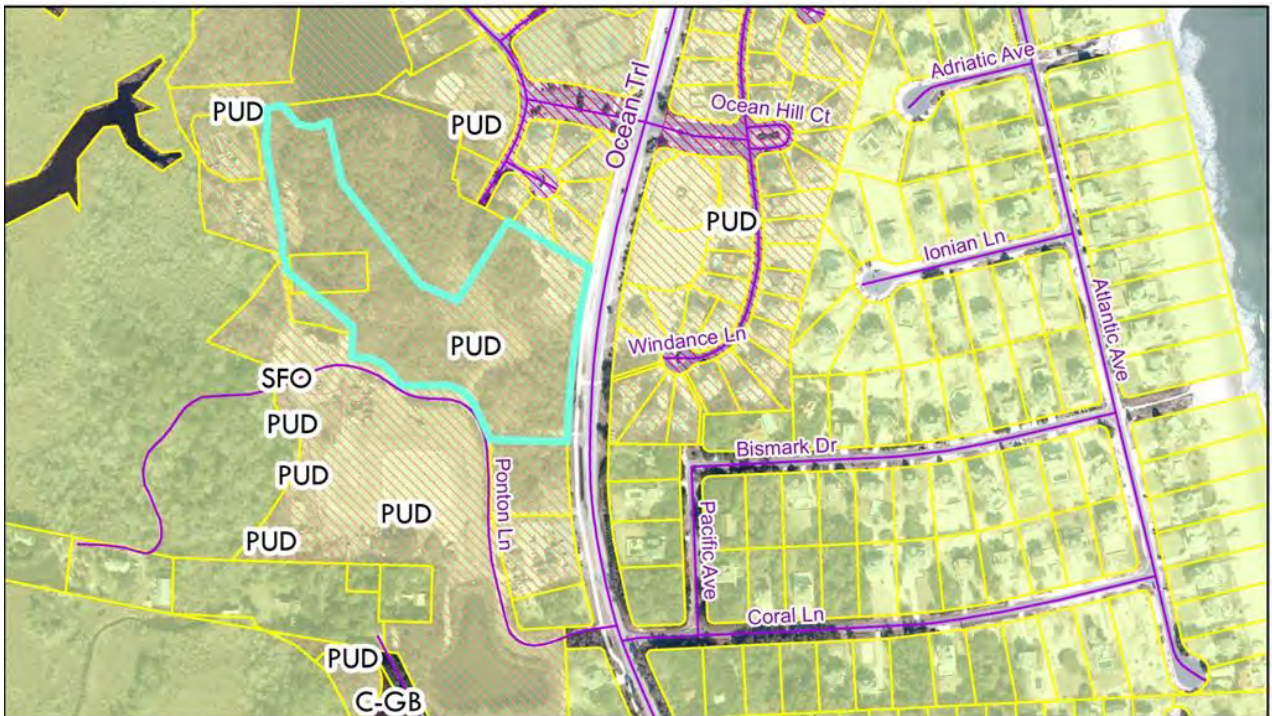
- 1. The use should have no impact on public facilities.



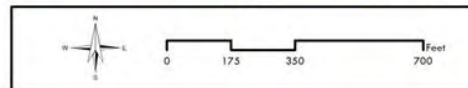
15-23 Corolla Adventure Park
Use Permit Amendment #1
Aerial



Currituck County
Planning and Community
Development



15-23 Corolla Adventure Park
Use Permit Amendment #1
Official Zoning Map



Currituck County
Planning and Community
Development

Parties to testify were sworn in and Planner, Jennie Turner, reviewed the request to amend the applicant's use permit to allow hatchet throwing at the location. Ms. Turner used a

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powerpoint to display maps of the location and the facility. She said the Technical Review Committee (TRC) recommended approval of the request, and recommended conditions, supporting policies and staff findings were presented.

Ms. Turner responded to questions posed by Commissioners regarding noise from the activity, and she clarified hatchet throwing was already taking place at the facility.

Brett Harrison, owner, said neighbors have not had issues with the sound and that the hatchet throwing area is not close to residential housing. He acknowledged he did not realize he needed approval to add the activity and is going through the process after learning of the need to amend his permit. Mr. Harrison described the throwing area, supervision at the facility, age restrictions, and equipment storage. He presented findings of fact to support approval of the request.

Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Chairman White moved to approve PB 15-23, Corolla Adventure Park Use Permit Amendment #1, with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO). Conditions of approval are as follows.

- 1) These existing use permit conditions shall remain in place
 - a.) The facility shall comply with the standards as set forth by the Association for Challenge Course Technology (ACCT).
 - b.) The facility shall provide for annual inspection by an ACCT certified inspector.
 - c.) The applicant shall provide the annual inspection report to the County upon request.
 - d.) Hours of operation are limited to 8:00 AM to sunset.
 - e.) The facility shall not exceed the minimal light requirements as set forth for safety as established by the County.
- 2) The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a.) Site plan approval is required and the hatchet throwing area shall be constructed in substantial conformance with the proposed elevation drawing.
 - b.) Safety and activity standards set by the National Axe Throwing League shall be met or exceeded.
 - c.) Range shall be occupied by an employee at all times that hatchet throwing activity is in progress.

The use will not endanger the public health or safety.

- The highest standards shall be applied to the hatchet throwing activity
- Standards set by the National Axe Throwing League shall be met or exceeded

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

- The use does not cause outside disturbance or noise
- There is very little structure involved, no actual building and minimal land

disturbance

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

- The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan:
 - POLICY ED1: New and expanding industries and business shall be especially encouraged that diversify the local economy, train and utilize a more highly skilled labor force, and are compatible with the environmental quality and natural amenity-based economy of Currituck County
 - POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions and spin-offs shall also be recognized
 - POLICY OB2: So as to minimize commercial strip development and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

The use will not exceed the county's ability to provide adequate public facilities.

- The proposed use will have no impact on public facilities

The motion was seconded by Commissioner Payment. The motion carried 7-0.

RESULT:	MOTION PASSED-ITEM APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

B. PB 14-05 The Gables:

APPLICATION SUMMARY

Property Owner: See Attachment A for complete list of property owners	Applicant: The Gables NC, LLC 448 Viking Drive, Suite 220 Virginia Beach, VA 23452
Case Number: PB 14-05	Application Type: Amended Preliminary Plat/Use Permit
Parcel Identification Number: See Attachment	Existing Use: Residential Subdivision
Land Use Plan Classification: Full Service	Parcel Size (Acres): 97.79 acres
Moyock Small Area Plan Classification: Limited Service	Zoning: C-SFM
Number of Units: 66 residential lots	Project Density: 0.67 units/acre
Required Open Space: 29.23 acres	Provided Open Space: 29.27 acres

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SURROUNDING PARCELS		
	Land Use	Zoning
North	Farmland/Woodland	AG/SFM
South	Low density residential	AG/C-SFM
East	Low density residential	SFM
West	Farmland/Low density residential	SFM

NARRATIVE

The applicant is requesting an amended preliminary plat/use permit to modify the layout of the cluster box unit (CBU) facility and the plant material sizing for the farmland buffer. The applicant is not requesting a change in the use permit conditions. Staff added condition of approval d. to address the farmland buffer (*italics*).

The requested change will allow the development to:

- Meet the current UDO farmland buffer that requires 14 trees for every 100 linear feet of buffer length and creates an opaque buffer that consists of mixed hardwoods and 50% evergreen species (excluding pine trees). The farmland buffer is not subject to the minimum planting heights provided in the Administrative Manual; and,
- Modify the configuration of the CBU and associated parking/pull-off.

DEVELOPMENT HISTORY

The conditional zoning for the development was approved by the Board of Commissioners July 1, 2013 (C-SFM PB 13-10). The re-zoning established the following conditions for the property:

- The proposed use will be a 66 lot residential subdivision.
- 50' buffer will be provided adjacent to farmland.
- Additional screening to include trees, shrubs, fencing, and berms, as appropriate and in general conformance with the conceptual development plan, will be provided:
 - Adjacent to existing residential properties along the entrance road; and,
 - Adjacent to developed residential properties.
- The street stub located on the northeast side of the proposed development shall be coordinated with the adjacent land owner, n/f Jerry L. Old. The proposed lots adjacent to the Old property may require reconfiguration to accommodate a street stub that meets the intersection spacing requirements of the UDO. Minor deviations from the concept plan shall be allowed to provide flexibility in the street placement and lot configuration.

The Gables preliminary plat and use permit were approved by the Board of Commissioners on June 2, 2014. The preliminary plat was approved at a time when the farmland buffer required a minimum of 15 caliper inches of canopy trees per 100 linear feet of buffer length. The ordinance did not allow for a reduction in the minimum planting height. The Gables construction drawings approved on May 7, 2015 specifically identified the farmland buffer compliant with the ordinance in effect at that time. On May 18, 2015, the Board of Commissioners approved a text amendment, PB 14-23 Justin Old, that modified the language and allowed a reduction in the required planting height and number/type of trees required in the farmland buffer.

