

# **Board of Commissioners Agenda Packet**

October 18, 2021

#### **Work Session**

4:30 PM Capital Projects and Finance Review

#### 6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance
- 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/County Attorney Reports**

#### **Public Hearings**

- A) **PB 90-07 Pine Island PUD Phase 5B:** Request for Amended Sketch Plan/Special Use Permit to allow an additional unit of density within Phase 5B by designating a small commercial area within the vicinity of the approved cabana.
- B) **PB 87-56 Monteray Shores PUD Parcel 10:** Request for Amended Sketch Plan/Special Use Permit to add 36 residential dwelling units, reduce open space by 4.01 acres and reallocate existing commercial designation on Parcel 10.

#### **New Business**

- A) Board Appointments
  - 1. Fire and EMS Advisory Board
  - 2. Whalehead Stormwater Drainage Service District Advisory

#### B) Consent Agenda

- 1. Budget Amendments
- 2. Job Description Revisions-Various
- Salary Classification Chart-Revised
- 4. Approval Of Minutes-October 4, 2021

#### <u>Adjourn</u>

#### **Special Meeting-Tourism Development Authority**

**TDA Budget Amendments** 

#### **Adjourn Special Meeting**



#### Currituck County Agenda Item Summary Sheet

Agenda ID Number - (ID # 3258)

7. <b>30</b>
Agenda Item Title: 4:30 PM Capital Projects and Finance Review
Submitted By: Leeann Walton – County Manager
Presenter of Item:
Board Action: Discussion
Brief Description of Agenda Item:
Reason for Request:
Potential Budget Affect:

Is this item regulated by plan, regulation or statute? No



# Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3259

Agenda Item Title: PB 90-07 Pine Island PUD Phase 5B:

**Submitted By:** Jennie Turner – Planning & Community Development

Item Type: Quasi-Judicial

Presenter of Item: Jennie Turner

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Request for Amended Sketch Plan/Special Use Permit to allow an additional unit of density within Phase 5B by designating a small commercial area within the vicinity of the approved cabana.

#### **Planning Board Recommendation:**

Staff Recommendation: Application Reviewed

TRC Recommendation: Application Reviewed



# STAFF REPORT PB 90-07 PINE ISLAND PUD (PHASE 5B) AMENDED SKETCH PLAN/ SPECIAL USE PERMIT BOARD OF COMMISSIONERS OCTOBER 18, 2021

APPLICATION SUMMARY	
Property Owner:	Applicant:
Turnpike Properties, LLC	Same
1100C S. Stratford Road, Suite 300	
Winston Salem, NC 27103	
Case Number: PB 90-07	Application Type:
Case Number. FB 90-07	Amended Sketch Plan/Special Use Permit
Parcel Identification Number:	Existing Use:
0128-000-002H-0000 (Phase 5B)	Planned Unit Development
	Parcel Size (Acres):
2006 Land Use Plan Classification: Full Service	366.22 acres (Overall PUD)
	18.2 acres (Subject Parcel)
Number of Units:	Project Density (Approx.):
304 units (Overall PUD)	.87 units per acre (Overall PUD)
24 units (Subject Parcel)	1.32 units per acre (Subject Parcel)
Required Open Space:	Provided Open Space:
128.18 acres (35%) (Overall PUD)	137.72 acres (37.6%) (Overall PUD)
3.64 acres (20%) (Subject Parcel)	6.77 acres (26.9%) (Subject Parcel)

SURROUNDING PARCELS		
	Land Use	Zoning
North	Hotel	SFO with PUD Overlay
South	Single Family Dwellings	SFO with PUD Overlay
East	Atlantic Ocean	N/A
West	National Audubon Society Property	SFO with PUD Overlay

#### STAFF ANALYSIS

**Application Summary** 

In September 2019, the Board approved an amended sketch plan/special use permit for Phase 5B (Lot 4R) of Pine Island PUD to be developed as 23 single-family dwelling lots. The applicant subsequently submitted for and received preliminary plat/special use permit approval and construction drawing approval for a 23 lot subdivision. The applicant requests a change to the amended sketch plan/special use permit for Phase 5B to allow construction of an upper story dwelling unit over the proposed cabana/storage area located in open space.

An upper story dwelling unit is an additional unit of density and is not permitted in open space nor in areas designated as residential in a PUD. Therefore, the applicant is requesting this amendment to

remove the a portion of the cabana, proposed dwelling unit and associated site improvements from open space and to designate the area as commercial to allow for construction of one upper story dwelling unit.

If approved, the applicant will be required to amend the preliminary plat/special use permit prior to construction of the upper story dwelling unit.

#### Community Meeting

A community meeting was held on July 15, 2021, a summary is provided in the agenda packet.

INFRASTRUCTURE	
Water	Southern Outer Banks Water System (SOBWS)
Sewer	Pine Island Currituck, LLC (PICLLC) Wastewater

#### **STAFF REVIEW**

**Technical Review Committee** 

The Technical Review Committee (TRC) reviewed the application and provided the following comments:

- 1. The application complies with all applicable review standards of the UDO.
- 2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
  - a. The subdivision plan will be reviewed when preliminary plat application is submitted.
- 3. Side setbacks shall be a minimum of 15' on the proposed lots.
- 4. The ownership of the open space parcel(s) shall be in accordance with Section 7.1.3.E. of the UDO. The proposed upper story dwelling unit is proposed on an open space parcel.
- 5. The preliminary plat/special use permit shall be amended prior to construction of the upper story dwelling unit.

#### 2006 Land Use Plan

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The Full Service designation allows for a greater diversity of housing types. The policy emphasis for the Corolla subarea is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should apply to PUDs, the prevailing development form in the Corolla area.

The following policies of the plan may apply to the proposed request:

<u>POLICY HN1</u>: 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.

<u>POLICY HN3</u>: 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.

#### **SPECIAL USE PERMIT REVIEW STANDARDS**

Following an evidentiary hearing, the board shall decide if the application is in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Special Use Permit Review Standards.

#### Special Use Permit Review Standards

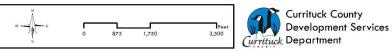
A special use permit shall be approved on a finding that the applicant demonstrates the proposed use will:

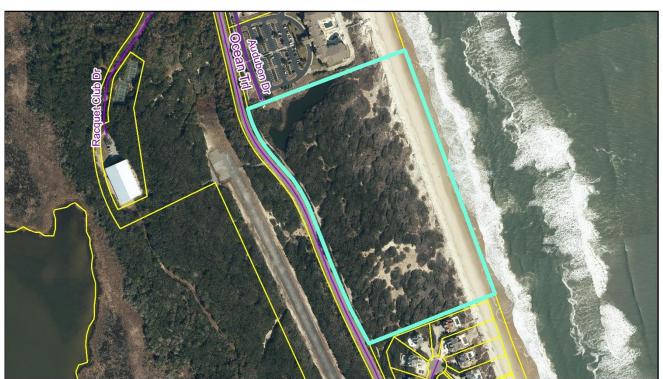
- 1. Not endanger the public health or safety.
- 2. Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
- 3. Be in conformity with the Land Use Plan or other officially adopted plan.
- 4. Not exceed the county's ability to provide adequate 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.

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

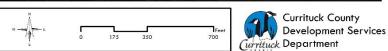


PB 90-07 Pine Island PUD, Phase 5B Amended Sketch Plan/Special Use Permit Context Map





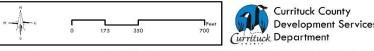
PB 90-07 Pine Island PUD, Phase 5B Amended Sketch Plan/Special Use Permit 2020 Aerial Photography



PB 90-07 Pine Island PUD Amended SketchPlan/Special Use Permit Page **4** of **5** 



Amended Sketch Plan/Special Use Permit Official Zoning Map





PB 90-07 Pine Island PUD, Phase 5B Amended Sketch Plan/Special Use Permit 2006 Land Use Plan Classification





## **Major Subdivision**

Application

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

Contact Inform	ation		
APPLICANT:		PROPERTY OW	
Name:	TURNPIKE PROPERTIES, LLC	Name:	TURNPIKE PROPERTIES, LLC
Address:	4400 SILAS CREEK PKWY, SUITE 302	Address:	4400 SILAS CREEK PKWY, SUITE 302
	WINSTON SALEM, NC 27104		WINSTON SALEM, NC 27104
Telephone:	(336) 722-2236	Telephone:	(336) 722-2236
E-Mail Address	: rblizzard1@me.com	E-Mail Address:	rblizzard1@me.com
LEGAL RELATIO	ONSHIP OF APPLICANT TO PROPERTY	OWNER: SAME	
Physical Street	Address: 331 AUDUBON DRIVE, CO	ROLLA	
Subdivision Na	me: PINE ISLAND PUD (PINE ISLAND	LIMITED)	
	or Units: <u>304</u>	Phase: <sup>7</sup>	5B
TYPE OF S		_	F SUBDIVISION
<ul><li>✓ Amenc</li><li>□ Prelimi</li><li>□Typ</li><li>□ Constru</li></ul>	rvation and Development Plan led Sketch Plan/Use Permit (nary Plat (or amended) De I OR □Type II Duction Drawings (or amended) lat (or amended)		Traditional Development Conservation Subdivision Planned Unit Development Planned Development
•	rize county officials to enter my proper ndards. All information submitted and		this process shall become public
Property Own	er(s)/Applicant*		7/20/21 Date
*NOTE: Form n	nust be signed by the owner(s) of record, perty interest. If there are multiple proper		), or other person(s) having a
Community Me	eting, if applicable		
	Hald. July 15, 2021 at 4pm		Corolla Library

#### Use Permit Review Standards, if applicable

PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat

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

This Use Permit is being submitted to amend the existing Pine Island PUD to allow for an additional unit of density within Phase 5B by designating a small commercial area within the vicinity of the approved cabana. This would allow an upper story dwelling unit within the cabana and increases the permitted density from 303 to 304 units.

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

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

  The proposed use will not materially endanger the public health or safety and conforms to adjacent land uses.

  The proposed upper story dwelling unit would reside within previously approved conditioned storage space within the cabana, above the lower level storage/bath.
- B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
   The proposed use will not injure the values of adjoining or abutting properties and will compliment the adjoining existing uses. The proposed mixed-use commercial area consisting of the upper story dwelling unit would reside in the cabana adjacent to the hotel property.
- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

  The proposed use is in general conformance with the County's Land Use Plan, current UDO, and the latest approved sketch plan. The proposed uses are allowed and encouraged within PUDs, open space, density, and commercial area percentages are compliant with the UDO.
- D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

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

  Utility services have already been approved and permitted for the site, capacity is available, and stormwater management already provided to handle approved runoff.

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

Property Owner(s)/Applicant\*

7/20/21

Date

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



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

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

August 25, 2021

Ms. Jennie Turner Currituck County Planning and Community Development P.O. Box 73 Currituck, NC 27927

Re: Amended Sketch Plan/Use Permit for Pine Island PUD 5B (PB 90-07)

Parcel Identification No. 0128000002H0000 Corolla, Currituck County, North Carolina

Dear Ms. Turner:

Thank you for your review comments received from the August 11, 2021 TRC meeting for the above referenced project. On behalf of Turnpike Properties, LLC, Quible & Associates, P.C. hereby submit for your review the following documentation for the Pine Island PUD Amended Sketch Plan/Use Permit.

- Two (2) Full-Size (24"x36") Copies of Revised Amended Sketch Plans
- Two (2) Full-Size (18"x24") Copies of Revised Phase 5B Amended Preliminary Plats
- Two (2) Full-Size (24"x36") Copies of Revised Amenity Site Plans
- One (1) 8.5"x11" Copy of the Revised Amended Sketch Plan
- One (1) 8.5"x11" Copy of the Revised Phase 5B Amended Preliminary Plat
- One (1) 8.5"x11" Copy of the Revised Amenity Site Plan
- One (1) PDF copy of revised Amended Sketch Plans, Amended Preliminary Plat, Amended Amenity Site Plan, and documents.

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

#### Planning, Jennie Turner:

- 1. Please acknowledge that the cabana amenity structure consists of lower-level, recreational beach amenity storage (surfboards, boogie boards, beach chairs, umbrellas, paddle boards, etc) and facilities and a proposed upper-level dwelling unit for property and community development and management. Please refer to the enclosed revised amended sketch plan sheet 4 of 5, the revised amended preliminary plat sheet 3 of 3, and the revised amenity site plan for notes clarifying the use of the cabana amenity.
- 2. The entire cabana amenity structure and the associated OS#1 parcel area will remain under the developer/manager's ownership. The parcel will include the on-site facilities, parking, drive, commercial designated area, and open space area. There is no plan or intention to convey any property area to the Property Owner's Association.

#### Currituck County Inspections and Fire, Bill Newns

1. Acknowledged. It is our understanding that the previously reviewed and approved Amenity Site Plan addresses the fire and inspections notes. Please acknowledge that additional details have been added to the enclosed amended amenity site plan for clarity.

Amended Sketch Plan/Use Permit for Pine Island PUD (PB 90-07) August 25, 2021

#### NC DEQ - Division of Coastal Management, Charlan Owens:

1. No comments.

#### Southern Outer Banks Water, Benjie Carawan/Jim Williams:

1. No comments.

#### Currituck County GIS, Harry Lee:

1. Acknowledged. Please refer to the enclosed revised amended preliminary plat sheet 1 of 3 for updated address list.

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

1. Acknowledged. PICCWWTP, LLC has wastewater allocation for the development and has secured proper DWR Permits.

#### Currituck County Economic Development, Larry Lombardi:

1. No comment.

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

1. No comment.

#### US Army Corps of Engineers, Anthony Scarbraugh:

1. Acknowledged, no impacts to jurisdictional waters or wetlands are proposed.

Please review the enclosed documentation and provide a supportive Staff Analysis for the next applicable Board of Commissioners agenda, if appropriate. Please do not hesitate to contact me at 252.491.8147 or mstrader@quible.com if you have any questions, comments or requests for additional information.

Sincerely,

Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

encl.: as stated

cc: Rolf Blizzard, Turnpike Properties, LLC



#### **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:** Michael W. Strader Jr., P,E. Director of Engineering Quible & Associates, P.C.

From: Jennie Turner, Senior Planner

**Date:** August 11, 2021

Re: PB 90-07 Pine Island PUD Phase 5B – Amended Sketch Plan/Special Use Permit

#### Planning, Jennie Turner 252-232-6031

#### Reviewed

- 1. Please update use from cabana to more accurate description of proposed uses on plans.
- 2. How will the upper story dwelling unit building, access, and parking be owned and recorded? Will it be a separate parcel?

#### **Currituck County Inspections and Fire, Bill Newns, 252-232-6023**

#### Approved

#### Fire notes

- Cluster mailbox units must be accessible (accessible route, reach ranges)
- Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks, and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
- Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.

#### Inspections notes

- Maintain 20' width for streets, 13'6" clear height.
- Provide "no street parking" signage at street entrances, cul de sacs, private alleys (where alley is part of fire access) provide "no parking signage at fire hydrants".
- Mark fire hydrant's locations in the center of road/street with blue reflectors.
- Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
- Dwellings 4800 sq. ft. and no greater than 2 stories may use setbacks as indicated in the ISO method to determine Needed Fire Flow.

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

No comment

### <u>Southern Outer Banks Water, Benjie Carawan/Jim Williams, 252-453-2620 Will Rumsey 252-232-6065</u>

Approved No Comment

#### Currituck County GIS, Harry Lee 252-232-2034

Reviewed

The cabana building downstairs will be addressed as 331-A Audubon Dr. The upstairs dwelling in the cabana building will be addressed as 331-B Audubon Dr. Lot # 1 will be 331 Audubon Dr. This is unavoidable as there already exists a 333 Audubon Dr (Hotel) and a 305 Audubon Dr. This could cause confusion after development.

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

Reviewed

\*NOTE: PROPOSED PROJECT WASTEWATER ADDITION NEEDS TO BE APPROVED BY THE NC DEPT. OF WATER QUALITY (WASHINGTON REGIONAL OFFICE) AT 252-946-6481

#### Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

No Comment

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

No Comment

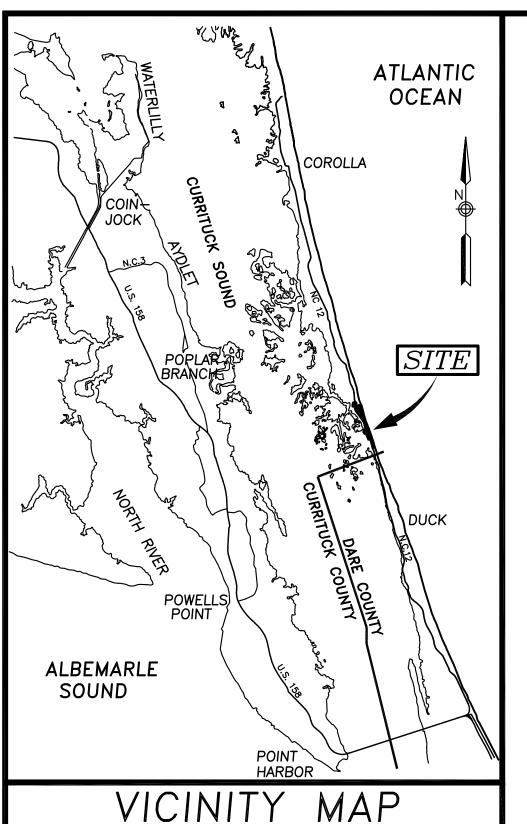
#### US Army Corps of Engineers, Anthony Scarbraugh, 910-251-4619

Reviewed

Any impacts to jurisdictional waters or wetlands of the US require prior approval from the US Army Corps of Engineers.