The Gables final plats, phases 1 and 2, were recorded on April 25, 2019 and the developer posted a performance guarantee for the incomplete infrastructure. In addition, the recorded final plat identified the location and configuration of the CBU and off-street parking located in open space. The requested change to the CBU facility will involve the installation of a pull-off area intended for three on-street parallel parking spaces and the CBU located in the right of way and on open space. Since

the recording of the final plat many of the lots transferred. The current lot owners consent to the application submitted by The Gables NC, LLC.

INFRASTRUCTURE	
Water	Existing County Water
Sewer	Septic
Transportation	Pedestrian: Existing trail/sidewalk system
	Connectivity Score: No change proposed
Stormwater/Drainage	No change in the drainage plan
Design Standards	As identified in the requested modification
Lighting	No change in lighting
Landscaping	As identified in the requested modification
Compatibility	No change in lot configuration or use
Recreation and Park Area Dedication	Payment in lieu of dedication received for 66 lots
Riparian Buffers	No changes in riparian buffers

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	No capacity changes in the requested amendment
Shawboro Elementary	85%			
Central Elementary	75%			
Griggs Elementary		74%	100%	
Jarvisburg Elementary				
Knotts Island Elementary		37%	38%	
Moyock Middle		81%	95%	No capacity changes in the requested amendment
Currituck Middle				
Currituck High		85%	105%	No capacity changes in the requested amendment
JP Knapp Early College				

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO.

2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The pedestrian circulation for the proposed development will be accomplished by a trail in lieu of sidewalks on both sides of the street and be subject to the following:
 - i. The trail must be hard surfaced, ADA-accessible, and located within open space set-asides, where possible.
 - ii. All pedestrian cross walks shall be aligned with cross walks on the opposing side of the street.
 - iii. Pedestrian circulation shall be extended to property boundaries where street interconnection (Thayne Drive and Clements Way) also extend to property boundaries.
 - b. The 30' access easement (Clements/Spruill) shall be labeled.
 - c. Currituck County will accept payment in lieu of recreation and park area dedication in accordance with the UDO.
 - d. *The farmland buffer shall meet the UDO requirements of Section 5.11, as amended. (New condition)*

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. Stormwater management has been provided in accordance with the current Currituck County stormwater manual and the UDO. Two large stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements. Surrounding drainage ditches will be improved and/or new ditches constructed in parallel to improve existing drainage conditions.
2. Albemarle Regional Health Services has evaluated each of the 66 lots for suitability for wastewater disposal and has established criteria for the approval of a wastewater disposal system for each lot.
3. The project was designed in accordance with the NC Department of Energy, Mineral, and Land Resources sedimentation & erosion control standards, and therefore minimized erosion and will contain siltation on site
4. All lots are accessed via interior subdivision roads for traffic safety.

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

Preliminary Applicant Findings:

1. Most of the surrounding land has been zoned for development and has either been developed as single-family residential, or is slated to be developed as follows:
 - a. Farmland, Glenmore and Currituck Reserve to the north and west (single family).
 - b. Beckmoore Estates adjacent to the southwest (single family).
 - c. Existing single family homes to the south
 - d. Single family subdivision to the east (Holly Ridge)
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area, as the subdivision is of similar density to the surrounding area.

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

Preliminary Staff Findings:

The 2006 Land Use Plan does not directly address specific policies or objectives the proposed modifications. However, the preliminary staff findings are provided for the subdivision.

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

The Full Service area identifies a residential base development density to be 2 units per acre, but could be increased to 3-4 units per acre through overlay zoning depending upon services available and potential impacts on the surrounding area.

The policy emphasis for the Moyock subarea indicates 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 development density is 0.67 units per acre.

The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

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

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.

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

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

Preliminary Staff Findings:

1. The Gables preliminary plat and use permit were approved by the Board of Commissioners on June 2, 2014.
2. The Gables subdivision contains 66 residential lots and was recorded April 25, 2019.
3. There is no increase in the number of lots in the existing subdivision.
4. The proposed plan changes involving the farmland buffer planting requirements and the design of the CBU will not exceed the county's ability to provide adequate public facilities.

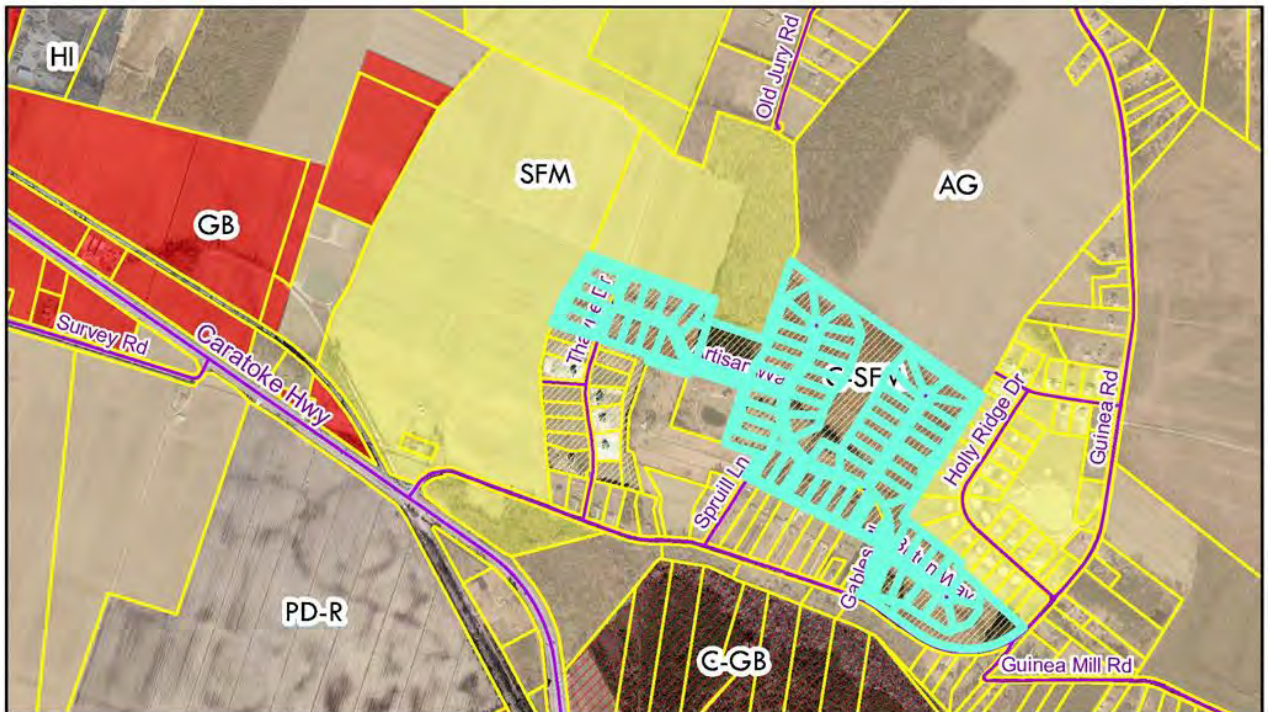
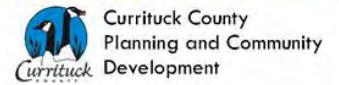
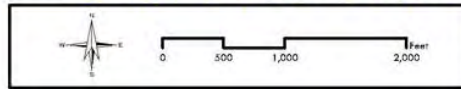
**Property Owner
Attachment A**

Property Owner	Property Address	PIN
Tina Marie Clements	109 Artisan Way	022M00000090000
Brooks R. Clements	110 Artisan Way	022M00000100000
Jacquelyn I. Burke	111 Artisan Way	022M00000080000
Brooks R. Clements	112 Artisan Way	022M00000110000
Gables Development LLC	113 Artisan Way	022M00000070000
Gables NC LLC	114 Artisan Way	022M00000120000
David W. and Sandra E. Larkin	115 Artisan Way	022M00000060000
Gables NC LLC	116 Artisan Way	022M00000130000
Gables NC LLC	117 Artisan Way	022M00000050000
Gables Development LLC	Artisan Way	022M000000SE0000
Gables NC LLC	100 Ashbee Court	022M00000460000
Gables NC LLC	101 Ashbee Court	022M00000300000
Gables NC LLC	102 Ashbee Court	022M00000450000
Gables NC LLC	103 Ashbee Court	022M00000310000
Gables NC LLC	104 Ashbee Court	022M00000440000
Gables NC LLC	105 Ashbee Court	022M00000320000
Gables NC LLC	106 Ashbee Court	022M00000430000
Gables NC LLC	107 Ashbee Court	022M00000330000
Gables NC LLC	108 Ashbee Court	022M00000420000
Gables NC LLC	109 Ashbee Court	022M00000340000
Gables NC LLC	110 Ashbee Court	022M00000410000
Gables NC LLC	111 Ashbee Court	022M00000350000
Gables NC LLC	112 Ashbee Court	022M00000400000
Gables NC LLC	113 Ashbee Court	022M00000360000
Gables NC LLC	114 Ashbee Court	022M00000390000
Gables NC LLC	115 Ashbee Court	022M00000370000
Gables NC LLC	117 Ashbee Court	022M00000380000
Gables NC LLC	100 Briton Way	022M00000660000
Gables NC LLC	101 Briton Way	022M00000660000
Gables NC LLC	102 Briton Way	022M00000570000
Gables NC LLC	103 Briton Way	022M00000580000
Gables NC LLC	104 Briton Way	022M00000640000
Gables NC LLC	105 Briton Way	022M00000590000
Gables NC LLC	106 Briton Way	022M00000630000
Gables NC LLC	107 Briton Way	022M00000600000
Gables NC LLC	108 Briton Way	022M00000620000
Gables NC LLC	109 Briton Way	022M00000610000
Gables NC LLC	107 Gables Place	022M00000470000
Gables NC LLC	109 Gables Place	022M00000480000
Gables NC LLC	111 Gables Place	022M00000490000
Gables NC LLC	113 Gables Place	022M00000500000
Gables NC LLC	114 Gables Place	022M00000290000
Gables NC LLC	115 Gables Place	022M00000510000
Gables NC LLC	117 Gables Place	022M00000520000
Gables NC LLC	119 Gables Place	022M00000530000
Gables NC LLC	122 Gables Place	022M00000280000
Gables NC LLC	123 Gables Place	022M00000540000
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Gables NC LLC	125 Gables Place	022M00000550000
Gables NC LLC	126 Gables Place	022M00000260000