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

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



# PINE ISLAND, P.U.D.

POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

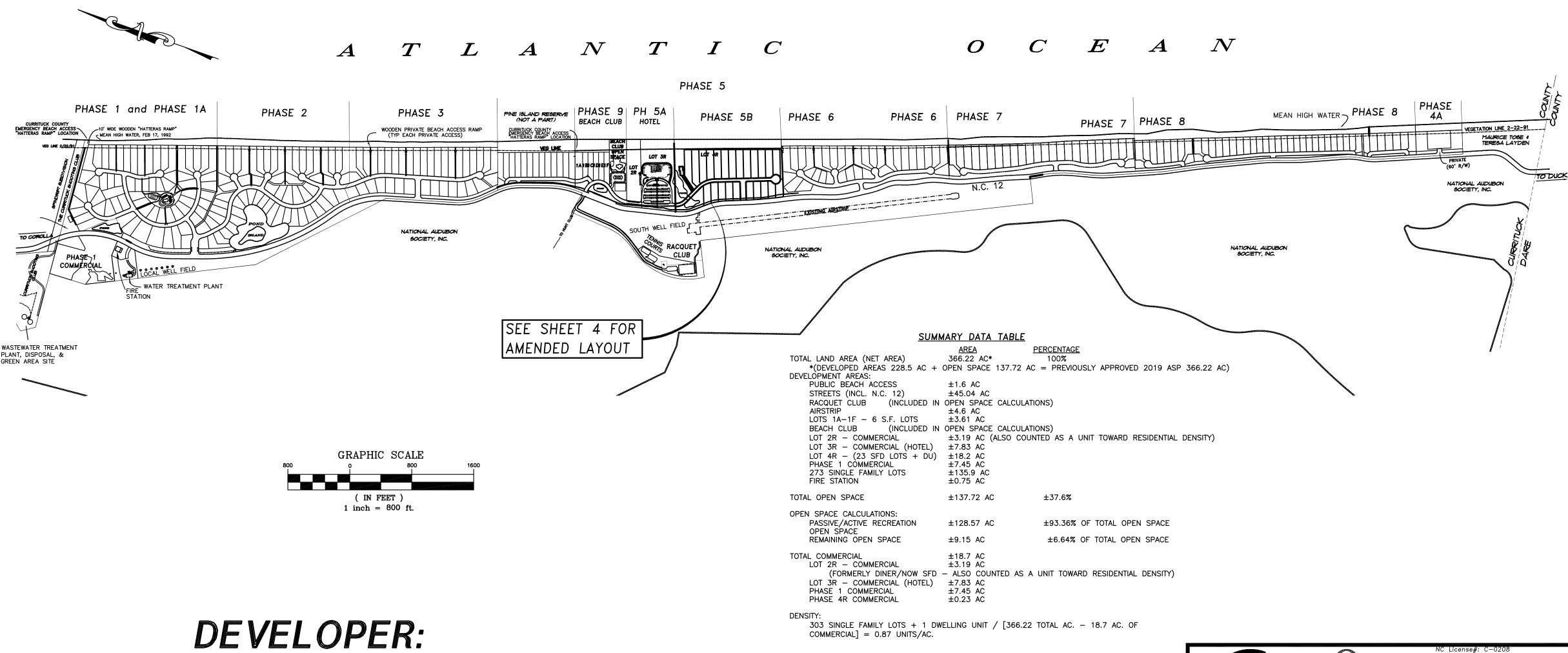
**AUGUST 25, 2021** 

# AMENDED SKETCH PLAN

(PHASE 5B)

#### **GENERAL NOTES:** PINE ISLAND PROPERITES LLC (LOT 4R) PI BEACH CLUB, LLC (LOT 1R) P.O. DRAWER 870 KITTY HAWK, N.C. 27949 (252) 261-3300 06/90 APPROVED DENSITY 350 UNITS/366.22 AC. = 0.96 UNITS/AC. 11/91 APPROVED DENSITY 350 UNITS/366.22 AC. = 0.96 UNITS/AC. 07/6/92 APPROVED DENSITY 350 UNITS/366.22 AC. = 0.96 UNITS/AC 12/20/93 APPROVED DENSITY 336 UNITS/366.22 AC. = 0.92 UNITS/AC. 07/18/94 APPROVED DENSITY 285 UNITS/366.22 AC. = 0.78 UNITS/AC 08/07/95 APPROVED DENSITY 266 UNITS/366.22 AC. = 0.73 UNITS/AC. 08/19/96 APPROVED DENSITY 273 UNITS/366.22 AC. = 0.75 UNITS/AC. 05/30/06 APPROVED DENSITY 273 UNITS/366.22 AC. = 0.83 UNITS/AC. 06/14 APPROVED DENSITY 340 UNITS/366.22 AC. = 1.02 UNITS/AC. 06/19 APPROVED DENSITY 303 UNITS/366.22 AC. = 0.83 UNITS/AC 06/21 PROPOSED DENSITY 303 UNITS/366.22 AC. = 0.87 UNITS/AC CURRENT DENSITY (LESS COMMERCIAL ACREAGE): 303 SFD LOTS / [366.22 TOTAL AC. - 18.47 AC. OF COMMERCIAL] = 0.87 UNITS/ACPROPOSED DENSITY (LESS COMMERCIAL ACREAGE): 303 SFD LOTS + 1 DWELLING UNIT/ [366.22 TOTAL AC. - 18.7 AC. OF COMMERCIAL] = 5. SITE ZONING: P.U.D. PLANNED UNIT DEVELOPMENT - (SFO/LB) APPROVED BY CURRITUCK COUNTY ZONE VARIES: SHADED X. "AE" 9. "AE" 8. "AE" 7. "AE" 6. "AE" 5 "VE" 15, "VE" 14, & "VE" 12; SUBJECT TO CHANGE BY FEMA . ALL PLANNING AND DEVELOPMENT WORK MUST BE IN ACCORDANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ZONING ORDINANCES. 8. ALL BUILDING CONSTRUCTION MUST BE DONE IN ACCORDANCE WITH THE NORTH CAROLINA STATE BUILDING CODES, LATEST REVISIONS. BIKE, JOGGING, AND GOLF CART PATH WILL BE PROVIDED THROUGHOUT DEVELOPMENT EITHER AS A PORTION OF THE INTERIOR ROADWAY SYSTEM OR ADJACENT TO THE ROADWAYS. 10. CAMA SETBACKS ARE BASED ON THE CAMA REGULATIONS IN EFFECT AT THE TIME THE SUBDIVISION PHASE RECEIVED FINAL APPROVAL FROM CURRITUCK COUNTY, NCDENR, DCM AND ALL PHASES ARE SUBJECT TO THE CAMA RULES IN EFFECT AT THE TIME OF CAMA PERMIT 11. PURPOSE: TO AMEND THE EXISTING PINE ISLAND PUD PHASE 5B TO ALLOCATE COMMERCIAL AREA AROUND THE CABANA TO ESTABLISH AN UPPER STORY DWELLING UNIT. OPEN SPACE SET-ASIDE PROVIDED EXCEEDS THE 20% MINIMUM REQUIRED FOR MIXED-USE DEVELOPMENT. PLEASE ACKNOWLEDGE THAT LOT 2R CONTINUES TO BE DESIGNATED AS COMMERCIAL AREA AND COUNTED TOWARDS RESIDENTIAL UNIT DENSITY. OPEN SPACE AND DENSITY CONTINUE TO MEET

# SHEET INDEX

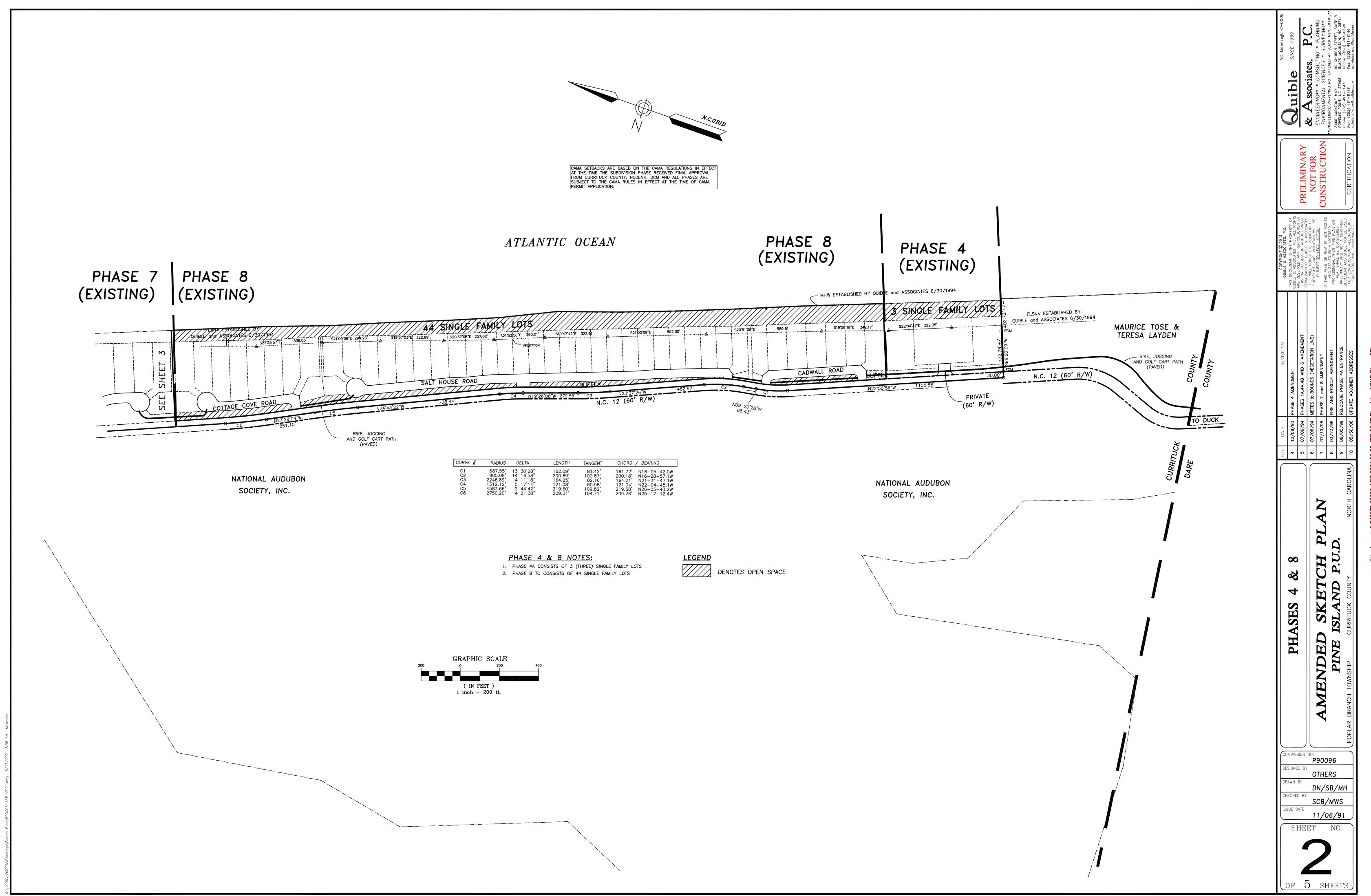


TURNPIKE PROPERTIES, LLC 4400 SILAS CREEK PKWY, SUITE 302 WINSTON SALEM, N.C. 27104



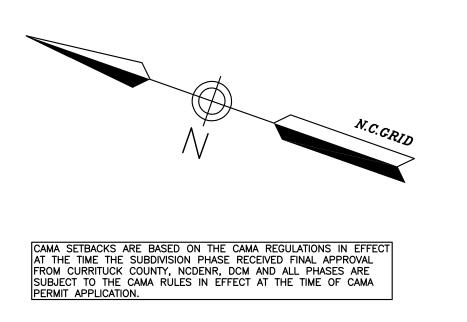
ISSUE DATE: 08/25/21

REVISIONS AS NOTED ON EACH SHEET

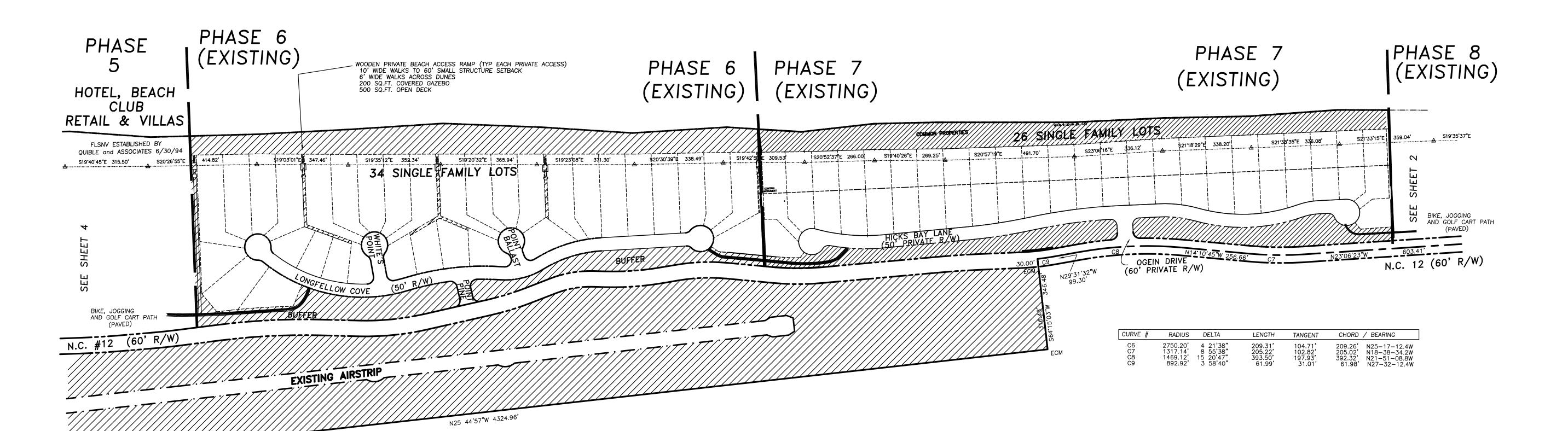


SHEET NO.

OF 5 SHEETS



### ATLANTIC OCEAN



NATIONAL AUDUBON SOCIETY, INC.