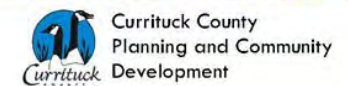
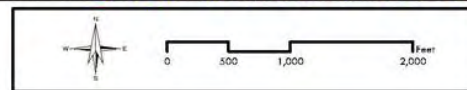
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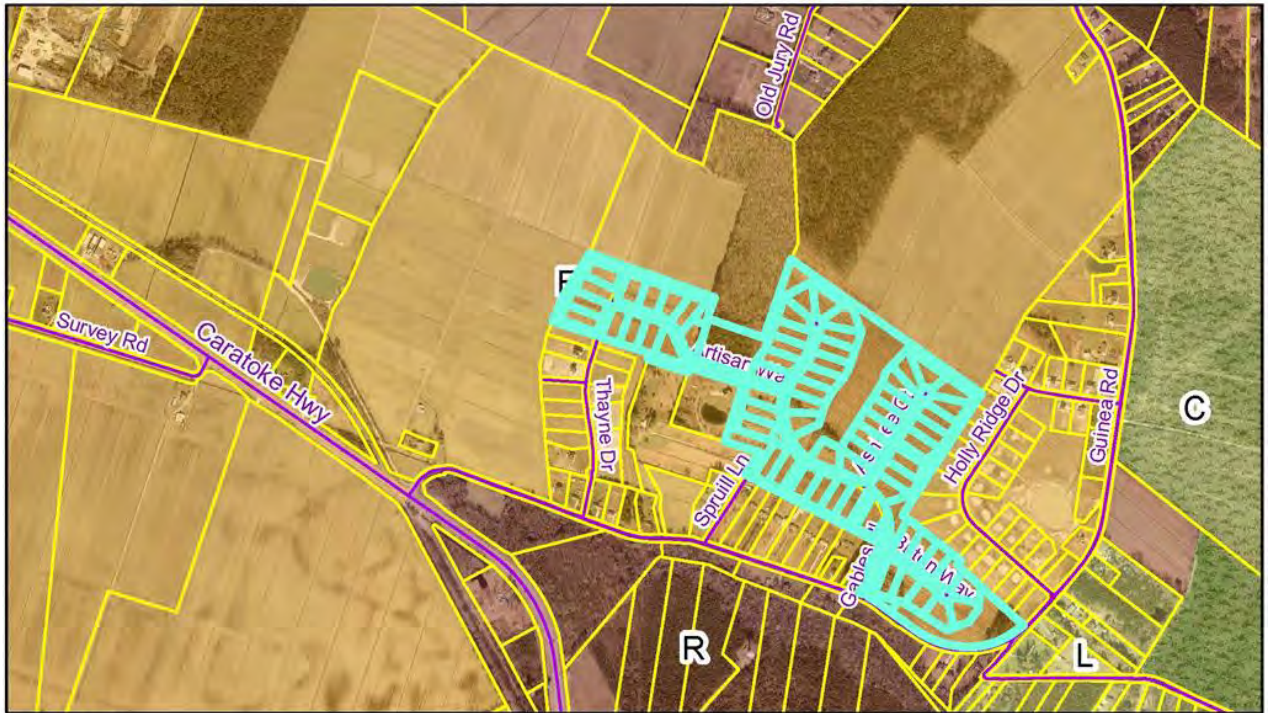
PB 14-05
The Gables
Aerial



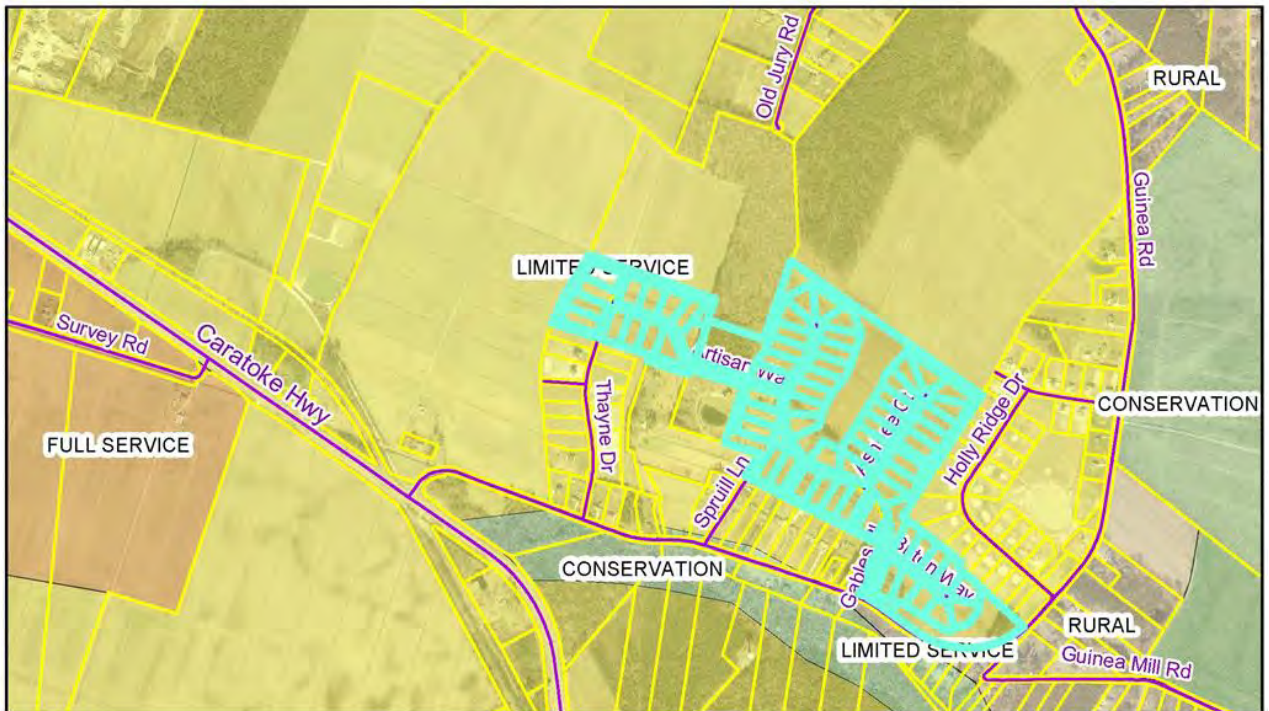
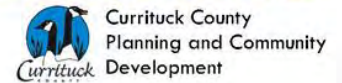
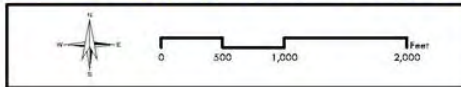
PB 14-05
The Gables
Zoning



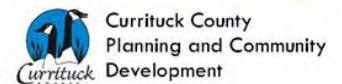
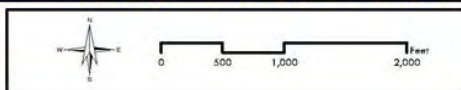
Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)



PB 14-05
The Gables
2006 Land Use Plan



PB 14-05
The Gables
Moyock SAP



Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)

Parties to testify were sworn in and Assistant Planning Director, Donna Voliva, reviewed the application with the Board. The request proposed a modification to the cluster mailbox layout and farmland buffer requirement. A powerpoint was used to display the subdivision plat and to denote the revised cluster mailbox configuration and buffer area. The Technical Review Committee (TRC) recommended approval of the amended use permit, and Ms. Voliva reviewed suggested conditions, supporting policies and staff findings of fact.

Ms. Voliva responded to Board questions both during and after presentation. She addressed several questions related to the roadside pull-off cluster mailbox area, and explained an earlier text amendment that changed buffering requirements in the Unified Development Ordinance.