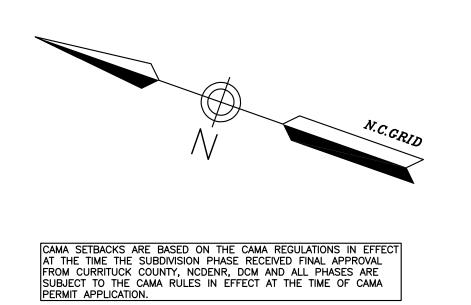
PHASE 7 & 6 NOTES:

1. PHASE 7 TO CONSISTS OF 26 SINGLE FAMILY LOTS
2. PHASE 6 TO CONSISTS OF 34 SINGLE FAMILY LOTS

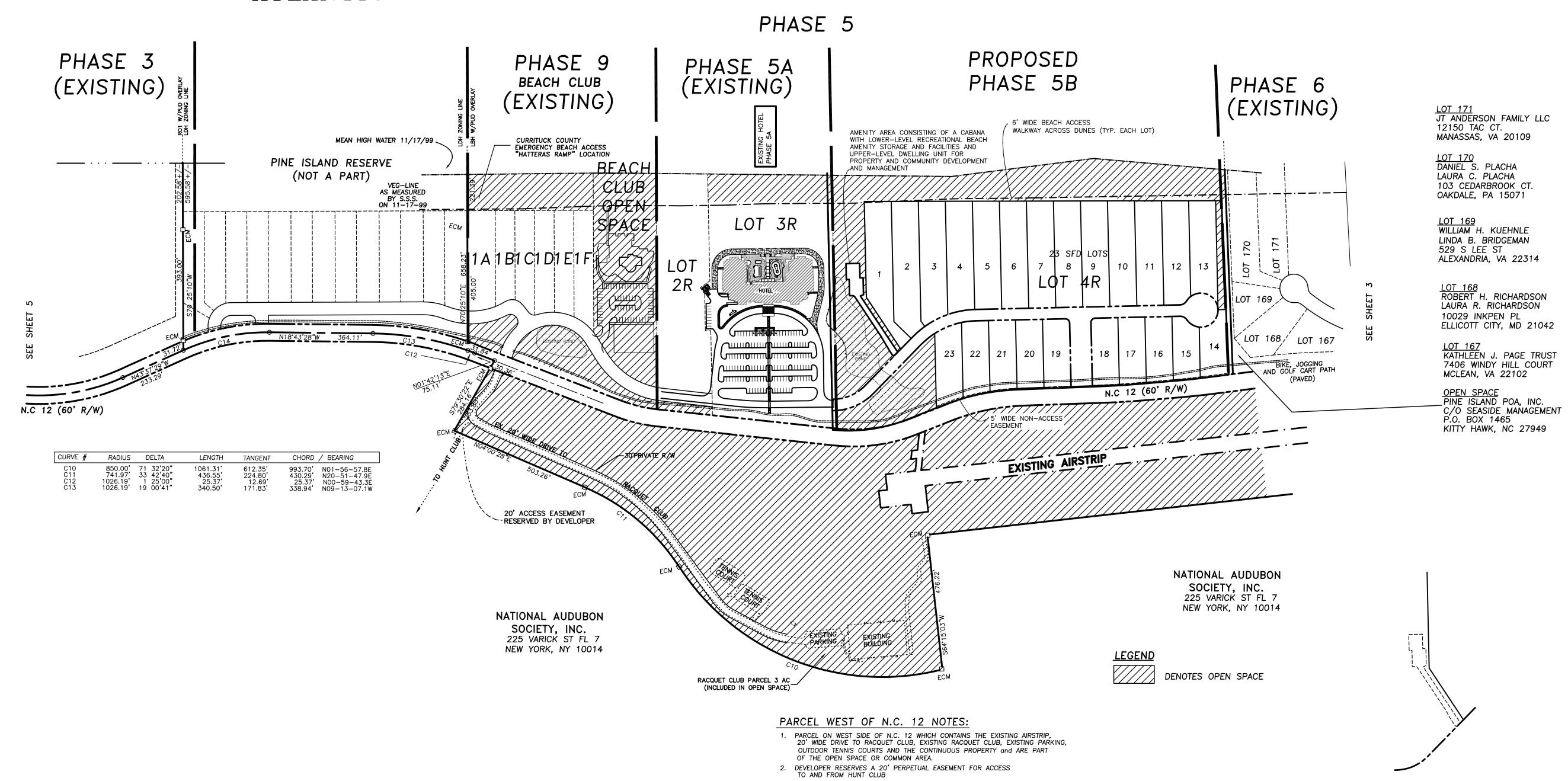
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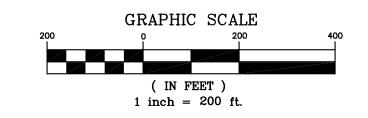
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**PHASES** 



### ATLANTIC OCEAN





P90096

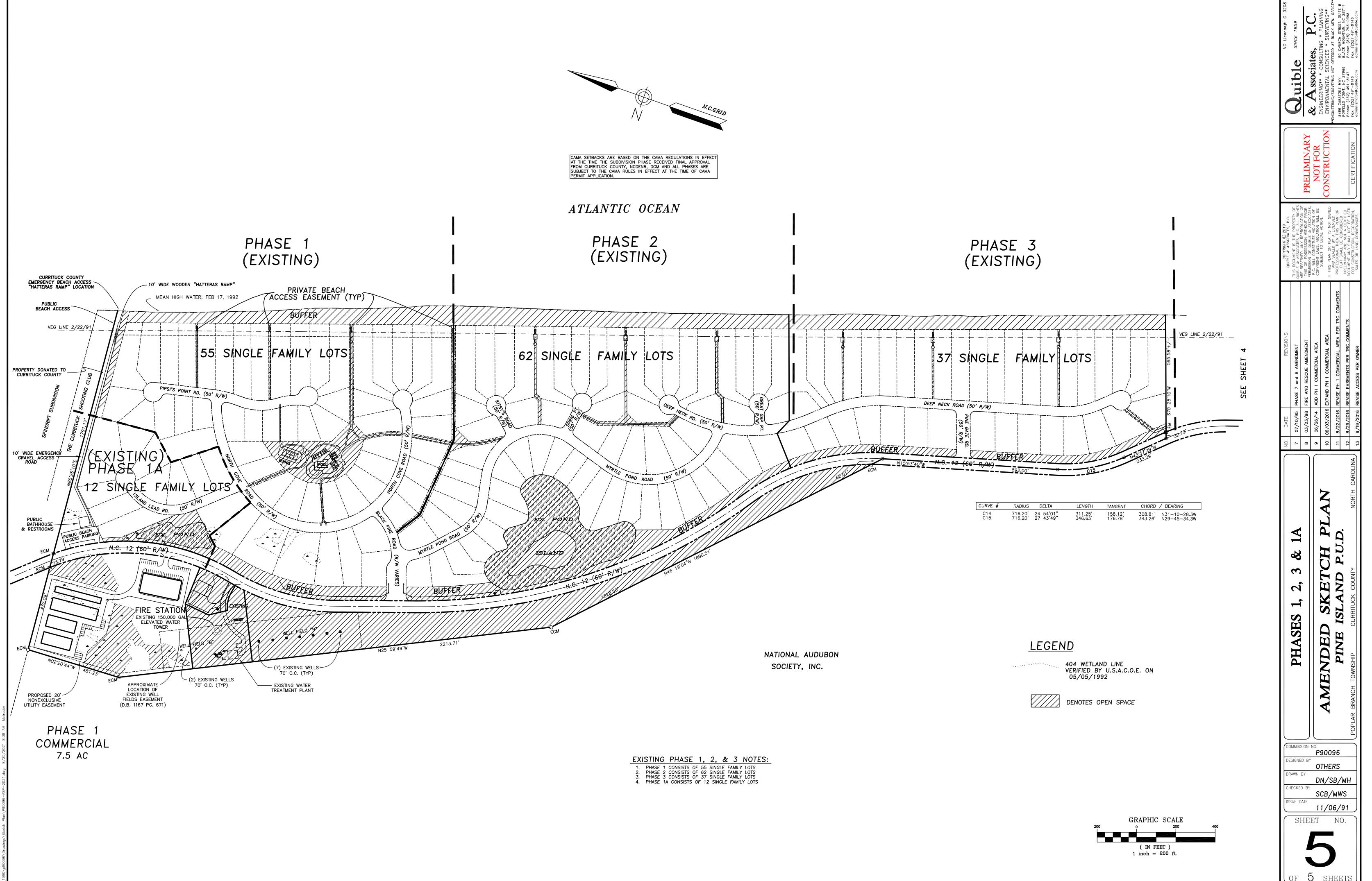
DN/SB/MH

SCB/MWS

11/06/91

SHEET NO.

of 5 sheets



#### OWNERSHIP & DEDICATION CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, UTILITIES, ALLEYS, WALKS, RECREATION AND PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY OR HOME OWNER'S ASSOCIATION. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

OWNER	DATE
NOTARY CERTIFICATE	
CAROLINA, DO HEREBY CERTIFY TH	A NOTARY PUBLIC OFCOUNTY NORTH HATPERSONALLY APPEARED OWLEDGE THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.
WITNESS MY HAND AND SEAL THIS	DAY OF 2019.
NOTARY PUBLIC	DATE

#### PRIVATE STREETS OWNER CERTIFICATE

I HEREBY CERTIFY THAT THE PRIVATE STREETS SHOWN ON THIS PLAT ARE INTENDED FOR PRIVATE USE AND WILL REMAIN UNDER THE CONTROL, MAINTENANCE AND RESPONSIBILITY OF THE DEVELOPER AND/OR A HOMEOWNER'S ASSOCIATION AND ACKNOWLEDGE THAT SOME PUBLIC SERVICES MAY NOT BE PROVIDED DUE TO THE PRIVATE NATURE OF THE ROAD.

OWNER	DATE

#### APPROVAL CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE CURRITUCK COUNTY ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE OFFICE OF THE CURRITUCK COUNTY REGISTER OF DEEDS WITHIN NINETY (90) DAYS OF THE DATE BELOW.

ADMINISTRATOR	DATE

#### ENVIRONMENTAL CONCERN CERTIFICATE

THIS SUBDIVISION (OR PORTIONS THEREOF) IS LOCATED WITHIN AN AREA OF ENVIRONMENTAL CONCERN

LOCAL PERMIT OFFICER	DATE

#### REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA COUNTY OF CURRITUCK

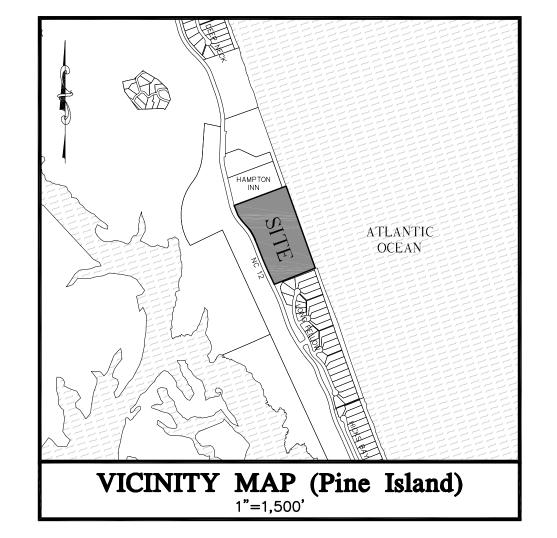
I, \_\_\_\_\_\_, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

REVIEW OFFICER	DATE

#### IMPROVEMENTS CERTIFICATE

I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY QUIBLE & ASSOCIATES, P.C., AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS.

REGISTERED ENGINEER DATE



#### PRIVATE ACCESS DISCLOSURE STATEMENT

PRIVATE ACCESS STREETS DO NOT MEET THE NCDOT'S MINIMUM STANDARDS FOR ASSUMPTION OF MAINTENANCE. CURRITUCK COUNTY DOES NOT CONSTRUCT OR MAINTAIN STREETS. FURTHER SUBDIVISION OF ANY LOT SHOWN ON THIS PLAT MAY BE PROHIBITED BY THE CURRITUCK COUNTY UDO UNLESS THE PRIVATE ACCESS STREET IS IMPROVED CONSISTENT WITH MINIMUM NCDOT STANDARDS.

#### EASEMENT ESTABLISHMENT STATEMENT

A 10 FOOT EASEMENT FOR UTILITIES AND DRAINAGE ALONG REAR AND SIDE PROPERTY LINES AND A

ALL SIDEWALK AREAS ARE HEREBY ESTABLISHED AS PEDESTRIAN EASEMENTS.

#### FLOODWAY/FLOODPLAIN STATEMENT

USE OF LAND WITHIN A FLOODWAY OR FLOODPLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER TOF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.

#### PUBLIC DEDICATION OF RECREATION AND PARK AREA, STATEMENT

A PAYMENT-IN-LIEU OF RECREATION AND PARK AREA DEDICATION HAS BEEN PROVIDED IN ACCORDANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE. PAYMENTS-IN-LIEU RECEIVED BY THE COUNTY SHALL BE USED ONLY FOR THE ACQUISITION OR DEVELOPMENT OF RECREATION AND PARK AREAS, AND OPEN SPACE SITES CONSISTENT WITH THE REQUIREMENTS OF NORTH CAROLINA GENERAL STATUTES SECTION 153A-331.

#### STORMWATER STATEMENT

NO MORE THAN 45%\* OF LOTS I-23 SHALL BE COVERED BY IMPERVIOUS STRUCTURES AND MATERIALS, INCLUDING ASPHALT, GRAVEL, CONCRETE, BRICK STONE, SLATE, OR SIMILAR MATERIAL, NOT INCLUDING WOOD DECKING OR THE WATER SURFACE OF SWIMMING POOLS. THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE WITH THE STORMMATER PERMIT NUMBER ISSUED BY THE STATE OF NORTH CAROLINA. THE COVENANT MAY NOT BE CHANGED OR DELETED WITHOUT THE CONSENT OF THE STATE. FILLING IN OR PIPING OF ANY VEGETATIVE CONVEYANCES (DITCHES, SWALES, ETC.) ASSOCIATED WITH THIS DEVELOPMENT, EXCEPT FOR AVERAGE DRIVEWAY CROSSINGS, IS STRICTLY PROHIBITED BY ANY PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

#### SURVEYOR'S CERTIFICATE

JOHN M. HURDLE, PLS

I, JOHN M. HURDLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE NOTES); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE NOTES); THAT THE RATIO OF PRECISION AS CALCULATED IS I:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH 6.S. 47-30 AS AMENDED.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2020, A.D.

NOTES:
I. PROPERTY OWNER / APPLICANT: PINE ISLAND PROPERTIES LLC

NC L-5209

2. PROPERTY IDENTIFICATION: PID: 01280000002H00000 PIN: 9942-77-8603

3. RECORDED REFERENCE: D.B. 1071, PG. 310, PC "J", SL 118

4. PROPERTY ZONED: LIMITED BUSINESS (LB) W/PUD OVERLAY

5. TOTAL AREA = 1,095,671,47 SQ.FT. (25.15 AC)
OPEN SPACE = 295,099.81 SQ. FT. (6.77 AC) OR 26.9%
COMMERCIAL = 10,133 SQ.FT. (0.23 AC)
LOT AREA = 108,178.02 SQ. FT. (16.26 AC)
ROW = 82,260.42 SQ. FT. (1.89 AC)

6. PROPOSED 23 LOT SUBDIVISION WITH UPPER STORY DWELLING UNIT LOCATED WITHIN COMMERCIAL AREA DESIGNATION.

7. BOUNDARY AND TOPOGRAPHIC DATA SHOWN ON THIS PLAN ARE BASED ON SURVEY BY QUIBLE & ASSOCIATES, PC., DATED 10/22/12.

1100 SOUTH STRATFORD RD, SUITE 300

WINSTON SALEM, NC 27103

8. PROPERTY LOCATED IN FIRM ZONES "VE" (II') & "X"
PANEL#:3720994200K DATED 12/21/18. (SUBJECT TO CHANGE BY FEMA)

9. VERTICAL DATUM NAVD 88, BASED UPON RAPID STATIC GPS POST PROCESSED IN OPUS AND NCGS MONUMENT "RUN".

IO. THIS PLAN SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.

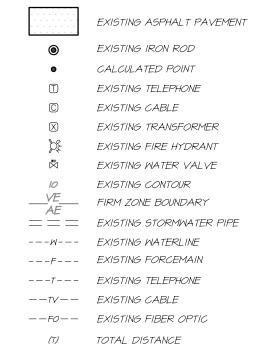
II. HORIZONTAL DATUM IS NAD83 (2011), DERIVED FROM NSGS MONUMENT "RUN".

12. THERE ARE NO JURISDICTIONAL WETLANDS OR WATERS ON THE SUBJECT PROPERTY.

13. SOIL TYPES: NEWHAN FINE SAND (Nec.), BEACHES-NEWHAN ASSOCIATION (BN) (SOILS BOUNDARY

#### <u>LEGEND</u>

SHOWN IS APPROXIMATE).



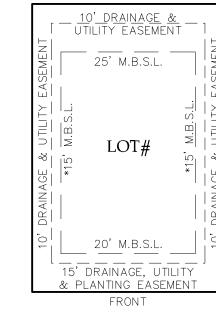
TOTAL DISTANCE

\*C

PROPOSED SANITARY

MANHOLE/PUMP STATION

— W — PROPOSED WATERLINE
—SS — PROPOSED SANITARY
SEWER



# TYPICAL LOT SETBACKS & EASEMENTS

\*CORNER LOTS SHALL HAVE 20' SIDE M.B.S.L.

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AND SEALED BY A LICENSED
PROFESSIONAL THEN THIS DOCUMENT
SHALL BE CONSIDERED PRELIMINARY,
NOT A CERTIFIED DOCUMENT AND
SHALL NOT BE USED FOR
CONSTRUCTION, RECORDATION, SALES

3

5B

r 4r PUD, PHASE 5B

LOT PINE ISLAND PU

COMMISSION NO.
P12073

DRAWN BY

CMS/JMH

CHECKED BY

JMH

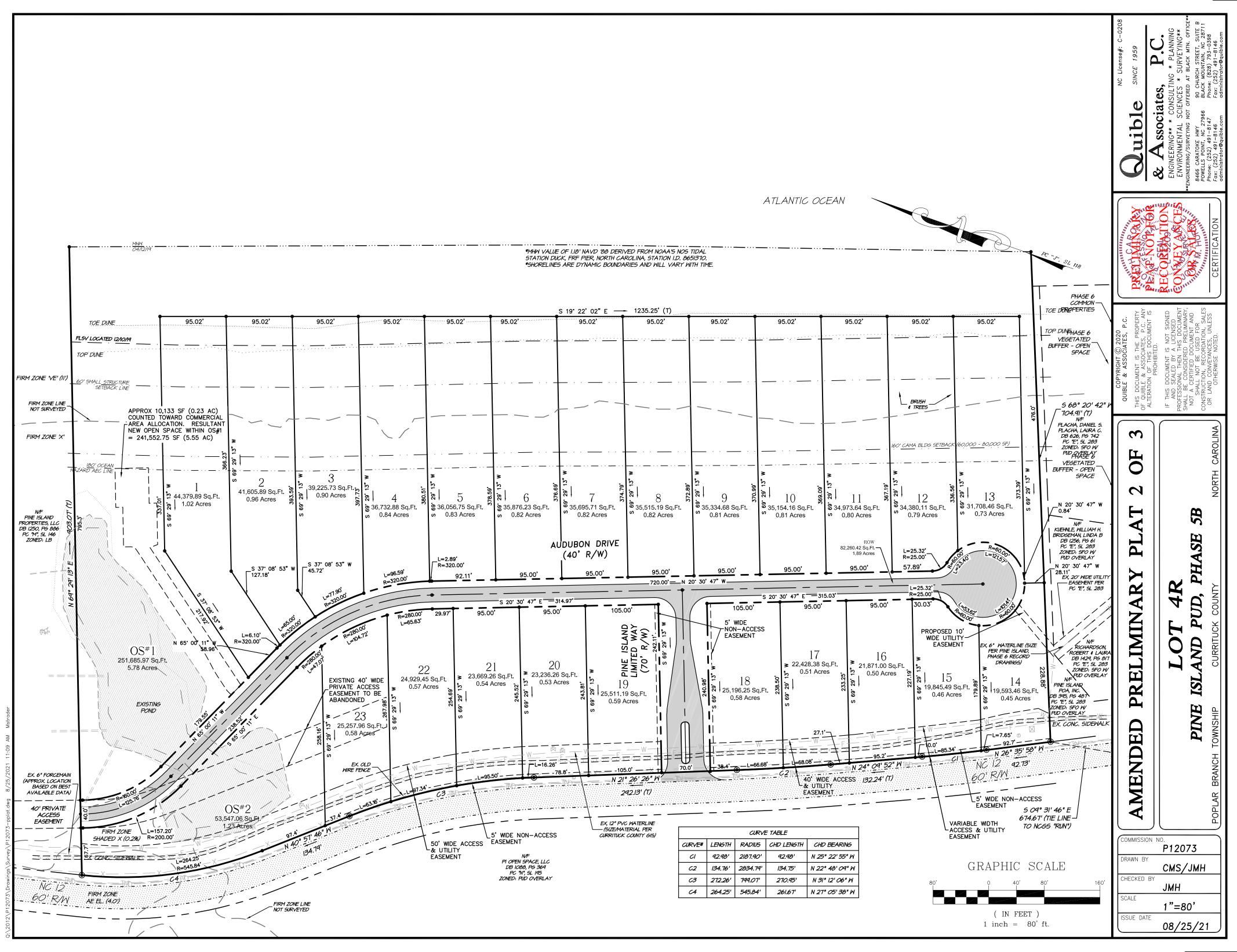
SCALE

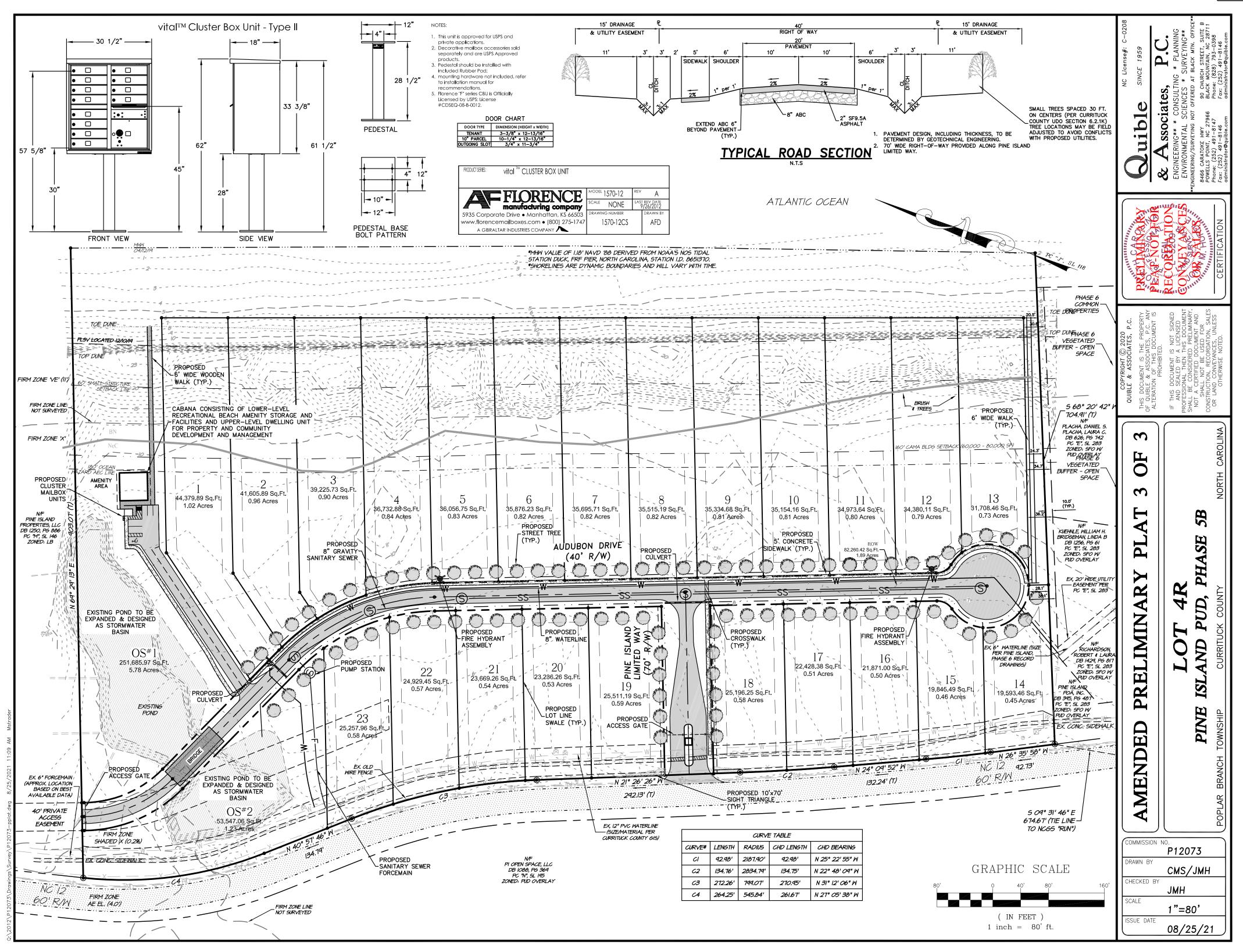
1"=80'

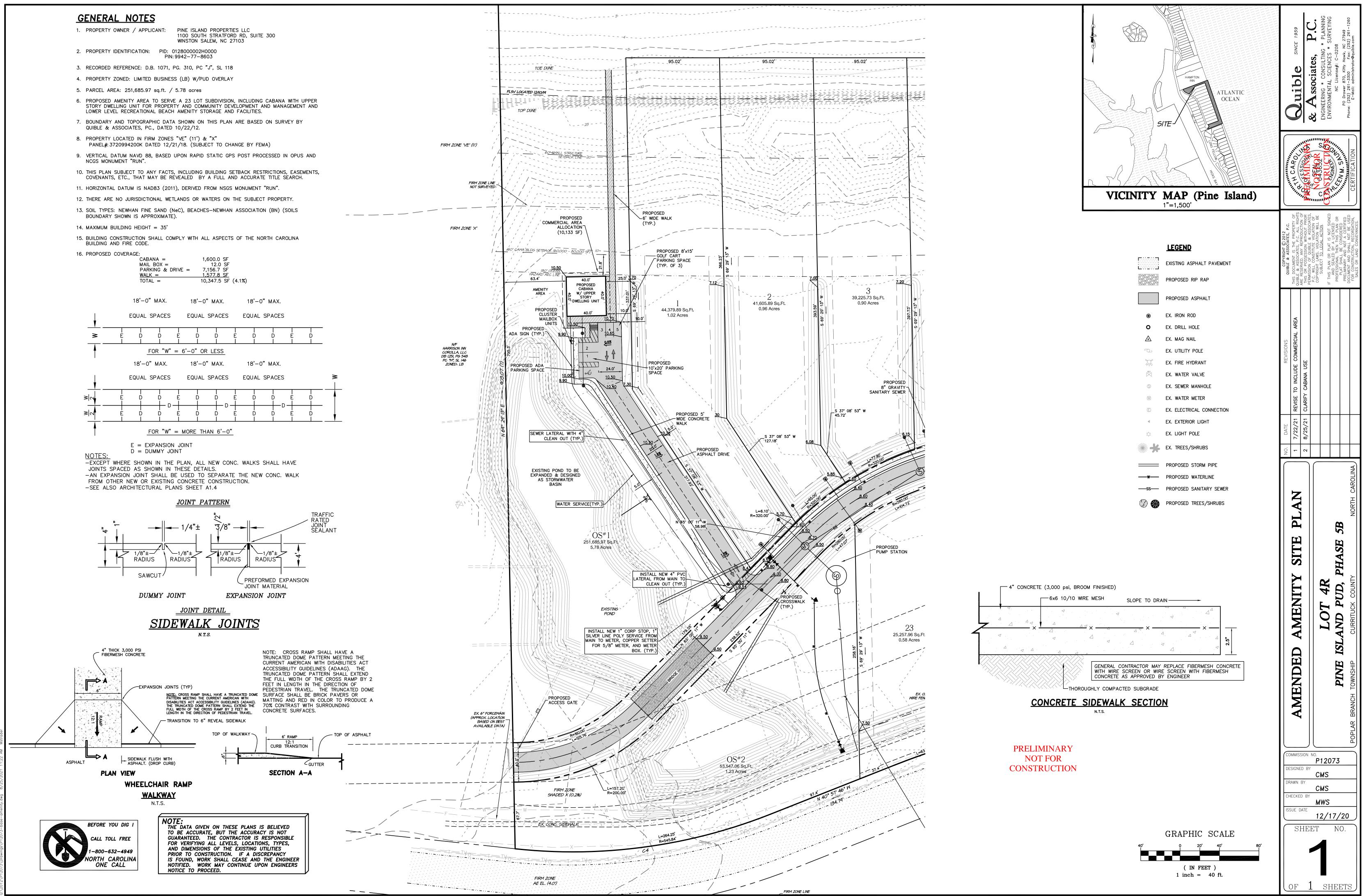
ISSUE DATE

08/25/21

Packet Pg. 21









Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

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

July 22, 2021

Ms. Jennie Turner
Currituck County Planning and Community Development
P.O. Box 73
Currituck, NC 27927

**RE:** Community Meeting Report

Use Permit Application and Amended Sketch Plan for Pine Island PUD Parcel ID No. 0128000002H0000 Corolla, Currituck County, NC

Ms. Turner,

A community meeting for the proposed Use Permit Application and Amended Sketch Plan of the above referenced parcel within Pine Island PUD was held on Thursday, July 15, 2021 at 4:00 p.m. in the Corolla Library. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of Turnpike Properties, LLC, with representatives from Turnpike Properties, LLC, Currituck County, and Pine Island property owners in attendance.

#### **Purpose**

The purpose of the meeting was to inform the community in the vicinity of the subject parcel of the intent to amend the sketch plan and use permit to allow for an upper story dwelling unit within the previously approved cabana located within the northern amenity area. It was explained that commercial area would be designated to encompass the commercial footprint and supporting improvements, and that an additional unit of density would be proposed. The proposed change would increase the PUD residential density from 303 to 304 units, increase the PUD commercial development area from 18.47 acres to 18.7 acres, and PUD open space would change from 37.67% to 37.6%.

#### **Meeting synopsis**

The community meeting presentation documents were set up within the meeting area of the Corolla Library by 3:30pm. The Corolla Library was open to the public and attendees began arriving at approximately 3:45 pm. Prior to beginning the community meeting, an "Open House" viewing of the Amended Sketch Plan, Amended Preliminary Plat, and Amended Amenity Site Plan, along with the Use Permit Application, surrounding property owner notification letters, County Use Permit Review Procedures, and County Application Submittal Schedule were available to the public. The exhibits were mounted on a poster board and placed on an easel for ease of viewing.

As attendees arrived, they were asked to provide their contact information on the sign-in sheet at the check in table and were advised to please utilize the provided comment sheets to remit comments. Attendees were also advised that comments could be received by Quible &

Community Meeting Report Use Permit Application and Amended Sketch Plan for Pine Island PUD Parcel ID No. 0128000002H0000 July 22, 2021

Associates, P.C. either by email or telephone, and Rolf Blizzard, with Turnpike Properties, LLC, offered his contact information to address questions or concerns.

At 4:00 pm a presentation of the proposed amendment to the uses and minor change to the cabana within the amenity area was provided by Quible & Associates. A copy of the agenda was distributed to everyone in attendance and the sign-in sheet was routed throughout the room. The presentation setting was as casual as possible and loosely followed the Agenda (Exhibit 1), to allow for a comfortable atmosphere allowing the community to ask questions throughout the meeting.

Quible & Associates (Michael W. Strader, Jr., P.E.) introduced the Owner Representative (Rolf Blizzard with Turnpike Properties, LLC), and the County Representative (Jennie Turner) and began with a brief discussion about the County procedures for reviewing and approving the proposed project and purpose for the community meeting and the proposed development.

The parcel proposed for use permit amendments, density, open space and commercial area reallocation were described and identified on the exhibits. The proposed amended sketch plan and use permit application were described as in compliance with the current Currituck County UDO PUD requirements and in keeping with the surrounding neighborhoods and County Land Use Plan.

Throughout the presentation, the floor was open for questions and comments from the audience. Comments and questions received during the meeting were as follows:

- 1. A question was raised about why the cabana needed to be designated as commercial for an upper story dwelling unit. It was explained that although an upper story dwelling unit is within the residential use classification, the County UDO describes in Section 1.8.6(2)(b) that land designated for commercial (or multi-family) development shall be limited to the allowable uses for the PD-O district listed in Table 4.1.1.B, Summary Use Table. Upper story dwelling is allowed within the PD-O district with a Master Plan within Table 4.1.1.B. Alternatively, an upper story dwelling is not listed as an allowable use within Table 4.1.1.A. under the SFO district which would be the Summary Use Table for land designated for residential development. Therefore, in order to propose an upper story dwelling within the PUD, the land must be designated for commercial development.
- 2. A question was asked about whether the upper story dwelling would be sold or rented. It was explained that the cabana would remain within the amenity area parcel and would not be sold. It was further explained that the upper story dwelling was not intended to be rented, Airbnb, VRBO, etc. It was clarified that the upper story dwelling is intended to be used by a property caretaker or manager. A reminder that the developer's intent is to build 2 or 3 houses (however many that the single GC can properly handle) and that the developer intends to monitor construction periodically by staying within the unit. It was further explained that other properties that the developer has previously utilized for accommodations have since been sold.
- 3. A follow-up question that arose after the explanation above was what would happen with the upper story dwelling unit after the development was built out. The developer explained that after the approximate 10-year development plan, the unit could be utilized by the property maintenance or a property manager. The developer explained

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- that the intent is to retain ownership of the development and lots and manage the properties.
- 4. A question arose about what is within the approved cabana. It was explained that the currently approved cabana building permit has lower-level storage and restroom facilities and upper story conditioned storage. It was further explained that the lower level contains amenities for the Pine Island Limited community including facilities, and beach equipment storage for the non-oceanfront lots. The intent is that the proposed oceanfront houses will have beach equipment storage.
- 5. A question was asked about why the proposed commercial designation encompassed more than just the rectangular structure itself. It was explained that the County requires the supporting improvements of the commercial use be included within the commercial area designation. It was clarified using the Amended Amenity Area Site Plan exhibit that the proposed commercial area not only included the cabana structure, but a 4' offset area, the parking area, sidewalk, 10' width access, and grassed strip in between up to the right-of-way.
- 6. Getting off topic a bit, there were some questions about the proposed size of the homes and associated number of bedrooms of the 23 lots previously approved during ASP and preliminary plat. The developer explained that while the current market would dictate, he has been planning for approximate 12-bedroom oceanfront homes and approximately 8-bedroom non-oceanfront homes. Although the development team was currently considering a 10-bedroom footprint for the first lot. However, when compared with Pine Island Reserve and Pine Island Club (Phase 9) to the north of the Hampton Inn, the Pine Island Limited (Phase 5B) development would have less bedrooms. In addition, it was stated that the subject development has increased side yard setbacks of 15' providing for more separation between structures.
- 7. A question was asked about whether the new homes would be within the PIPOA. The developer explained that no, this development was exclusive and will not be a part of the PIPOA.
- 8. There were some questions about timing and what happens next with this proposal. It was discussed that the intent is to submit the application requesting to amend the sketch plan and use permit by the July 22<sup>nd</sup> submittal deadline which would put the item on track for the October 18<sup>th</sup> Board of Commissioners agenda. It was also stated that an amendment to the previously approved preliminary plat would need to be submitted, reviewed, and approved by the County. We stated that while we are uncertain of when that amended preliminary plat can be submitted, we are clear that no action may be taken until the new ASP/Use Permit is approved. It was then stated that there are already Permits and Approvals in place to allow for final platting of the previously approved development and associated lots, the only item or use that cannot be constructed at this time is the upper story dwelling unit; but the cabana itself with upper story conditioned space may continue.
- 9. In addition to the above, it was explained that the developer intends to phase the final plat(s) where the initial phase would be limited to the main entrance and headed northward; there remains uncertainty about how many and which lots may be platted within Phase 1 pending feedback from Planning Staff regarding open space area platting. Finally, it was stated that once the ASP/Use Permit and amended preliminary plat are approved, then an application requesting to amend the current cabana building permit would be submitted to allow for the upper story dwelling unit.