Mark Bissell, Engineer, provided sworn testimony on behalf of the applicant. He said community meetings resulted in no issues with the buffer change. He responded to Board concerns with the pull-off design for the cluster mailbox and said he believes the design is the safer option.

During discussion, Commissioner McCord disclosed that his company had submitted a bid to install the landscape buffer and asked to be recused from voting. Commissioner Beaumont moved to allow Commissioner McCord to be recused. The motion was seconded by Commissioner Jarvis. The motion carried, 7-0 and Commissioner McCord exited the Board Meeting Room.

Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Mary Etheridge moved to deny PB 14-05 because the applicant did not provide evidence to meet the burden of proof that the modified CBU layout and farmland buffer will not endanger the public health and the safety of the public. The applicant did not provide evidence to meet the burden of proof that the modified CBU layout and farmland buffer will not injure the value of adjoining or abutting property.

The motion was seconded by Commissioner Payment. The motion carried, 6-0.

Commissioner J. Owen Etheridge suggested the county revisit the text amendment to address concerns with buffering and allowing the planting of saplings.

RESULT:	MOTION PASSED-ITEM DENIED [6 TO 0]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner
RECUSED:	Kevin E. McCord, Commissioner

) Recess

A recess was called at 7:30 PM. The Board reconvened at 7:40 PM at which time Commissioner McCord was re-seated with the Board.

C. Consideration of a Request for Deferral: PB 19-17, Baxter Station

Laurie LoCicero, Planning and Community Development Director, reviewed the applicant's request for a deferral. Ms. LoCicero reviewed the advertising timeline for public hearings and at the request of Commissioners County Attorney, Ike McRee, reviewed the rules and process for deferral requests.

Jamie Schwedler, Attorney for Parker Poe, spoke on behalf of applicant, Allied Properties, and said the request for deferral was due to issues related to the county's adequate public facilities ordinance and school capacity. Mark Bissell, Engineer for Allied Properties, also spoke in support of the request for deferral and said six months would be appropriate to provide time for solutions to be developed by the Board of Education.

Commissioner J. Owen Etheridge moved to defer the item to the April 20, 2020, Board of Commissioners meeting. The motion was seconded by Commissioner McCord. The motion carried 6-1 with Commissioner Mary Etheridge opposed.

RESULT:	APPROVED [6 TO 1]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner

D. PB 19-17 Baxter Station:

The request for deferral was approved for PB 19-17, Baxter Station. No Public Hearing was held and the item was continued to the April 20, 2020, meeting of the Board of Commissioners.

OLD BUSINESS

- A. PB 19-15 Windswept Pines: A request to conditional zone 66.8 acres from Conditional-Mixed Residential District (C-MXR) to Conditional-Mixed Residential District (C-MXR) to add 14 residential lots, streets, and modify phases in the Windswept Pines development located on the north side of Baxter Road in Moyock, Tax Map 9H, Parcels 42-58, 1-12, and OSA-OSC; and, Tax Map 9, Parcels 6A and 11L, Moyock Township.**

APPLICATION SUMMARY	
Property Owner: See complete listing of property owners on Attachment A	Applicant: See complete listing of applicants on Attachment A
Case Number: 19-15	Application Type: Conditional Rezoning
Parcel Identification Number: See Attachment A	Existing Use: Residential Subdivision
Land Use Plan Classification: Rural	Parcel Size (Acres): 66.8 acres

APPLICATION SUMMARY

Moyock Small Area Plan Classification: Full Service	Zoning History: A and GB (1989) C-MXR (2015) (2018)
Current Zoning: C-MXR	Proposed Zoning: C-MXR
Request: The request is amend the conceptual plan to add 14 residential lots.	

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹

School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+3
Shawboro Elementary	85%			
Central Elementary	75%			
Griggs Elementary		74%	100%	
Jarvisburg Elementary				
Knotts Island Elementary		37%	38%	
Moyock Middle		81%	95%	+1
Currituck Middle				
Currituck High		85%	105%	+2
JP Knapp Early College				

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

NARRATIVE

A conditional zoning of this property was approved in 2015 that established the Conditional Mixed Residential (C-MXR) district known as Windswept Pines development. The 2015 approved development plan created 59 total lots (including one existing parcel recombined to provide an entrance to Baxter Lane), 1.48 acre commercial area, and a possible future development phase. The future development phase did not have a conceptual design layout, pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space, or approximate location of jurisdictional wetlands. Since the 2015 conditional zoning approval, the applicant has designed and developed Windswept Pines, Phases 1 and 2. Windswept Pines Phase 1 is recorded and several homes are under construction. It is anticipated that Phase 2 will be recorded in the near future.

The property in question is zoned C-MXR and at the time of the conditional zoning was identified as future development area with no identified lot or road layout. On November 5, 2018, the Board of Commissioners approved a conditional zoning amending the conditions and project area to provide additional stormwater ponds for Phase 2 development.

This request is to amend the development plan to add 14 residential lots and streets that will phase as follows:

Phase 1	30 lots	Recorded
Phase 2	29 lots	2019 Final Plat is under review (previously shown as year 2)
Phase 3	14 lots	2020
Phase 4	Commercial	2021 (previously shown as Phase 3 in year 3)

The road extension and access for this phase (14 lots) provides interconnectivity to adjacent lands to the north and east.

For the entire development, the summary of the new conceptual plan is as follows:

Total Area: 66.87 acre rezoning
 73 residential lots (including the existing McCrary parcel)
 1 commercial parcel with 1 – 2,500 square feet building

Open Space - Required

19.617 acres required residential open space (65.32 acres x 30%)

0.148 acres required commercial open space (1.48 acres x 10%)

Open Space – Provided

24.57 acres residential open space

0.15 acres commercial open space

COMMUNITY MEETING

The community meeting was held on May 13, 2019 at 6:00 pm at the Moyock Library. There were three people from the community in attendance. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included another access to Baxter Lane, development interconnectivity, street lights, speed limit, and the timing of the development and home construction. A summary of the community meeting is provided in the packet.

CONDITIONS OF APPROVAL

The applicant does not propose any changes to the zoning conditions of approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.
5. All residential development will be single family and will conform to sample building elevations provided.

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential/Woodland/Farmland/ Sand Mine	GB/AG
South	Residential/Business	GB/AG
East	Farmland	AG
West	Cemetery/Farmland	GB

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. 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 development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the MXR district.* The following land use plan policies are relevant to the request:

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services. (summary)
Policy PP2	Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not be limited to water supply, school capacity, park and open space needs, fire fighting capability, and law enforcement.
*Prior zoning map amendments (2015 and 2018) adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the MXR district signifies a discrepancy between the two plans.	

MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surround land uses.

Policy FLU1	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.
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Technical Review Committee

The Technical Review Committee reviewed the conditional zoning request and identifies the following **outstanding staff concerns**:

1. The 2006 Land Use Plan identifies this property as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. 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.
2. The Moyock Small Area Plan identifies this site as Full Service.
3. The UDO dimensional standards in the MXR zoning district provide the maximum gross density of 2 units per acre in the Full Service Area and 1 unit per acre in the Limited Service Area. The UDO does not provide density allocation for property in the Rural land use classification. The MXR zoning district purpose provides more intense development density and uses than the areas typically identified as the Rural land use classification.
4. Prior zoning map amendments, including the amendments in 2015 and 2018, placed emphasis on the Moyock Small Area plan allowing for the full service development density of 2 units per acre. However, a recent zoning map amendment of PB 18-23 with an effective date of May 6, 2019, placed emphasis on the 2006 Land Use Plan as the approved CAMA plan. That decision, if applied to this property, would not meet the county UDO since this area is identified as Rural with no development density allocated.
 - a. Windswept Pines, as approved, has a development gross density of 0.88 dwelling units per acre (66.8 acres – including 1.48 acres commercial lot).

- b. The requested gross development density is 1.09 dwelling units per acre.
5. Based on the 2019 decision, an amendment to the 2006 Land Use Plan land use map (Rural to Full Service) is necessary for this increase in development density to be allowed under the UDO.

When emphasis is placed on the 2006 Land Use Plan, the conditional zoning could be considered consistent with the Moyock subarea. However, without an amendment to the Land Use Plan (map) the increase in development density is not allowed in the UDO. An amendment the 2006 Land Use plan shall comply with the standards in the NCGS.

Based on August 2019 Average Daily Membership (ADM) for Moyock Elementary School (MES) and the capacity approved by Currituck County Board of Education in September 2019, Moyock Elementary School exceeds capacity. The capacity for MES is **560** students and the August 2019 ADM is **593** students. Because school facilities are not adequate, staff recommends denial of the rezoning at this time. If the rezoning is approved, the applicant will need to revise the Preliminary Plat and Use Permit associated with this development. The Use Permit process will require a finding that the development does not exceed the County's ability to provide adequate public facilities. With the ADM of MES exceeding the acknowledged capacity, this finding cannot be met.