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Upon the conclusion of the discussions, attendees were again reminded that any further questions or comments not addressed at the meeting can be forwarded to Quible & Associates and the meeting was adjourned. There did not seem to be any opposition or adversity to the application, but rather inquisitiveness. No written comments were received.

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

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

Sincerely,

Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc: Rolf Blizzard, Turnpike Properties, LLC



# Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3260

Agenda Item Title: PB 87-56 Monteray Shores PUD Parcel 10:

**Submitted By:** Jennie Turner – Planning & Community Development

Item Type: Quasi-Judicial

Presenter of Item: Jennie Turner

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Request for Amended Sketch Plan/Special Use Permit to add 36 residential dwelling units, reduce open space by 4.01 acres and reallocate existing commercial designation on Parcel 10.

#### **Planning Board Recommendation:**

Staff Recommendation: Application Reviewed

TRC Recommendation: Application Reviewed



# STAFF REPORT PB 87-56 MONTERAY SHORES PUD (PARCEL 10) AMENDED SKETCH PLAN/ SPECIAL USE PERMIT BOARD OF COMMISSIONERS OCTOBER 18, 2021

APPLICATION SUMMARY	
	Applicants
Property Owner: Richard C. Willis	Applicant: Richard C. Willis
Outer Banks Ventures, LLC	Outer Banks Ventures, LLC
PO Box 549	PO Box 549
Corolla, NC 27927	Corolla, NC 27927
Case Number: PB 87-56	Application Type: Amended Sketch Plan/Special Use Permit
Parcel Identification Number:	Existing Use:
0116-000-0010-0000	Planned Unit Development (PUD)
2006 Land Use Plan Classification:	Parcel Size (Acres):
Full Service & Conservation	36.19 (Subject Parcel)
	355.309 (Overall PUD)
Request: Amend Sketch Plan/Special Use Permit	Zoning: SFO with PUD Overlay
Number of Units:	Project Density:
36 units (Subject Parcel)	1.324 dwelling units per acre excluding CAMA
	wetlands (Subject Parcel)
747 units (Overall PUD)	2.395 dwelling units per acre (Overall PUD)
Required Open Space:	Provided Open Space:
123.358 acres (35%) (Overall PUD)	130.343 acres (36.67%) (Overall PUD)
Maximum Commercial Area:	Proposed Commercial Area:
36.222 ac.	36.222 ac.
10.19% Previously approved	10.19% No change requested
CURROUNDING BARGELO	1

#### SURROUNDING PARCELS

	Land Use	Zoning
North	Monteray Shores Open Space	Monteray Shores PUD SFO with PUD Overlay
South	Timbuck II Shops	Buck Island PUD SFO with PUD Overlay
East	Monteray Shores WWTP/ Corolla Adventure Golf & Bumper Cars/Seaside Farm Market/Coffee Shop	SFO with PUD Overlay
West	Currituck Sound	N/A

#### STAFF ANALYSIS

#### **Application Summary**

The applicant, Outer Banks Ventures, Inc. is requesting an amended sketch plan/special use permit related to a 36.194-acre subject property located in the Monteray Shores Planned Unit Development (PUD). The Monteray Shores Sketch Plan designates 34.986-acres as open space, 1.208-acres as commercial and zero (0) units of residential density. The property consists of 8.24-acres of upland area (excluding the pond).

The amended sketch plan request proposes:

- an additional 36 units of residential density.
- a reduction of open space area by 4.01 acres.
- relocation of existing 1.208 acres of commercial area.

The Monteray Shores Amended Sketch Plan identifies the open space area on the subject parcel as "utility open space". The NC General Assembly repealed the requirement for reserved "green area" related to coastal waste treatment disposal on May 1, 2020. Carolina Water Service, Inc. of North Carolina operates the Monteray Shores Wastewater Treatment Plant and has provided a letter dated June 24, 2021, stating that the property proposed for development is not needed for utility use. The need for designated "utility open space" appears to be resolved; however, this request does include a reduction in open space for the Monteray Shores PUD. The proposed resultant open space meets the minimum 35% required per the Bulk and Dimensional Standards of Section 1.8. Transitional Provisions of the UDO which addresses Approved Planned Unit Development District Overlay and Sketch Plans.

The proposed development includes a total of thirty-six (36) residential dwelling units: five (5) single-family dwelling lots, twenty-five (25) townhome lots and six (6) upper story dwelling units. A ten (10) slip boat basin is proposed for use by residents and visitors to the site. Subdivision of the property will require preliminary plat/special use permit applications for review by the Board of Commissioners. A conceptual development plan and preliminary architectural renderings have been provided by the applicant to illustrate the proposed uses and project layout. A site-specific development plan is not approved for this property or part of this submittal. Approvals for any proposed development on the tract must be submitted to the county, follow the appropriate review process for the type of use proposed, and be approved by the appropriate authority.

The applicant proposes construction of three retail buildings over the existing pond with two (2) upper story dwelling units in each building. A boardwalk connection is proposed from the retail buildings to a proposed restaurant and outdoor entertainment deck. Parking is provided adjacent to the retail buildings and the restaurant area.

A recreation/paddle boat rental storefront/storage building is proposed adjacent to the pond with docks over the pond. Parking is provided adjacent to the building.

An elevated boardwalk over the wetlands with a ten (10) slip boat basin in Currituck Sound is proposed to be connected to the outdoor entertainment deck. Prior to construction of this feature, CAMA review and permitting are required.

Outdoor entertainment and outdoor recreation require special use permits in PUDs. Prior to establishing outdoor recreation and outdoor entertainment uses including the proposed boat basin, paddle boat rentals, and the outdoor entertainment venue, the owner must submit applications for special use permits for review by the BOC.

The existing pond is proposed to be expanded for stormwater management. The county holds a perpetual right and easement to convey and discharge groundwater associated with the Whalehead Watershed Improvement District into the pond, and for a subsurface conveyance pipe. It is of great interest and concern of the county to ensure that the easements are not negatively impacted by any development over or augmentation of the existing pond.

The applicant is proposing access on Malia Drive as well as an entrance through the NCDOT owned property where Seaside Farm Market is located. Approval for access through the NCDOT property has not been provided by the applicant. Adequate traffic flow and management as well as impacts to adjacent properties should be considered.

The request provides corrections to previously approved sketch plans for Monteray Shores to show existing approvals more accurately with respect to residential density, open space, and commercial allocation. The applicant has provided deed and plat research and has referenced prior approved sketch plans in an effort to provide an update to the Monteray Shores Amended Sketch Plan that reflects past approvals and current conditions. In reviewing the Amended Sketch Plan, staff has acknowledged that lots and areas previously recorded are acceptable for use in revised calculations.

Updates to the Amended Sketch Plan were provided upon the request of staff in consultation with the county attorney due to inconsistences found in prior approved Amended Sketch Plans, including the omission of 57 dwelling units at Villas at Corolla Bay.

#### **COMMUNITY MEETING**

A community meeting was held on May 24, 2021. The applicant and engineer were present along with county staff. A community meeting summary provided by the applicant is included in the agenda packet. Following the community meeting and review of this application, staff determined that a Land Use Plan Amendment was necessary. The applicant submitted a request for a Land Use Plan Amendment that was approved by the BOC at the October 4, 2021, meeting.

INFRASTRUCTURE		
Water	Southern Outer Banks Water System (SOBWS)	
Sewer	Carolina Water Service (Private)	

#### **REVIEW AND COMMENT**

#### **TECHNICAL REVIEW COMMITTEE**

The Technical Review Committee provides the following review comments regarding the proposed Amended Sketch Plan/Special Use Permit:

- 1. The Land Use Plan amendment approved by the BOC on October 4, 2021, shall be certified by the State per G.S. 113A-110 prior to this special use permit becoming valid.
- 2. A site-specific development plan is not approved for this property. Approvals for any proposed development on the tract must be submitted to the county, follow the appropriate review process for the type of use proposed, and be approved by the appropriate authority.
- 3. Per Section 1.8.6.B.2 of the UDO, special use permits for outdoor recreation/entertainment uses (ten (10) slip boat basin by UDO definition is an outdoor recreation use, paddle boat rentals, outdoor entertainment venue) are required in PUDs. This amended sketch plan/special use permit request may result in relocation of permissible commercial development area; however, to establish outdoor recreation/entertainment uses, additional special use permit applications will be required.

- 4. Major site plan and/or preliminary plat/special use permit approval (as applicable) is required prior to commencement of development.
- 5. Multi-family design standards, Non-residential design standards, or Shopping Center design standards apply to development per the UDO.
- 6. Proposed access and configuration through the NCDOT owned parcel(s) shall be approved by NCDOT or Turnpike Authority as appropriate and by County Staff through the Preliminary Plat/Special Use Permit or Major Site Plan review process.
- 7. Proposed changes to pond configuration shall not negatively impact the county's easement or purpose for the easement recorded in the Currituck County Register of Deeds Office on Deed Book 1135, Page 302. A note shall be added to the plans to reflect the county's perpetual right and easement to convey and discharge groundwater associated with the Whalehead Watershed Improvement District into the pond shown and more particularly described on that plat recorded at Plat Cabinet K, Slide 50 of the Currituck County Registry.
- 8. Walkways and piers for private property owner use may not be constructed in open space setasides.
- 9. Required open space areas including active open space will be evaluated during review of subsequent application submittals.

#### 2006 Land Use Plan

A Future Land Use Map amendment was approved by the BOC on October 4, 2021, designating 12.22 acres of the site as Full-Service Area. The proposed development is in area designated as Full-Service as amended on October 4, 2021. Prior to the Future Land Use Map amendment becoming effective, the amended plan must be submitted to the Division of Coastal Management for certification. The elevated boardwalk over the wetlands is proposed in area designated as Conservation.

The 2006 Land Use Plan classifies this site as Full Service and Conservation within the Corolla subarea. The Full-Service designation allows for a greater diversity of housing types. The policy emphasis for the Corolla subarea is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should apply to PUDs, the prevailing development form in the Corolla area. Strip commercial development is to be avoided for both aesthetic reasons and traffic movement considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services – particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

The following policies of the plan may apply to the proposed request:

<u>POLICY HN1</u>: 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.

<u>POLICY HN3</u>: 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.

<u>POLICY CD8</u>: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

<u>POLICY CD9:</u> Businesses shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.

<u>POLICY OB1</u>: Currituck County supports the provision of INFRASTRUCTURE (e.g., potable water) AND SERVICES (e.g., law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.

<u>POLICY OB2</u>: 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.

<u>POLICY ES1</u>: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available. For existing development located on poor soils, and where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.

<u>POLICY ES2</u>: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

<u>POLICY ES3</u>: COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species. CAMA use standards and policies for coastal wetlands shall be supported. Uses approved for location in a coastal wetland must be water dependent (i.e., utility easements, bridges, docks and piers) and be developed so as to minimize adverse impacts.

<u>POLICY PA1</u>: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.

<u>POLICY PA2</u>: The County supports MANY FORMS OF "ACCESS" to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.

#### **SPECIAL USE PERMIT REVIEW STANDARDS**

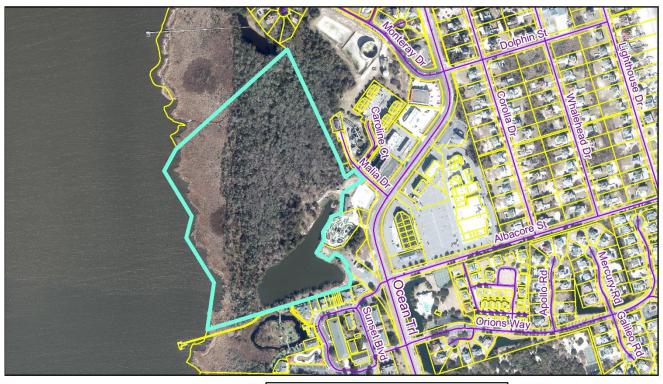
Following an evidentiary hearing, the board shall decide if the application is in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Special Use Permit Review Standards.

#### Special Use Permit Review Standards

A special use permit shall be approved on a finding that the applicant demonstrates the proposed use will:

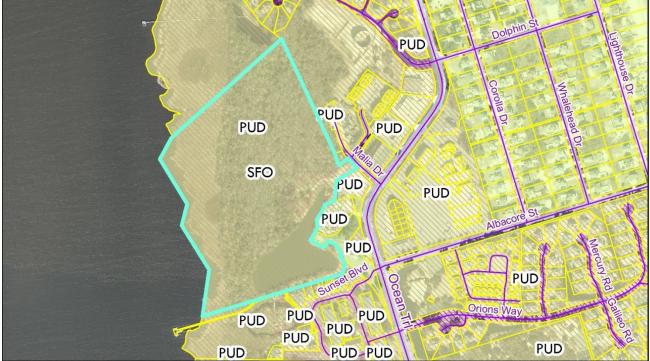
- 1. Not endanger the public health or safety.
- 2. Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
- 3. Be in conformity with the Land Use Plan or other officially adopted plan.
- 4. Not exceed the county's ability to provide adequate 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.

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



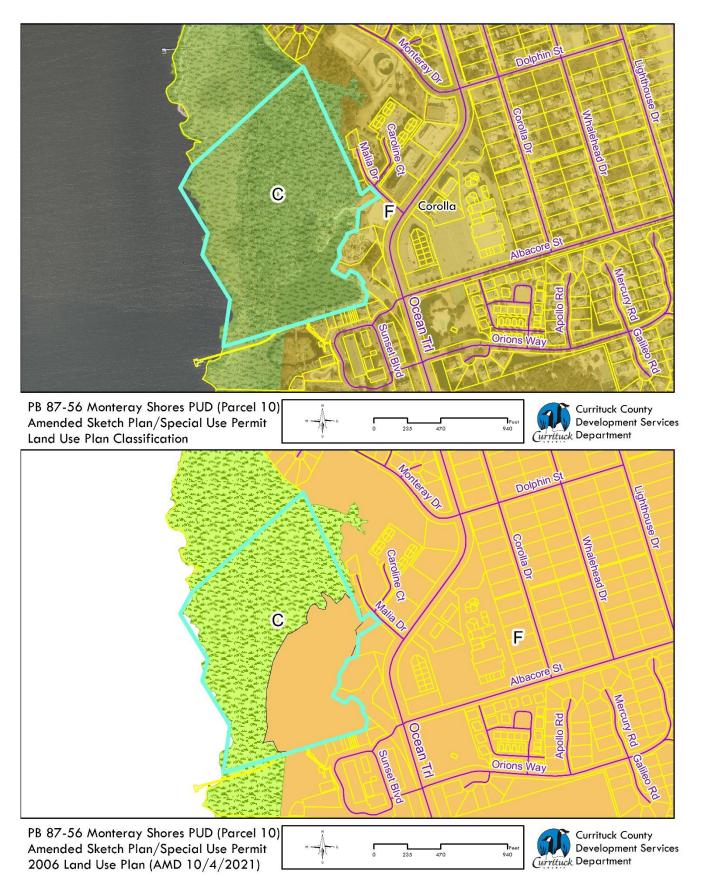
PB 87-56 Monteray Shores PUD (Parcel 10) Amended Sketch Plan/Special Use Permit 2020 Aerial Photography





PB 87-56 Monteray Shores PUD (Parcel 10) Amended Sketch Plan/Special Use Permit Official Zoning Map





FLUM change to be sent to NC Division of Coastal Management for review and certification prior to becoming effective.