Planning Board

Planning Board Discussion – July 9, 2019

Donna Voliva, Assistant Planning Director, presented the staff report. This rezoning will modify the development plan. Ms. Voliva gave the narrative and described the adjacent properties zonings. This property is designated at rural and the Small Area Plan shows as Full Service. Ms. Voliva showed a drawing of the subdivision and explained the phases of the 73 lot subdivision which has road extensions which are required by ordinance, explained the school capacity chart on page 20 and the 2006 Land Use Plan (LUP). In 2014 the county adopted a Moyock - Small Area Plan (SAP). In the past, staff has used the SAP as the guiding document, but earlier this year the Board of Commissioners made a decision that used the LUP. The LUP shows this area as Rural and this designation does not have any density classification, but the Moyock SAP shows it as Full Service with a density of 1.5 to 3 units per acre depending on surrounding land uses. The General Assembly has allowed rezoning decisions to automatically update the LUP. Therefore, an amendment to the Zoning Map is also an amendment to the 2006 LUP. Ms. Voliva also went over the agreed upon conditions of approval and said staff recommends approval since it is needed to amend the 2006 LUP to allow the increase in density for the development.

Chairman Ballance opened the public comment and Mr. Bissell came before the board. He said this is basically an expansion; all is the same on the development plan except adding the 14 lots and the additional 2,500 square foot building. There were no questions for the applicant. Three residents of Windswept Pines voiced concerns about the amount of traffic and only having one entrance/exit road. They also said they were not made aware of these additions when they purchased within the subdivision and wanted to know what the commercial buildings will be used for.

Mr. Bissell responded saying there was never a plan to provide a second entrance from Baxter Lane, but eventually the two connector streets may be used if subdivisions are developed adjacent to the property. He said the commercial property where the buildings will be located has always been shown as commercial. The types of businesses to be located in these buildings are unknown at this time, but possibly a business such as a dry cleaner, office or retail.

Planning Board Motion – Approved Unanimously

Chairman Ballance motioned to approve PB 19-15 Windswept Pines conditional rezoning as presented with the agreed upon conditions of approval because the conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on

the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners. It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. Mr. Doll seconded the motion and the motion carried unanimously.

The Windswept Pines residents in the audience voiced concerns over this approval. Ms. Voliva let them know this is a recommendation and the final decision will be made by the Board of Commissioners. She told them they will receive letters in the mail with the date and time of the Board of Commissioners meeting for this public hearing.

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

This conditional zoning request is not consistent with 2006 Land Use Plan because:

- The request is located in the Moyock Elementary School district;
- The Moyock Elementary School average daily membership (ADM) for August 2019 exceeds the actual school capacity adopted by the Currituck County Board of Education;
- The request increases the number of projected students in the Moyock Elementary School district by three students based on the Student Generation Rate study prepared by Tischler and Associates, Inc. (2004);
- The request will exceed the county's ability to provide adequate public facilities and is inconsistent with 2006 LUP Policy PP2.

It is not reasonable and not in the public interest because the proposed development can not be adequately served by public facilities (schools) and is not in harmony with the purposes and intent of the UDO, including but not limited to the purpose and intent of the subdivision standards (Section 6.1.1.)

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.

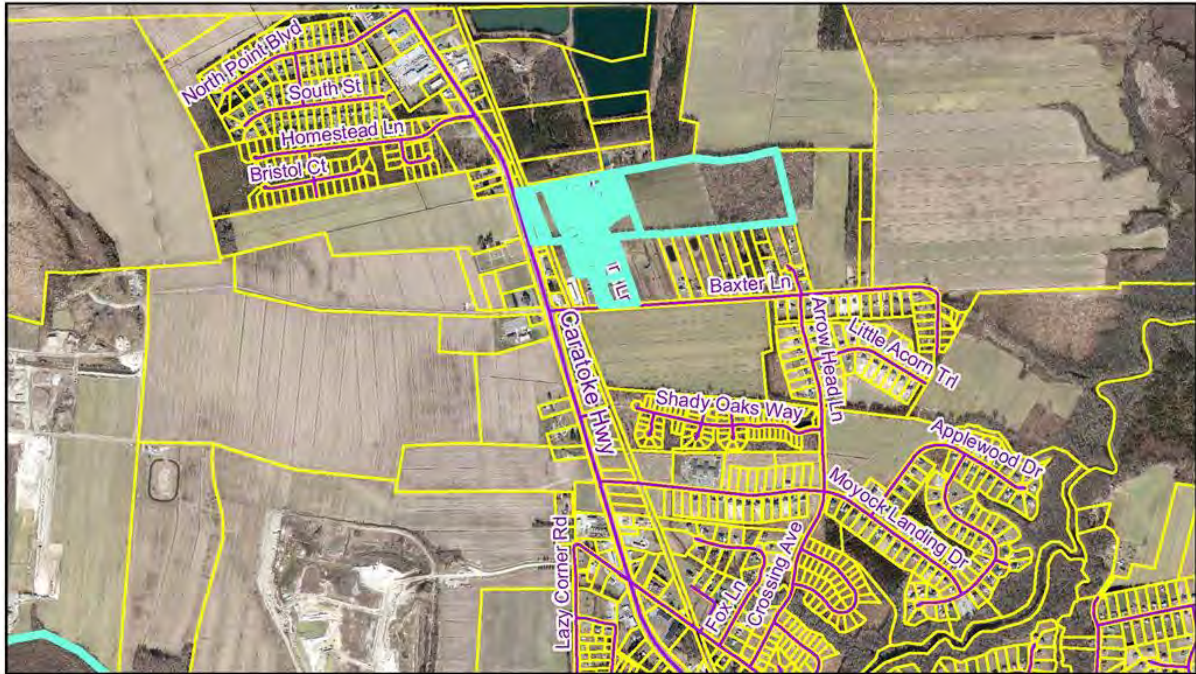
Agreed upon conditions of approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.
5. All residential development will be single family and will conform to sample building elevations provided.

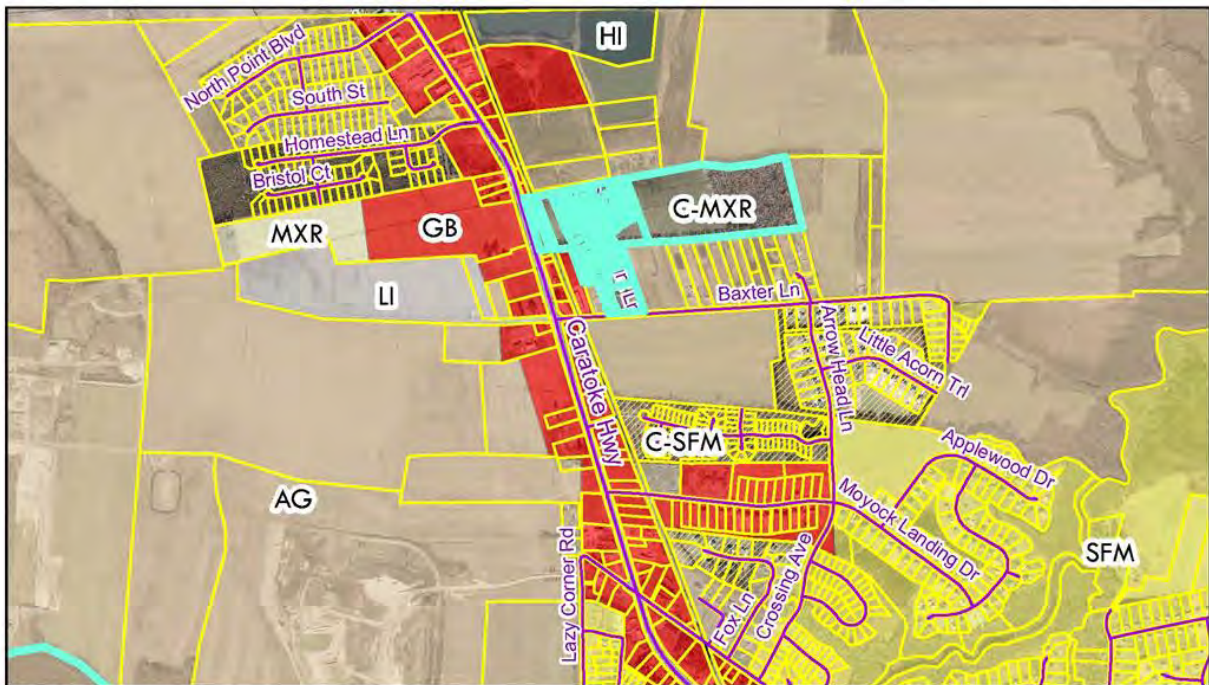
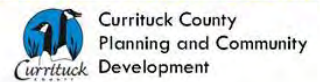
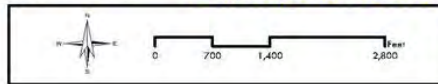
Attachment A

Property Owner	Property Address	PIN
QHOC of Windswept Pines, LLC	123 Parrish Point, Moyock, NC	009H-000-0001-0000
Brian Cantal	125 Parrish Point, Moyock, NC	009H-000-0002-0000
Phillip & Lisa Hall	127 Parrish Point Lane, Moyock, NC	009H-000-0003-0000
Mark Hedish	129 Parrish Point Lane, Moyock, NC	009H-000-0004-0000
Kim & Robert Ausman	128 Parrish Point Lane, Moyock, NC	009H-000-0005-0000
Matthew & Stacey Rafferty	126 Parrish Point Lane, Moyock, NC	009H-000-0006-0000
Spencer & Meaghan Press	124 Parrish Point Lane, Moyock, NC	009H-000-0007-0000
Allied Properties, LLC	122 Parrish Point Lane, Moyock, NC	009H-000-0008-0000
Benjamin Weller	103 Alden Run, Moyock, NC	009H-000-0009-0000
Stephen & Rosemary Nitsch	105 Alden Run, Moyock, NC	009H-000-0010-0000
Alexander & Amber Wilbanks	107 Alden Run, Moyock, NC	009H-000-0011-0000
Paul & Susan Nielsen	109 Alden Run, Moyock, NC	009H-000-0012-0000
Wendy & Craig Williams	108 Alden Run, Moyock, NC	009H-000-0042-0000
Ian & Sheila Gill	106 Alden Run, Moyock, NC	009H-000-0043-0000
Wesley & Sherry Henry	104 Alden Run, Moyock, NC	009H-000-0044-0000
QHOC of Windswept Pines, LLC	102 Alden Run, Moyock, NC	009H-000-0045-0000
Jerrell Wayne Stokes & Jane Curran	120 Parrish Point, Moyock, NC	009H-000-0046-0000
David & Judith Gregg	118 Parrish Point, Moyock, NC	009H-000-0047-0000
QHOC of Windswept Pines, LLC	116 Parrish Point, Moyock, NC	009H-000-0048-0000
Jordan & Rathid Hassani	114 Parrish Point Lane, Moyock, NC	009H-000-0049-0000
Reed & Courtney Wissman	112 Parrish Point Lane, Moyock, NC	009H-000-0050-0000
Richard Warren	110 Parrish Point Lane, Moyock, NC	009H-000-0051-0000
QHOC of Windswept Pines, LLC	109 Parrish Point Lane, Moyock, NC	009H-000-0052-0000
Douglas & June Carillon	111 Parrish Point Lane, Moyock, NC	009H-000-0053-0000
QHOC of Windswept Pines, LLC	113 Parrish Point Lane, Moyock, NC	009H-000-0054-0000
Amber & Joshua Graham	115 Parrish Point Lane, Moyock, NC	009H-000-0055-0000
Ashley & Johnny McDonald	117 Parrish Point Lane, Moyock, NC	009H-000-0056-0000
QHOC of Windswept Pines, LLC	417D Caratoke Hwy, Moyock, NC	009H-000-0057-0000
Michael & Lisa Reinke	121 Parrish Point, Moyock, NC	009H-000-0058-0000
Allied Properties, LLC	N/A	009H-000-00SA-0000, 009H-000-00SB-0000, 009H-000-00SC-0000
Allied Properties, LLC	N/A	0009-000-006A-0000
Mark & Penny McCrary	131 Baxter Lane, Moyock, NC	0009-000-011L-0000

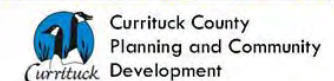
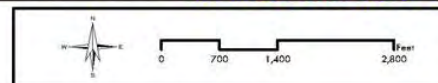
Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)



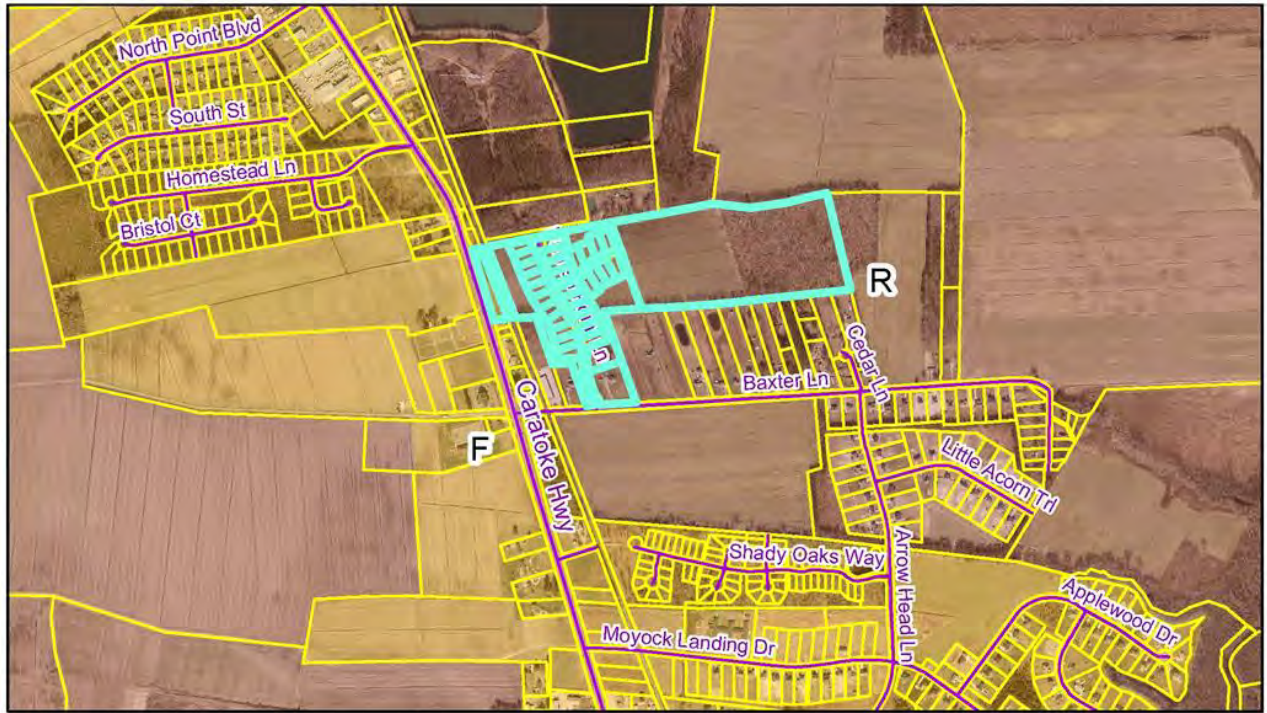
PB 19-15
Allied Properties, LLC
Aerial



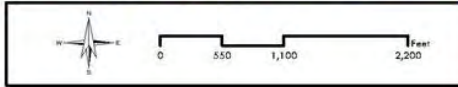
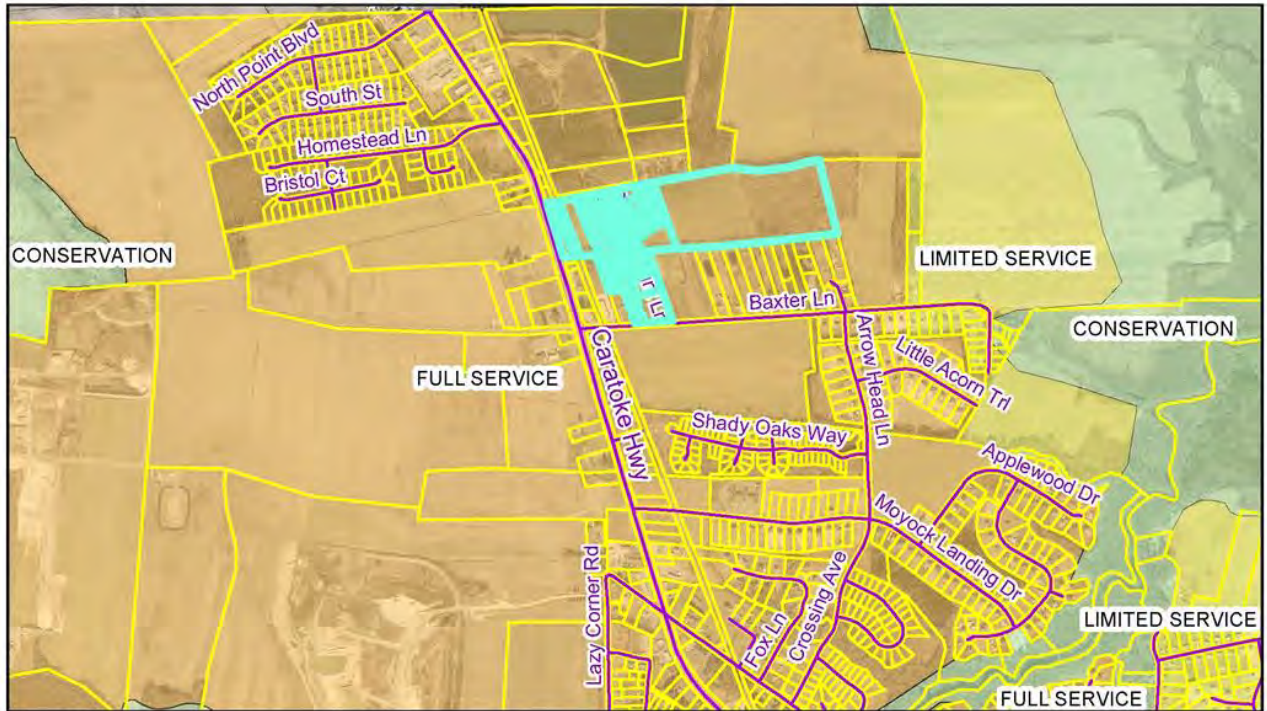
PB 19-15
Allied Properties, LLC
Zoning



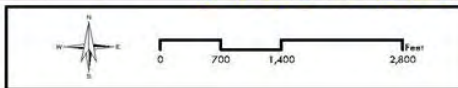
Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)



PB 19-15

Allied Properties, LLC
2006 LUP LUCCurrituck County
Planning and Community
Development

PB 19-15

Allied Properties, LLC
Moyock Small Area PlanCurrituck County
Planning and Community
Development

Planning and Community Development Director, Laurie LoCicero, reviewed the application with the Board of Commissioners. She noted the item had been continued from an earlier

Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)

meeting and that the Public Hearing had been opened and closed. Ms. LoCicero used a powerpoint to show the location of the property, provide a timeline from initial approval in 2015, and to review the current request which asks for 14 additional lots within the subdivision. She said approval was supported initially but the recommendation was changed due to school capacity issues.