## Major Subdivision Application

OFFICIAL USE ON	LY:
Case Number:	
Date Filed:	
Gate Keeper:	
Amount Paid:	

Contact Informati	on		
APPLICANT:	Outer Banks Ventures, Inc.	PROPERTY OW Name:	NER: Same
	PO Box 549	Address:	
Address:	Corolla, NC 27927		
Telephone:	252-453-4198	Telephone:	
E-Mail Address:	rcwillis@outerbanksventures.com	E-Mail Address:	
	ISHIP OF APPLICANT TO PROPERTY O	WNER: Same	
Request			
Physical Street A	Malia Drive		
Parcel Identificat	0116-0000-0100-0	00	
Subdivision Nam	Monterey Shores, PUD		
Number of Lots	0.6	Phase:	10
TYPE OF SU		TYPE C	F SUBDIVISION
	ation and Development Plan	n	Traditional Development
X Amende	d Sketch Plan/Use Permit	□ -37	Conservation Subdivision Planned Unit Development
	ary Plat (or amended)	dX D	Planned Development
	el OR □Typell tion Drawings (or amended)	<b>1</b> -4	
	at (or amended)		
record.	county officials to enter my property dards. All information submitted and response to the county of the county of the county of the county interest. If there are multiple property	equired as part of	Date
Community Mos	eting, if applicable		
		14 4 4 4	
Date Meeting H	leld:	Meeting Locat	on:

Major Subdivision Application Page 5 of 12 Revised 7/1/2019

Use P	ermit Review Standards, if applicable
PUD A	mended Sketch Plan/Use Permit, Type II Preliminary Plat
Purpo	se of Use Permit and Project Narrative (please provide on additional paper if needed):
	\
	Please refer to Attachment "A"
Comp	applicant shall provide a response to the each one of the following issues. The Board of nissioners must provide specific findings of fact based on the evidence submitted. All findings shall be in the affirmative for the Board of Commissioners to issue the use permit.
A.	The use will not endanger the public health or safety.
<i>-</i>	Please refer to Attachment "A"
В.	The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
	Please refer to Attachment "A"
C.	The use will be in conformity with the Land Use Plan or other officially adopted plan.  Please refer to Attachment "A"
D.	The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.
	Please refer to Attachment "A"
of m prop of th	e undersigned, do certify that all of the information presented in this application is accurate to the best my knowledge, information, and belief. Further, I hereby authorize county officials to enter my porty for purposes of determining zoning compliance. All information submitted and required as part is application process shall become public record.
Pror	perty Owner(s)/Applicant*

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

Major Subdivision Application Page 6 of 12 Revised 7/1/2019

## ATTACHMENT "A" to USE PERMIT REVIEW STANDARDS

## **Purpose of the Use Permit and Project Narrative**

The purpose of Amended Sketch Plan/Use Permit Application is to reallocate the existing 1.177 acres of commercial zoning within the Phase 10 parcel to support appropriate commercial uses in a configuration that better fits the land, and to allocate approximately 3 acres of upland that is suitable for residential development to future residential use. Five single family lots and 25 townhome lots are proposed on the 36 acre tract. Also, 6 upper story dwellings are proposed above 3 small commercial buildings. A Preliminary Site Plan and Preliminary Architectural Renderings are provided to illustrate the proposed uses. Boat docks are also being proposed for the use of residents and visitors to the site.

## A. The Use will not endanger the public health or safety.

Transportation, potable water, wastewater and stormwater management will be addressed in accordance with the following paragraphs:

1. Transportation: The existing commercial entrance that is served by the existing traffic signal at Albacore Street utilized to access the commercial uses, and the existing Malia Drive will be used for access to the residential uses. Pedestrian connectivity is also being provided between uses within the development, with external connections being made to the existing pedestrian walkway at Maia and Ocean Trail, and to the existing crosswalk at NC 12 by the farm market, which provides access to the beach via Albacore Street. NCDOT has provided a preliminary opinion that the proposed transportation improvements appear to be appropriate for this development. More detailed plans and permit applications will be prepared at the next stage of the development approval process.

Appropriate access has been made for emergency service vehicles.

- 2. **Potable Water:** Water will be supplied by Currituck County via existing water mains located on NC 12, Malia Drive and the NCDOR right-of-way that provides access from Sunset Blvd. Fire protection will be provided in accordance with the NC Fire Code, applicable ISO Standards, and the Unified Development Ordinance.
- 3. **Wastewater:** Advanced wastewater treatment will be provided by the adjacent Monteray Shores Wastewater Treatment Facility, which has capacity to serve the proposed development and is regulated by NCDEQ and the NC Utilities Commission.
- 4. **Stormwater Management:** Stormwater will be collected and filtered through vegetative swales and then will flow into the existing 4+ acre pond on site, which will attenuate the flow and then slow-release stormwater to the adjacent wetlands, which will provide additional filtration.

- B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
  - Adjacent properties are commercial to the east and to the south, where new
    commercial uses are proposed. Adjacent properties to the northeast are a combination
    utility and multi-family development. Adjacent property to the north is open space, and
    to the west is the Currituck Sound. The nearest single family dwelling to the north is
    more than one-quarter mile from any proposed commercial use.
  - Community compatibility standards will be adhered to. The Architectural design and
    materials will be done in the local vernacular and will be attractive and compatible with
    existing residential and commercial buildings. Landscaping and buffering are also being
    provided in accordance with the UDO standards,
  - 3. The proposed land uses are suitable and complimentary to the development and use of adjacent and nearby properties, and will not affect the existing use or usability of adjacent or nearby properties.
- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.
  - During a public hearing on PB 87-56 Monteray Shores, Commercial Parcel 6 on July 6, 2009 where the existing commercial allocation was approved, both the county staff and the Board of Commissioners made the following determination regarding Land Use Plan consistency:
    - "a. The 2006 Land Use Plan classifies this site as Conservation area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:
      - i. Policy ES2 states "NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

The proposed subdivision does not contain any wetlands.

ii. Policy OB1 states "Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks" The proposed subdivision has been designed with adequate water and sewer extensions."

The approved commercial use area is simply being relocated/reconfigured on the site to land that is similar in nature but oriented in a way that allows a better site plan.

No additional commercial allocation is being requested.

- 2. The property is located within the existing PUD, where the proposed density still keeps the PUD well below the allowable 3 dwelling units per acre.
- 3. A draft Future Land Use Map has been prepared in connection with the Land Use Plan amendment that is in progress and classifies all of the upland area on this tract as "G3 Mixed Use Center and Corridors", which anticipates mixed use development at densities of up to 3 units per acre (one unit per acre is being proposed).
- 4. Other policies from the 2006 Land Use Plan that support this development proposal include the following:
  - a. POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
  - b. POLICY PA2: The County supports MANY FORMS OF "ACCESS" to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.
  - Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.
  - d. POLICY ES4: In approving new developments, Currituck County shall support the retention or creation of a vegetated buffer area along ESTUARINE SHORELINES as a simple, effective and low-cost means of preventing pollutants from entering estuarine waters.
  - e. 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.
- f. 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.

The proposed development appears to support <u>both</u> of these development policies.

- g. POLICY PR8: New mixed use developments, office and business parks, and other non-residential areas shall be encouraged to include WALKWAYS WITHIN THE DEVELOPMENT.
  - This development provides walkways between uses and connects them to adjacent pedestrian pathways.
- 5. In addition to Policy OB1, cited above, the following special policy applicable to the Outer Banks is supported:
  - 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.
- D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

The proposed uses are not expected to have an adverse impact on schools, fire and rescue, law enforcement or other county facilities. Dwellings are expected to be seasonal rentals without school aged children. The commercial development will have adequate fire protection and fire access, and the type of development is not expected to have an impact on law enforcement.

1. PROJECT NAME: MONTERAY SOUND SHORE

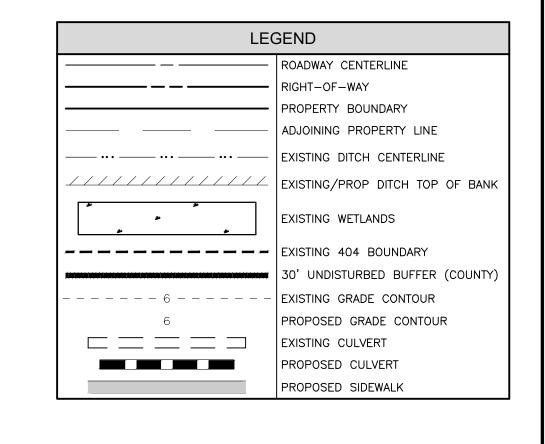
- OWNER/APPLICANT: OUTER BANKS VENTURES, INC. P.O. BOX 549 COROLLA, NC 27927
- PARCEL ID#: 0116-0000-0100-0000
  PRIMARY ADDRESS: MALIA DRIVE, COROLLA, NC
  RECORDED REFERENCES: D.B. 1161, PG. 734, P.C. K, SL. 49
  PROPERTY ZONING: SFO-PUD
- 5. F.I.R.M. DATA: ZONES X, AE (3') AND SHADED X PER F.E.M.A. F.I.R.M. MAP NUMBER 3721803200 K, EFFECTIVE DATE DECEMBER 21, 2018. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
- A DRAWING ENTITLED "WATER DEPTH SURVEY/CAMA FEASE" PREPARED BY QUIBLE AND ASSOCIATES

## AMENDED SKETCH PLANS FOR

## MONTERAY SHORES P.U.D.

AMENDMENT FOR DEVELOPMENT OF PHASE 10 POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

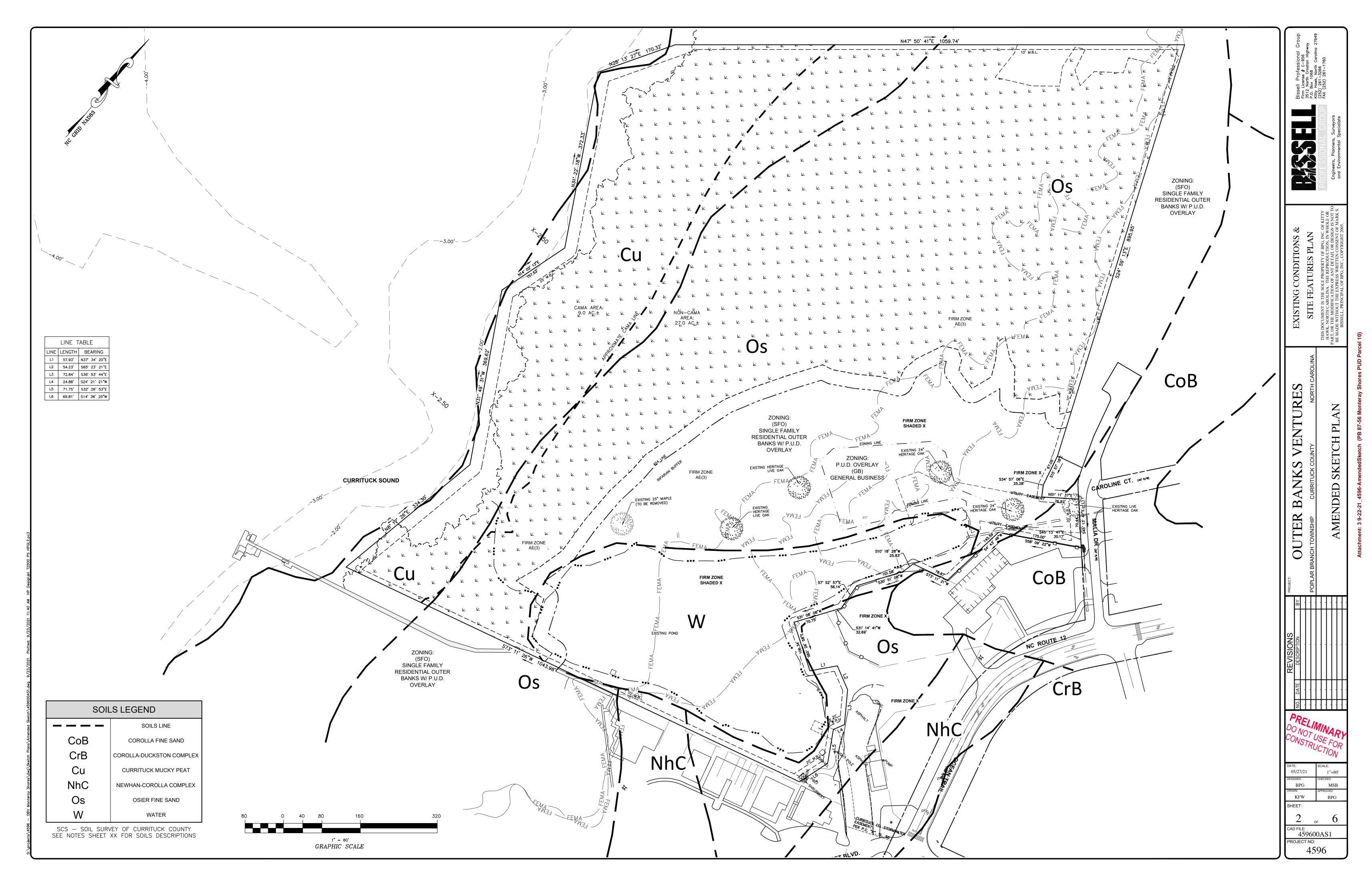
Sheet Number	Sheet Title
1	COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION
2	EXISTING CONDITIONS & SITE FEATURES PLAN
3	P.U.D. OVERVIEW & SUMMARY OF USES
4	OVERALL SITE PLAN
5	DETAIL SITE PLAN
6	LAND USE ALLOCATION PLAN



COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION

NoTRU	ICTION
DATE:	SCALE:
05/27/21	N/A
DESIGNED:	CHECKED:
BPG	MSB
DRAWN:	APPROVED:
KFW	BPG
SHEET:	
1	6

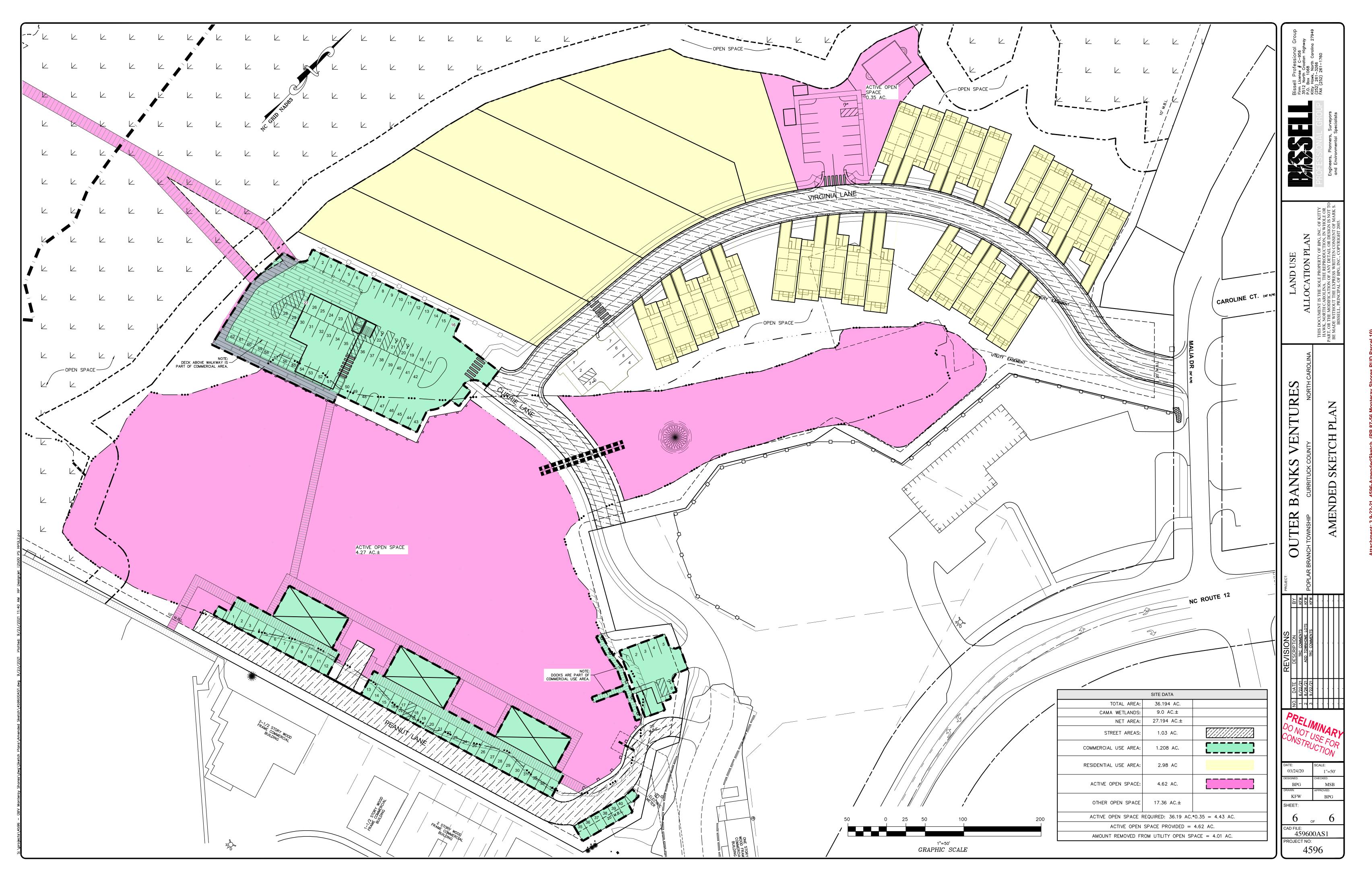
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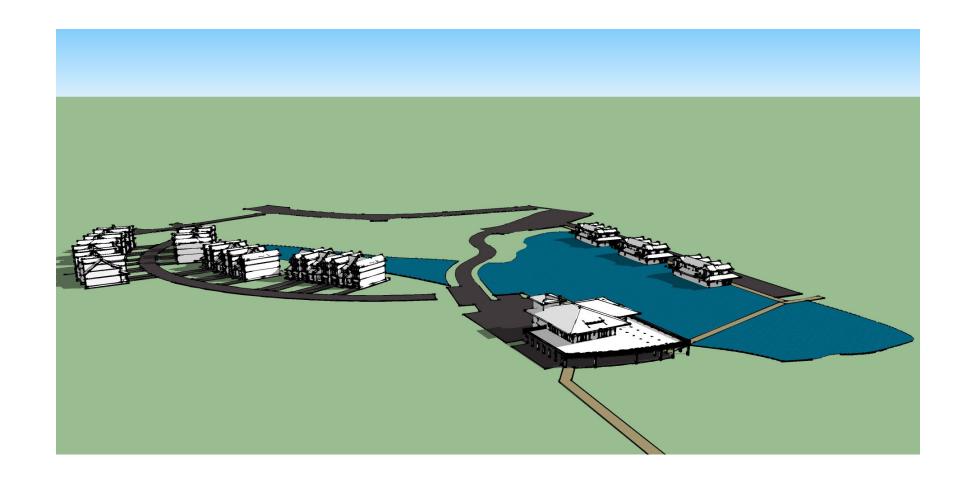