County Attorney, Ike McRee, was asked by Commissioners about the request to reopen the public hearing. Mr. McRee said the matter had not been publicly noticed for Public Hearing to provide the ability for persons to comment. He said the Board is not required to reopen the hearing but may do so if the Board felt additional comment was necessary. Mr. McRee reiterated the matter had not been publicly noticed and suggested the item be deferred if the Board was inclined to receive additional comment so the public could be properly noticed.

Chairman White polled the Board. The majority did not wish to defer and reopen the Public Hearing. Commissioner J. Owen Etheridge did comment that reopening the hearing could be worthwhile to hear comments regarding the proposed age-restricted community.

Commissioner McCord moved to defer and hold the Public Hearing. He withdrew his motion based on the Board majority not wanting to receive additional comment.

Commissioner Jarvis moved to deny PB 19-15 because the request is not consistent with the Land Use Plan (LUP) because the request is located in the Moyock Elementary School district; the Moyock Elementary School Average Daily Membership for August, 2019 exceeds the actual school capacity adopted by the Currituck County Board of Education; The request increases the number of projected students in the Moyock Elementary School district by three students based on the Student Generation Rate study prepared by Tischler and Associates, Inc. (2004); the request will exceed the county's ability to provide adequate public facilities and is inconsistent with the 2006 LUP Policy PP2.

And, the request is not reasonable and not in the public interest because the proposed development can not be adequately served by public facilities, in this case schools, and is not in harmony with the purposes and intent of the Unified Development Ordinance, including but not limited to the purpose and intent of the subdivision standards, Sec. 6.1.1.

Commissioner Mary Etheridge seconded the motion. The motion carried, 6-1, with Commissioner McCord opposed.

RESULT:	MOTION PASSED-ITEM DENIED [6 TO 1]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner
NAYS:	Kevin E. McCord, Commissioner

NEW BUSINESS

A. Consideration of Hangar Lease Credits for Currituck County Airport Tenants

William Nelson, Airport Manager, began with a brief a report on airport fuel sales and upcoming airport projects and noted record fuel sales during the month of August. Mr. Nelson presented his request to the Board of Commissioners and asked Commissioners to grant a two month waiver of hangar fees for two tenants whose hangar doors were damaged during Hurricane Dorian, thus preventing the ability for the tenants to access their aircraft.

Commissioner Beaumont moved for approval and the motion was seconded by Commissioner Mary Etheridge. The motion carried, 7-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

B) Board Appointments

1. Carova Beach Road Maintenance Service District Advisory

Chairman White moved to appoint Chuck Bedall to the Carova Beach Road Service District Advisory. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried, 7-0.

RESULT: APPROVED [UNANIMOUS]
MOVER: Bob White, Chairman
SECONDER: J. Owen Etheridge, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

C) Consent Agenda

Commissioner J. Owen Etheridge moved for approval of the Consent Agenda. The motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

RESULT: APPROVED [UNANIMOUS]
MOVER: J. Owen Etheridge, Commissioner
SECONDER: Paul M. Beaumont, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

1) Approval Of Minutes for October 7, 2019

1. Minutes for October 7, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-545000	Contracted Services	\$ 10,000	
67878-590000	Capital Outlay		\$ 10,000
		\$ 10,000	\$ 10,000
Explanation:	Mainland Sewer (67878) - Transfer funds for cleaning of sewer lines required by State permit.		
Net Budget Effect:	Mainland Sewer Fund (67) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10530-514500	Training & Education	\$ 3,000	
10530-532000	Supplies	\$ 9,240	
10530-533900	Ambulance Supplies	\$ 6,400	
10530-536000	Uniforms	\$ 10,000	
10530-590000	Capital Outlay		\$ 28,640
10541-532000	Supplies	\$ 8,495	
10541-590000	Capital Outlay		\$ 8,495
		<u>\$ 28,640</u>	<u>\$ 28,640</u>

Explanation: Emergency Medical Services (10530); Fire Services (10541) - To reclassify purchases budgeted in capital outlay that were below the capital outlay threshold.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10760-532900	FC Supplement	\$ 23,887	
10390-499900	Fund Appropriate Balance		\$ 23,887
		<u>\$ 23,887</u>	<u>\$ 23,887</u>

Explanation: County Assistance (10760) - Roll forward Foster Care Supplement funds from FY 2019.

Net Budget Effect: Operating Fund (10) - Increased by \$23,887.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10531 545000	Contracted Services	\$ 11,250	
10330-445000	Emergency Management		\$ 11,250
		<u>\$ 11,250</u>	<u>\$ 11,250</u>
Explanation:	Emergency Management (10531) -Homeland Security Grant Program awarded funds to conduct a Search and Rescue exercise. Grant approved to hire a contractor to help develop the exercise. Grant #EMW-2019-SS-0057, MOA #1904-2.		
Net Budget Effect:	Operating Fund (10) - Increased by \$11,250.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10531 532000	Supplies	\$ 4,060	
10531 590000	Capital Outlay	\$ 20,000	
10330-445000	Emergency Management		\$ 24,060
		<u>\$ 24,060</u>	<u>\$ 24,060</u>
Explanation:	Emergency Management (10531) -Homeland Security Grant Program awarded funds for equipment and supplies for the medical bus. Grant approved for one light tower, one camera/cable/monitor, 12 pairs of boots and 2 medical go-kits. Grant #Emw-2019-ss-00057, MOA #1924.		
Net Budget Effect:	Operating Fund (10) - Increased by \$24,060.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10980-545000	Contract Services	100,000	
10330-445100	FEMA Public Assistance		100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>
Explanation:	Disaster Recovery (10980) - Increase appropriations for change order for debris management from Hurricane Dorian.		
Net Budget Effect:	Operating Fund (10) - Increased by \$100,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10460-502000	Salaries	\$ 30,475	
10460-505000	FICA expense	2,331	
10460-506000	Health insurance	4,480	
10460-507000	Retirement	7,049	
10460-514000	Travel	1,500	
10460-514500	Training & Education	1,500	
10460-513000	Fuel	3,000	
10460-516200	Vehicle maintenance	2,000	
10460-532020	Stormwater supplies	10,000	
10390-495014	T F - Carova Beach Road Service District		1,484
10390-495016	T F - Ocean Sands/Crwn Pt N Watershed		12,981
10390-495018	T F - Hog Bridge Ditch Watershed		101
10390-495019	T F - Northwest Watershed		161
10390-495020	T F - Whalehead Watershed		44,342
10390-495025	T F - Guinea Mill Watershed		2,253
10390-495027	T F - Moyock Watershed		1,013
14460-587010	T T - Operating Fund	1,484	
14460-545000	Contract Services		1,484
16609-587010	T T - Operating Fund	12,981	
16609-588000	Contingency		12,981
18609-587010	T T - Operating Fund	101	
18609-545000	Contracted Services		101
19609-587010	T T - Operating Fund	161	
19609-545000	Contracted Services		161
20609-587010	T T - Operating Fund	44,342	
20609-588000	Contingency		44,342
25607-587010	T T - Operating Fund	2,253	
25607-545000	Contracted Services		2,253
27608-587010	T T - Operating Fund	1,013	
27608-545000	Contracted Services		1,013
		\$ 124,670	\$ 124,670
Explanation:	Public Works (10460) - Increase appropriations to create a Stormwater Technician position in the Public Works department that will work with the County service districts. This position will be funded from the service districts.		
Net Budget Effect:	Operating Fund (10) - Increased by \$62,335.		
	Carova Beach Road District Fund (14) - No change.		
	Ocean Sands/Crowne Point N Watershed District Fund (16) - No change.		
	Hog Bridge Ditch Watershed Fund (18) - No change.		
	Northwest Watershed Fund (19) - No change.		
	Whalehead Watershed Fund (20) - No change.		
	Guinea Mill Watershed Fund (25) - No change.		
	Moyock Watershed Fund (27) - No change.		