Map Designation Total Reference Area South of Phase 2: 69.630 1. Monteray Plaza 12.785	Cama Net Area for Wetlands Development 9.0 60.63	Commercial 21.736 12.785	Residential 52 Units	Open Space 46.858 —	References	Notes; Comments Original Commercial Tract	Group
2. "Parcels 7,8,9,& 10" 48.721 • Parcel 7 0.220 (1) • Parcel 8 0.119 (1)	9.0 39.721 - 0.220 - 0.119	1.433 0.220 —	- - -	46.744 - 0.119	"P.C.K., SL. 49–51" "	"Acreage includes 0.549AC R/W for Malia Drive, (R/W Ac. On plat is incorrect); parcel 10 commercial area from 11/20/09 and 1/22/14 A.S.P's; CAMA area unconfirmed."(2021 A.S.P.) Parcel 9 area corrected based on Parcel 5 condo Plat.	essional ! C–956 oatan High rth Carolin 56 –1760
	- 11.639 9.0 27.194 - 0.165 - 0.918	_ 1.208 _ 0.918	_ _ _ 1 Unit	11.639 34.986 _	"D.B. 984, P. 113"	Parcel 10 commercial per last several A.S.P.'s.  Now mini-golf parcel	sell Profess License # C- 2 North Croatto Box 1068 Hawk, North (252) 261-17
5. Commercial Lot 4 0.976 6. Commercial Parcel 3 1.114 7. Commercial Area 1 1.056	- 0.976 - 1.114 - 1.056	0.976 1.114 1.056	1 Unit — 2 Units	- - -	"P.C. G, SL. 90" "P.C. G, SL. 176" "P.C. E, SL 136"		Bisse Firm 3512 P.O. Kitty. (252) FAX (
8. Commercial Area 2 0.995 9. Monteray Pines (Parcel 5) 2.093 10. Bank Parcel 0.778	<ul><li>0.995</li><li>2.093</li><li>0.778</li></ul>	0.995 1.712 0.778	- 48 Units 0.045 (	UTILITY STRIP)	"P.C. E, SL. 137" "P.C. G, SL. 135; P.C. I, SL. 133" "P.C. D, LS. 158"	"Common areas & amenity areas are not credited as open space; Caroline Court R/W acreage overlaps 0.047 Ac. with Malia Dr. R/W (corrected in table); Parcel 5 area also corrected per Condo Plat.	GROU Surveyors
11. 5' Buffer (across from bank) 0.029 12. Phase 2: 93.008	- 0.029 9.4 83.608	<del>-</del>	_ 184 Lots	36.542	shown on separate plat "P.C. D, S.L 20-27; P.C. D. SL. 54-61"	. Computed from pidt	ω
14. Corolla Shores 7.24	3.39       100.453         3.875       84.953         -       7.24         3.875       53.543	200 Lots 14.46 — —	19.294 218 19 Lots	"P.C. 31.699 "1.35	. B, SL. 366—371; 377" Ac. Disappeared from Co "P.C. N, SL. 133" "P.C. I, SL. 32—35;	" "43.15 Ac. Open space on plat: Ac. Shown in table is net of 16.08 Ac. WW site included in ""South of Phase 2"" in table) and 2.30 Ac. Well (actually 2.525 Ac. Included in Phase 2). Other open space areas (9 parcels) total 19.294 Ac."  Corolla Bay when recombination plat was filed (P.C. J., SL. 126—127); and 0.1 Ac. Difference in Food Lion plats. 218 residential allocated to Phase 3 on A. S. P. dated approved on 3/15/20 and on 1/22/14 A. S. P."  Excludes any reduction due to NCDOT taking.  "CAMA wetlands shown on P.C.Q., SL 9—11"	PROFESSIONAL Engineers, Planners, and Environmental
<ul> <li>Section1 (Lot 1) 20.590* (2)</li> <li>1A (Lot 1) (included in Lot 1)</li> </ul>	3.875 16.715 -	-	30 Lots 6 Lots	9.511	"P.C. J., SL. 126–127 "P.C. J, SL. 198–200" "P.C. P., SL. 71"	0.010 Ac. Open space from Section 1 officed from place	PROF Engir
17. Lot 3 (Villas) 12.848 *(2)	- (3) - (3) - (3)	3.007	10 Lots 83 Units (57+26)	3.504 3.8	"P.C. Q., SL. 9-11"  18	"Acreage includes NCDOT R/W acquired (6.47Ac.) and 1.16 Ac. Lost compared to P.C. J., SL. 126–127"  SL. 173–175; Commercial for Lots 3 & 4 shown 79, as 8.36 Ac. on approved plans.  SL. 173–175; Commercial for Lots 3 & 55.309 Ac.  Total area in P.U.D.  SUMMARY OF PROPOSED CHANGES TO DEVELOPMENT DATA WITH CURRENT AMENDMENT  PROPOSED AFTER MODIFICATION Notes  Recomputed from record maps	0
18. Lot 4 (Undev.) 10.00 *(2)		5.353	127	4.057	P.C. M, SL. 160-163 "P.C. I, SL. 32-35"	63" Computes as 8.95 Ac.  CAMA Wetlands  43.38 Ac.  43.38 Ac.  (From 2006 A.S.Punconfirmed)  Net Development Area  311.929 Ac.  311.929 Ac.	OF KITTY THOLE OR N IS NOT 1 OF MARK 5
19. Currituck County 10.07	- (3) 10.07			2.809	"P.C. H, SL. 221"	Commercial Area 36.222 Ac 36.222 Ac. From 2010 & 2014 A.S.P.'s  Open space per amended sketch plans for P.U.D. (3/15/2010 & 1/22/2014)  Commercial & open space allocations are from 1/22/2014 ASP (recorded plat shows 14.0 Ac. +/-, A.S.P. shows 14.1 Ac.; 14.1 used in development calcs."  Commercial Area 36.222 Ac 36.222 Ac. From 2010 & 2014 A.S.P.'s  10.195 %  Residential Units 711 36 Units 747  Residential Density 2.279/Ac. 8ased on Net Area	W & SJSES JSES TOW, IN W CTION, IN W L OR DESIGN CONSENT OF PERION OF THE STON
20. Corolla Shores V 14.1 (Food Lion) TOTALS: 355.309	- (3)     14.1       25.665     329.644	6.1 36.222	711	8 134.353	"P.C. G, SL. 356"	"Commercial & open space allocations are from 1/22/2014 ASP (recorded plat shows 14.0 Ac. +/-, A.S.P. shows 14.1 Ac.; 14.1 used in development calcs."  Residential Density  2.279/Ac.  Open Space Area  130.343 Ac.  130.343 Ac.  Recomputed from record maps Open Space %  37.81%	VIEV OF U
FOOTNOTES:  (1) "Included in 48.721 Ac. Totals for Parcels 7  (2) Included in 57.418 Ac. Totals for Corolla Bo	7, 8, 9 & 10." ay 1-4.						ARY (ARP COLE PROFENDERS WATERES WATER WAT
(2) Included in 57.418 Ac. Totals for Corolla Bo (3) No CAMA wetland data provided on plats. (4) "43.35 Ac. CAMA in 2006 A.S.P., but not in	dentified by plat."						U.D. ( JMMA JMMA  T IS THE S CAROLINA DIFICATIC OUT THE EF PRINCIPAI
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OCEAN TRAIL (2)						CURRITUCK	NT Ownst
	(3)					MONTERAY SHORES (2) COUNTY (2) CO	MC ANCH T
				MO	NITERAY SHORES	MONTERAY SHORES OF THE PARTY SHORES OF THE PAR	LAR BR
MONTERAY PLAZA			MONTERAY SHORES			COROLLA BAY LOT 3 (VILLAS)  COROLLA  CO	PROJECT OF COLUMN AND
		OCEAN IRAIL	<b>♦</b>			SHORES (14)  COROLLA BRY LOT 4  COROLLA BRY P.U.D.	<u> </u>
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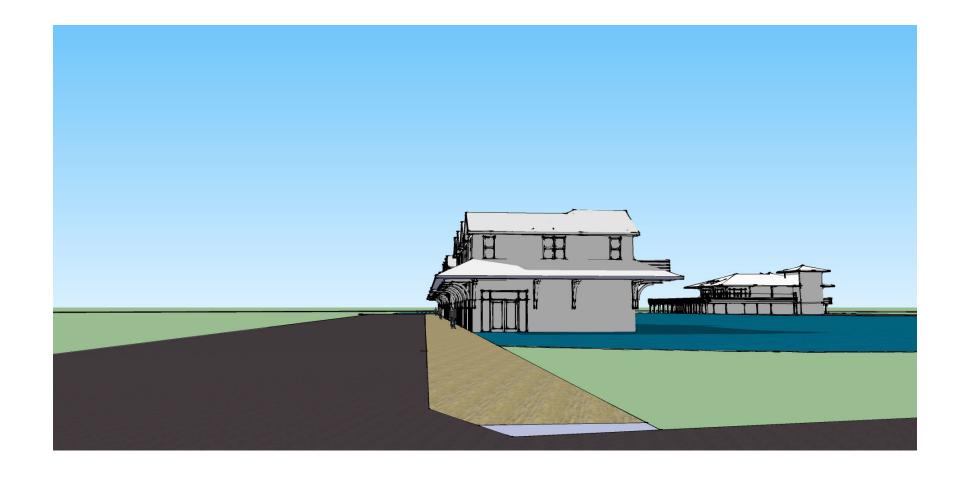
















May 14, 2021

RE: Sketch Plan/Use Permit Amendment for Monteray Shores, PUD.

Dear Community Members,

The purpose of this letter is to bring you some news about a new development that we look forward to starting soon at Monteray Shores. We are in the conceptual stages of planning a new mixed use development on the 36 acre tract owned by Outer Banks Ventures known as Parcel 10-R, located off Malia Drive behind Corolla Adventure Golf, just north of TimBuck II, and would like to invite you to join us for a community meeting on Monday, May 24, 2021 at 6:00pm at the site, off Malia Drive across from Monteray Plaza in Corolla.

The purpose of this meeting is to personally introduce ourselves and to dialogue with you, the community residents, about our vision for this property. We are interested in obtaining community feedback while we are in the planning stage for this development. Your inquiries, concerns, and ideas are a priority to us, as it is our desire to make an effort to incorporate them into the site plan for this development.

The proposal will involve a combination of attached and detached dwellings, along with a restaurant and other commercial uses. There will also be an area developed for off-shore boat slips.

Please mark the date and time in your calendar and join us. We look forward to this opportunity to hear from you and to get your input on how we can make this development one that we are all proud to be a part of.

Respectfully,

BISSELL PROFESSIONAL GROUP

Mark S. Bissell, P.E.

Cc: Currituck Planning and Community Development

Attn: Ms. Laurie LoCicero, AICP

## 4596 Monteray Shores, PUD Amended Sketch Plan/Use Permit

**Community Meeting Minutes** 

Monday, May 24, 2021

Scheduled Time/Place: 6:00 pm, on site off Malia Drive, Corolla, NC

Meeting Began at 6:00 pm

Attendees: Richard Willis, Representing the Developer
Jennie Turner and Larry Lambardi, Representing Currituck County
Mark Bissell, Representing the Engineering Firm
Nearby Community Residents(please refer to the
attached sign-in sheet)

## **Summary:**

An outline of the meeting presentation is attached. The residents were provided an overview of the review and approval process for this type of project, and were provided a description of the main elements of the development plan. A map showing the context of the site as well as the preliminary development plan were presented. It was explained that the development plan was preliminary and that many steps in the approval process were yet to come and that the plan would be refined as we go. It was explained that we are no longer proposing a hotel and conference center and shopping center, and have scaled the development way back to a restaurant with entertainment venue, 3 small commercial buildings with upper-story dwelling units, 5 single family lots and 25 townhomes.

The following comments and concerns were expressed by the Community members, and responses that were given are shown next to each comment below.

Comments from the Community	How Addressed
What size homes will be constructed?	The five lots are set up for 8 bedroom houses
We don't like large houses. They put up tents for	The intent is for the restaurant/outdoor
events and cause parking problems.	entertainment venue to be used for events.
Where will visitors park for these events.	It is intended they park at the restaurant.
What size townhomes?	They will be 3 story with a garage and have about a 1200 sq.ft. footprint.
How many bedrooms?	There will be at least 3 bedrooms per townhome.
What is the occupancy?	Based on 3 bedrooms occupancy would be 6
	people.
How will stormwater be handled?	There will be vegetative swales to the four acre
	pond which will be used to attenuate run-off,
	additional filtration will then occur between the
	pond and the wetlands.
How will wastewater be handled?	There is capacity in the Monteray Shores
	wastewater treatment facility.
How will traffic be handled? Will there be a TIA?	Malia Drive will be used for the residential traffic
	only. The commercial traffic will go past the farm
	market to the existing traffic light. NCDOT has
	preliminarily indicated they are tentatively Packet P

	the plan. It does not appear there is enough traffic to warrant a TIA.
How will people get to the beach?	Walk ways are being provided to NC 12 along Malia Drive and also thru the development to the existing crosswalk at Albacore Street.
Regarding the marina, how large will it be?	Only 10 boat slips are being proposed initially (this will not actually be categorized as a marina).
How deep is the water?	At least 4 feet in the area where the boat docks are proposed.
The wind blows the water out of the sound and it makes it hard to navagate.	We are limiting the initial development to 10 slips and will then see if it is practical to expand.
Marinas pollute the water.	Only boat docks are being provided with no gas, a separate application will be made to CAMA who will coordinate the review of all environmental agencies and concerns.
What about the conservation land use plan classification?	Answered by staff: the land use plan automatically updates with a plan amendment (the county is subsequently looking into the procedure for modifying the land use plan).
There is too much development in Corolla already, what is the benefit?	A new sound front restaurant and venue appear to be needed and beneficial.
There are already too many people.	You moved here, others may want to move here also.
What about the farm market? Will it stay?	The development will not impact the farm market.
What about parking at the farm market?	It is proposed that parking be better defined with a new paved drive aisle thru the parking area, that will be in accordance with the original approved plan.
Based on the parking plan you can only get 6 paddle boats in and it will be hard to make money.	No response.
There is insufficient parking at TimBuck II and probably here.	We are providing parking in accordance with the UDO and a few extra spaces for the upper-story dwellings.
There's no parking for visitors to the townhomes.	We will look into adding some.
Will it be a part of the Monteray Shores Association?	Probably not, it will have its own mini-association.
What about water access?	There is no access for boat here or in the vicinity.
Who will get to use the boat docks?	Residents and visitors. Maybe visitors from the mainland can come over and dock there and utilize the restaurant.
What about noise from the outdoor venue?	We expect low key entertainment similar to that at the Blue Point in Duck.
What kind of shops are proposed?	It's uncertain at this time, probably retail and maybe some food service.
Employee housing is needed.	It is intended that the upper story dwellings serve that purpose.

The main part of the meeting ended at approximately 7:15 PM; with several of the community members staying to look at the site plan and further discuss the details of the development after the regular meeting had adjourned, until about 7:40 PM.

## Monteray Shores Phase 10 Community Meeting

## **Outline of Presentation**

May 24, 2021

## A. Housekeeping -

- Please sign-in
- A record of the Community meeting will be provided to Currituck County. (pros and cons raised/ attempts to address any concerns)
- B. What is the Request?
  - First step in the approval process for sketch plan amendment

## C. The Process:

- Initial Master Plan Design
- Pre-Application conference with staff
- Community meeting (now)
- TRC review
- BOC hearing/action

## Then:

- Preliminary Plat application & approval process (SF & MF Lots)
- Major site plan review & approval process for commercial/mixed use
- Construction drawing preparation
- State Permit applications & County construction approvals
- Construction
- As-Built certifications
- Final plat application

## The process is expected to take at least half a year before any commercial, and a year before any residential construction begins

- D. Setting (refer to 36 acre map)
  - TImBuck II to South
  - Monteray Pines & WWTP to North
  - Monteray Shopping Center to East
  - Currituck Sound to West

## E. The Plan:

- Elevated Restaurant accessed via causeway across pond
- Outdoor seating/entertainment venue
- Boat docks
- Five SF Lots 12-15000 SF+
- 25 Townhomes
- Small commercial with upper story dwellings (6)

## F. Comments/Concerns

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

# Attachment: 5 Community Meeting (PB 87-56 Monteray Shores PUD Parcel 10)

## Monteray Shores, PUD May 24, 2021 6:00PM

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# Attachment: 5 Community Meeting (PB 87-56 Monteray Shores PUD Parcel 10)

## Monteray Shores, PUD May 24, 2021 6:00PM

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## Attachment: 5 Community Meeting (PB 87-56 Monteray Shores PUD Parcel 10)

Monteray Shores, PUD May 24, 2021 6:00PM

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## **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: Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Planner II

**Date:** June 10, 2021

**Re:** PB 87-56 Monteray Shores, Phase 10 – Amended Sketch Plan/Use Permit

The following comments have been received for the June 9, 2021 TRC meeting. In order to be scheduled for the August 16, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on June 24, 2021. TRC comments are valid for six months from the date of the TRC meeting.