3. Surplus Resolution-Communications

RESOLUTION		
WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.		
County		
Asset Tag	Description	Serial Number
6004	Raytheon ACU 1000	N/A
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the tight to reject any and all bids.		
ADOPTED, this 21st day of October, 2019.		
Bob White		
County of Currituck, Board of Commissioners		
Leeann Walton		
Clerk to the Board		(Seal)

4. Surplus Resolution-Mainland Water

Communication: Minutes for October 21, 2019 (Minutes Approval for October 21, 2019)

5. **Amendment to Notice to Proceed for Pre-Event Contract for Disaster & Debris Removal Services**
6. **Ocean Sands Wastewater Treatment Plant-Change Order, Hauling**
7. **FEMA Designation of Applicant's Agent**
8. **Records Disposal-Finance**

9. Amended Item: Consideration of Approval of Stormwater Technician Job Description and Revised Salary Classification Chart

ADJOURN

Motion to Adjourn Meeting

The Board had no further business and Commissioner Jarvis moved for adjournment. Commissioner Payment seconded the motion. The motion carried, 7-0, and the meeting of the Board of Commissioners adjourned at 8:07 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners sat in a Special Meeting as the Tourism Development Authority immediately following the 6:00 PM regular meeting of the Board. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

D. Budget Amendments-TDA

County Manager, Ben Stikeleather, reviewed the budget amendment for Board consideration that would provide funds for event assistance programs offered through the Department of Travel & Tourism.

Chairman White moved for approval and Commissioner Mary Etheridge seconded the motion. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15442-526300	Promotion Grants	\$ 100,000	
15442-526300	Promotion Grants	\$ 10,000	
15442-526200	Promotions		\$ 10,000
15390-499900	Appropriated Fund Balance		\$ 100,000
		<u>\$ 110,000</u>	<u>\$ 110,000</u>
Explanation:		Occupancy Tax Tourism Promotion (15442) - Funding for the Event Assistance Marketing and Event Grant Programs.	
Net Budget Effect:		Occupancy Tax Fund (15) - Increased by \$100,000.	

RESULT: **APPROVED [UNANIMOUS]**
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

ADJOURN

With no further business Commissioner Jarvis moved to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried, 7-0, and the Special Meeting of the Tourism Development Authority adjourned at 8:10 PM.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Selina S. Jarvis, Commissioner
SECONDER: Mary "Kitty" Etheridge, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

SPECIAL MEETING-OCEAN SANDS WATER & SEWER DISTRICT

The Currituck County Board of Commissioners sat in a Special Meeting as the Ocean Sands Water and Sewer District Board following the 6:00 PM regular meeting of the Board of Commissioners. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

E. OSWSD-Budget Amendment

County Manager, Ben Stikeleather, reviewed the Budget Amendment with the Board and Commissioner Beaumont moved for approval. Commissioner McCord seconded the motion. The motion carried, 7-0.

The Board briefly discussed screening and odor control at the new plant, as well as a contractor's piece of equipment that had been taken from the site.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
60808-545001	Contracted Services	\$ 23,155	
60808-590001	Capital Outlay		\$ 23,155
		<u>\$ 23,155</u>	<u>\$ 23,155</u>
Explanation:	Ocean Sands Water and Sewer (60808) - Transfer funds for State required sewer line cleaning.		
Net Budget Effect:	Ocean Sands Water and Sewer District Fund (60) - No change.		

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul M. Beaumont, Commissioner
SECONDER: Kevin E. McCord, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

ADJOURN

There was no further business and Commissioner Beaumont made a motion to adjourn. Commissioner McCord seconded the motion and the motion carried, 7-0. The Special Meeting concluded at 8:12 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul M. Beaumont, Commissioner
SECONDER: Kevin E. McCord, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2633)

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

20200040

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
16609-588000	Contingency		\$ 15,500
16609-545000	Contracted Services	\$ 15,500	
		<u>\$ 15,500</u>	<u>\$ 15,500</u>

Explanation: Ocean Sands N/Crowne Point Watershed District (16609) - Funding for emergency pumping operations at Ocean Sands N/Crowne Point Watershed District during Hurricane Dorian.

Net Budget Effect: Ocean Sands N/Crowne Point Watershed District (16) - No change.

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200041

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-532000	Supplies	\$ 3,999	
10795-590000	Capital Outlay		\$ 3,999
		<u>\$ 3,999</u>	<u>\$ 3,999</u>

Explanation: Parks and Recreation (10795) - Transfer funds from Capital Outlay to Supplies to purchase a utility trailer.

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

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200042

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530-590000	Capital Outlay		\$ 10,900
10530-545000	Contracted Services	\$ 10,900	
		<u>\$ 10,900</u>	<u>\$ 10,900</u>

Explanation: Emergency Medical Services (10530) - Transfer budgeted funds for maintenance agreements for new computer purchases.

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

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200043

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-516200	Vehicle Maintenance	\$ 500	
10796-532001	Educational Supplies		\$ 500
		<u>\$ 500</u>	<u>\$ 500</u>

Explanation: Currituck County Rural Center (10796) - Transfer funds for vehicle maintenance on aging vehicle fleet.

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

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200044

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-532004	FCS Supplies	\$ 3,798	
10330-449900	Miscellaneous Grants		\$ 3,798
		<u>\$ 3,798</u>	<u>\$ 3,798</u>

Explanation: Cooperative Extension (10640) - Increase appropriations to record Seniors' Health Insurance Information Program (SHIIP) grant funds.

Net Budget Effect: Operating Fund (10) - Increased by \$3,798.

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200045

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<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	\$ 61,760	
61360-471000	Tap & Connection Fees		\$ 18,000
61360-473000	Reconnection Fees		\$ 15,000
61380-481000	Investment earnings		\$ 28,760
		<u>\$ 61,760</u>	<u>\$ 61,760</u>

Explanation: Mainland Water (61818) - Increase appropriations to purchase replacement meters for inoperable meters throughout the county.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$61,760.

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200046

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10461-536000	Uniforms	\$ 500	
10461-506000	Insurance Expense		\$ 500
67878-536000	Uniforms	\$ 500	
67878-506000	Insurance Expense		\$ 500
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Public Utilities (10461); Mainland Sewer (67878) - Transfer budgeted funds from excess insurance funds due to vacant positions to uniforms necessary for employees in the sewer departments.

Net Budget Effect: Operating Fund (10) - No change.
Mainland Sewer Fund (67) - No change.

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)

Number

20200048

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-590000	Capital Outlay	\$ 42,500	
10340-450420	Beach Parking Permits		\$ 42,500
		<u>\$ 42,500</u>	<u>\$ 42,500</u>

Explanation: Sheriff (10510) - Purchase an additional 4 X 4 vehicle and equipment for off-road patrols.

Net Budget Effect: Operating Fund (10) - Increased by \$42,500.

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Clerk to the Board

Attachment: BudAmends-Nov 4 _General Meeting (Budget Amendments)

Number

20200049

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-545000	Contract Services	\$ 23,800	
61380-481000	Investment Earnings		\$ 23,800
		<u>\$ 23,800</u>	<u>\$ 23,800</u>

Explanation: Mainland Water (61818) - Increase appropriations for programming and training to upgrade manual meters to automated read meters for the Mainland Water System.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$23,800.

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Clerk to the Board

Attachment: BudAmends-Nov 4_General Meeting (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2634)

Agenda Item Title

TDA Budget Amendment

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number

TDA2020007

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of November 2019 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-545000	Contracted Services	\$ 10,500	
15350-456442	Events - Promotions		\$ 10,500
		<u>\$ 10,500</u>	<u>\$ 10,500</u>

Explanation:

Occupancy Tax Tourism - Historic Corolla Park (15448) - Increase appropriations for upgrade of electrical service to the grounds of Historic Corolla Park.

Net Budget Effect:

Occupancy Tax Fund (15) - Increased by \$10,500.

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Clerk to the Board

Attachment: BudAmends-TDA_Nov 4 (TDA-Budget Amendments)

Number

TDA2020008

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-590000	Capital Outlay	\$ 12,331	
15447-587010	T T - Operating Fund	\$ 2,762	
15320-415000	Occupancy Tax		\$ 15,093
		<u>\$ 15,093</u>	<u>\$ 15,093</u>

Explanation: Occupancy Tax Tourism Promotion (15442); Tourism Related Expenditures (15447) - Increase appropriations to upgrade Tourism and CCRC computers from Windows 7.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$15,093.

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Clerk to the Board

Attachment: BudAmends-TDA_Nov 4 (TDA-Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2636)

Agenda Item Title

OSWSD Budget Amendments

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

Number OS2020002

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 4th day of November 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-532000	Supplies	\$ 3,490	
60360-470001	Sewer Charges		\$ 3,490
		<u>\$ 3,490</u>	<u>\$ 3,490</u>

Explanation: Ocean Sands Water and Sewer (60808) - Increase appropriations to replace Windows 7 computers.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - Increased by \$3,490.

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Journal # _____

Clerk to the Board

Attachment: BudAmend-OS_Nov 4 (OSWSD Board-Budget Amendments)