## Planning, Jennie Turner 252-232-6031

## Reviewed

- 1. Corrections are needed on the amended sketch plan to accurately reflect BOC approved density, commercial areas, and open space.
- 2. The proposed commercial summary appears to include an increase of 1.177 acres.
- 3. Per the Land Use Plan:

The Land Classification Map or Future Land Use Plan Map is to be supported and complemented by zoning, subdivision regulations, infrastructure investments and other local growth management tools; these local tools should be consistent with the classification system as much as possible. Although general areas are outlined on the Land Classification Map, it must be remembered that land classification is in and of itself a policy and is not, in the strict sense of the term, a regulatory mechanism. Rather as with the balance of the Land Use Plan should be used as a guide in adopting implementation ordinances and evaluating subdivision, land development, and rezoning requests.

4. Most of the subject parcel is designated conservation on the 2006 Land Use Plan Future Land Use Map. The following is the LUP language regarding this land classification:

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas. The Conservation class should be applied to areas that should not be developed at all (preserved), or if developed, done so in a very limited manner characterized by careful planning and cautious attention to the conservation of environmental features. Infrastructure and services, public or private,

should not be provided in these areas as a catalyst that could stimulate development. The Conservation class includes:

- 1. Areas of Environmental Concern, as defined in 15A NCAC 7H (e.g. coastal wetlands, estuarine and coastal shorelines, estuarine waters, public trust waters, etc.)
- 2. Freshwater wetland areas under the jurisdiction of the US Army Corps of Engineers' 404 Wetlands Permit Program and as generally identified by the National Wetlands Inventory of the U.S. Fish and Wildlife Service.
- 3. Certain critical wildlife habitat areas as may be designated by the State Natural Heritage Program and approved by the County Commissioners for inclusion in this class. (e.g. Great Marsh on Knotts Island, Currituck Banks/Swan Island Natural Area, Currituck Banks Corolla Natural Area, Pine Island/Currituck Club Natural Area, Northwest River Marsh Game Land, and many other marsh areas on the mainland.)
- 4. Other similar lands, environmentally significant because of their natural role in the integrity of the coastal region and which include, but are not limited to: bottom land hardwoods, pocosins, and swamp forests containing significant productive, natural, scenic, cultural or recreational resources, and as may be approved by the County Commissioners for inclusion in this class.

Due to the low-lying nature of much of Currituck County, and the prevalence of wetlands in the County, the Conservation class is the most extensive of the four land classes. Oftentimes, the scattered, widespread nature of such areas (e.g. 404 wetlands) precludes their mapping except at a very generalized level of detail. In such instances, the standards of the Conservation class shall be applied in accordance with the site specific information made available during special studies and/or the land development process.

As stated above, much of the land included in the Conservation classification is environmentally sensitive and therefore already protected through existing, federal, state, and local regulations. However, for areas within the classification that would be considered developable, uses such as agriculture, agriculture related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted. With the exception of agricultural related uses, nonresidential uses should not be encouraged. It is anticipated that any uses within the Conservation area would be served by individual on-site water and wastewater.

- 5. Per Section 1.8.6.B.2 of the UDO a special use permit for outdoor recreation/entertainment uses (marina, paddle boat rental, outdoor entertainment venue) in PUDs. This amended sketch plan/special use permit request may result in relocation of permissible commercial development area; however, to establish outdoor recreation/entertainment uses, special use permit applications will be required.
- 6. Major site plan and/or preliminary plat/special use permit approval is required prior to development of the project.
- 7. Multi-family design standards, Non-residential design standards, or Shopping Center design standards apply.
- 8. Attachment "A" Transportation narrative describes a connection to a crosswalk that is left blank.
- 9. Is the adjacent NCDOT owned parcel dedicated as a right-of-way. Please provide detail on the right to access through this parcel.
- 10. Provide information on wastewater availability.

- 11. In attachment "A" a comment is made regarding existing commercial located in Full Service, the commercial area proposed for relocation combines a request for 6 units of density. The additional 30 units of density are proposed in the conservation area, not in the full-service area. Please clarify the statement that the existing commercial is in full service. It does not appear to be in Full Service on the 2006 map.
- 12. Please clarify statement that the Currituck planning staff and BOC has determined that no additional commercial allocation is being requested.
- 13. The county has an easement over the pond.
- 14. Clearly show land use plan classifications on amended sketch plan page 6 of 6.
- 15. Areas proposed for commercial designation should include any required supporting features (ex: drive aisles, fire truck turnarounds, paddle boat rental docks, outdoor entertainment decking). All commercial activities must be located within areas designated as commercial on the sketch plan.
- 16. Has the existing open space including reserve utility open space and green space been recorded and/or dedicated? Provide update on status of green space and reserve utility open space.
- 17. The amended sketch plan page 3 of 6 is not legible. Please provide clear a clear copy of the plan.
- 18. Provide approved wetland delineation for CAMA and Army Corps wetlands.
- 19. Marinas are defined by the UDO as "Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Marinas for ten boats or less shall be classified as privately owned outdoor recreation facilities." The following specific standards of the UDO apply to marinas.

### Marinas

Marinas shall be certified as a "clean marina" as part of the North Carolina Clean Marina Program, and shall comply with the following standards:

## (a) Location

- (i) Marinas shall be located in areas where there is a high rate of water "turnover" (the time required for tidal action or water flow to replace water of a boat basin with new water from another source).
- (ii) Marinas in upland areas shall be encouraged.
- (iii) Marina access channels shall be designed to maximize circulation and avoid dead-end spots.
- Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

## **(b)** Design

- (i) Marinas shall be planned in such a manner as to minimize the risk of water pollution.
- (ii) Marina designs must incorporate facilities for the proper handling of sewage, waste, and refuse.

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 3 of 6 (iii) Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.

## (c) Dredging

- (i) Dredging operations shall not occur during critical periods of fish migration and breeding.
- (ii) The method of dredging shall be chosen that will have the least environmental impact, and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.

## Currituck County Building Inspections & Fire, Bill Newns 252-232-6023

Reviewed

- Needed Fire Flow for construction is determined by the ISO method.
- No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
- A fire hydrant must be within 400' of all exterior portions of the structure. 600' if the structure has NFPA 13 sprinkler system installed.
- Fences/barriers must not impede the fire hydrant minimum distance to site.
- Fire hydrants must be placed so they are not used to stretch hose across Caratoke Highway and Shortcut Rd. to service site.
- Gates/entrances to sites must be 20' clear width for apparatus access.
- The fire apparatus must be able to come within 150' of all exterior portions of the structures. 200' if the structure has NFPA 13 sprinkler system installed.
- Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated, the backing of 150' should be measured in a straight line.
- Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
- All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
- FDC connection must be a minimum of 25' away from structure and within 100' of fire hydrant.
- FDC's must have signage in 4" letters (red sign with white letters)
- FDC" s 6" minimum Stortz connection or 2-2.5" National Standard Thread.
- Knox Box provided on buildings (Coordinate location with the local VFD)
- VFD Fire Chief request two dry hydrants ne located in the ponds.
- Mark fire hydrants locations in the center of road/street with blue reflectors.
- According to NC General Statute parking is not allowed within 15' of a fire hydrant. (FDC included)
- Provide "no parking" signage at fire access lanes provide "no parking signage at fire hydrants". Inspection notes

Appendix B for building plans at permit application for commercial structures.

Residential Notes

Town homes must have lot lines in order to use residential code.

- Cluster mailbox units must be accessible (accessible route, reach ranges)
- Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks, and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
- Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed. Soil engineering may be required.

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 4 of 6 • Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth.

## Currituck County Soil & Stormwater, Dylan Lloyd 252-232-3360

Approved with Corrections

- 1)Stablize outfall from pond at entrance to swale that drains west to Currituck Sound.
- 2) Is old pipe (possibly damaged) at entrance to townhome development to be removed?
- 3) Please explain 'Line of Potential Pond Augmentation' near open space / townhome cluster.

## Currituck County Water, DaveSpence/Will Rumsey, 252-232-6060

Reviewed

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

Reviewed

Notes: Need Approval from NCDEQ Concerning Wastewater Capacity Letter Approval for proposed development and restaurant.

Consult with Health Department concerning proposed new restaurant/bar at 252-232-6603.

## US Army Corps of Engineers, Anthony Scarbraugh 919-251-4619

Reviewed

Any impacts to jurisdictional waters or wetlands of the US require prior approval from the US Army Corps of Engineers.

## Currituck County GIS, Harry Lee 252-232-2034

Reviewed

THE PARCEL ID NUMBER ON THE APPLICATION IS INCORRECT. IT SHOULD BE 0116-000-0010-0000.

PLEASE PROPOSED NAMES FOR THE PROPOSED STREETS.

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

Reviewed

- Indicate CAMA jurisdictional lines on the plans. Indicate the CAMA Coastal Wetlands AEC lines and Section 404 wetland lines on the plans. Note: If the navigable waters of the pond connect to the Currituck Sound, then the pond and its shoreline will also be designated Areas of Environmental Concern (AEC).
- At minimum, based on the information provided, the boardwalk and boating facility and any wetland fill within an AEC will require a CAMA Major Permit. Please contact Robert Corbett, DCM Field Representative, for further information. He can be reached at 252-264-3901.
- Note: The County's Land Use Plan is the Currituck County 2006 Land Use Plan certified by the CRC on May 18, 2007 as amended through July 2, 2019.
- https://files.nc.gov/ncdeq/Coastal%20Management/documents/PDF/Land%20Use%20Plans/Currituck2006LUPwithMAPSCAMACert7-2-19.pdf
- The property is primarily designated as "Conservation Areas" with some "Full Service Areas" on the County's Future Land Use Map. "Conservation Areas" are described on Pages 11-1 and 11-2 and "Full Service Areas" are described on Page 11-3. Work with the County to determine consistency/inconsistency of the proposal with the "Conservation Areas" designation on the

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 5 of 6 County's Future Land Use Map. If inconsistent, work with the County to determine an appropriate Future Land Use Map LUP amendment proposal.

## The following items are necessary for resubmittal:

- 2 Full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

A special use permit hearing is an evidentiary hearing where the Board of Commissioners must make a Quasi-Judicial Decision.

- An evidentiary hearing will be held for the Board of Commissioners to gather competent, material and substantial evidence to establish the facts of the case.
- All testimony is made under oath.
- The applicant or opposing parties shall establish written findings of fact and conclusions of law.
- Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- Non-parties may present competent, material, and substantial evidence that is not repetitive.

## Typical Use Permit (Quasi-Judicial) Hearing at BOC

- Swearing in of witnesses/speakers
- Presentation by County Staff on Application
- Required Presentation by Applicant or Authorized Agent (20-25 minutes)
  - Applicant to Present Findings of Fact
- Public Comment Period (typically 3 minutes each)
- Applicant Rebuttal (typically 5 minutes)
- BOC Deliberation & Decision



## **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:** Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Planner II

Date: June 10, 2021 6-24-21 Response to TRC Comments

Re: PB 87-56 Monteray Shores, Phase 10 – Amended Sketch Plan/Use Permit

The following comments have been received for the June 9, 2021 TRC meeting. In order to be scheduled for the August 16, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on June 24, 2021. TRC comments are valid for six months from the date of the TRC meeting.

## Planning, Jennie Turner 252-232-6031

## Reviewed

- Corrections are needed on the amended sketch plan to accurately reflect BOC approved density, commercial areas, and open space. We have reviewed previous sketch plans, case analyses and information provided by the Currituck Planning & Development staff, and have updated the calculations based on that review.
- 2. The proposed commercial summary appears to include an increase of 1.177 acres. This has been updated as described in #1 above.
- 3. Per the Land Use Plan:

The Land Classification Map or Future Land Use Plan Map is to be supported and complemented by zoning, subdivision regulations, infrastructure investments and other local growth management tools; these local tools should be consistent with the classification system as much as possible. Although general areas are outlined on the Land Classification Map, it must be remembered that land classification is in and of itself a policy and is not, in the strict sense of the term, a regulatory mechanism. Rather as with the balance of the Land Use Plan should be used as a guide in adopting implementation ordinances and evaluating subdivision, land development, and rezoning requests. From our review, it appears that the proposed development is supported by the policies of the Land Use Plan regarding the Corolla subarea and the PUD.

4. Most of the subject parcel is designated conservation on the 2006 Land Use Plan Future Land Use Map. The following is the LUP language regarding this land classification:

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is

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- 2. Freshwater wetland areas under the jurisdiction of the US Army Corps of Engineers' 404 Wetlands Permit Program and as generally identified by the National Wetlands Inventory of the U.S. Fish and Wildlife Service.
- 3. Certain critical wildlife habitat areas as may be designated by the State Natural Heritage Program and approved by the County Commissioners for inclusion in this class. (e.g. Great Marsh on Knotts Island, Currituck Banks/Swan Island Natural Area, Currituck Banks Corolla Natural Area, Pine Island/Currituck Club Natural Area, Northwest River Marsh Game Land, and many other marsh areas on the mainland.)
- 4. Other similar lands, environmentally significant because of their natural role in the integrity of the coastal region and which include, but are not limited to: bottom land hardwoods, pocosins, and swamp forests containing significant productive, natural, scenic, cultural or recreational resources, and as may be approved by the County Commissioners for inclusion in this class.

Due to the low-lying nature of much of Currituck County, and the prevalence of wetlands in the County, the Conservation class is the most extensive of the four land classes. Oftentimes, the scattered, widespread nature of such areas (e.g. 404 wetlands) precludes their mapping except at a very generalized level of detail. In such instances, the standards of the Conservation class shall be applied in accordance with the site specific information made available during special studies and/or the land development process.

As stated above, much of the land included in the Conservation classification is environmentally sensitive and therefore already protected through existing, federal, state, and local regulations. However, for areas within the classification that would be considered developable, uses such as agriculture, agriculture related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted. With the exception of agricultural related uses, nonresidential uses should not be encouraged. It is anticipated that any uses within the Conservation area would be served by individual on-site water and wastewater.

We have reviewed the Land Use Plan policies and prior related sketch plan amendments, and believe that this proposal is consistent with both:

 The upland portion of the land, which is the portion that is being proposed for development, appears to have been improperly mapped in 2006, as the upland portion does not have Conservation land characteristics as spelled out in the LUP (It is not a coastal wetland or an AEC; it is not subject to COE jurisdiction; it has not been identified as a critical wildlife habitat, it is not a bottomland or pocosin or swamp forest; and the land <u>does</u> have central water & sewer available.

- During a public hearing on July 6, 2009 where the existing commercial allocation to this site was approved, both the county staff and the Board of Commissioners determined that the proposed commercial use of this site is in keeping with the policies of the LUP.
- The LUP suggests a residential density in conservation areas of one unit per 3 acres; however, the PUD ordinance that regulated the Monteray Shores PUD approval does not relate residential density to the LUP land classification, but instead calls for 3 dwelling units per acre based on all of the land, net of CAMA wetlands, which would allow approximately 81 units on this parcel (approximately 27 acres net of CAMA wetlands). Only 36 units of residential density are being requested.
- Also, the Corolla Subarea of the 2006 Land Use Plan states in part, "the
  policy emphasis of this plan is to allow for predominantly medium density
  residential development (2 to 3 units per acre)... An overall density of no
  more than 3 units per acre should also apply to PUD's, the prevailing
  development form in the Corolla area."
- The proposed use is in keeping with many policies of the Land Use Plan, some of which are:
  - i. Policy ES2 states "NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

The proposed residential development does not contain any wetlands.

ii. Policy OB1 states "Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks".

The proposed subdivision has adequate water and sewer services available.

- iii. POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
- iv. POLICY PA2: The County supports MANY FORMS OF "ACCESS" to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.
- v. POLICY ES4: In approving new developments, Currituck County shall support the retention or creation of a vegetated buffer area along ESTUARINE SHORELINES as a simple, effective and lowcost means of preventing pollutants from entering estuarine waters.
- vi. 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.
- vii. 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.

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 4 of 10 The proposed development appears to support <u>both</u> of these development policies, except for the lack of a full service designation with regard to the 2<sup>nd</sup> policy, which this land should technically have.

We therefore believe that the BOC has the discretionary authority to make a finding that this development is consistent with the 2006 LUP without the need to adopt an amendment to the LUP.

- 5. Per Section 1.8.6.B.2 of the UDO a special use permit for outdoor recreation/entertainment uses (marina, paddle boat rental, outdoor entertainment venue) in PUDs. This amended sketch plan/special use permit request may result in relocation of permissible commercial development area; however, to establish outdoor recreation/entertainment uses, special use permit applications will be required. It has now been stated that this will need to be a new SUP process beginning with a new preapplication conference and another community meeting, so that application will need to occur subsequent to the current application.
- 6. Major site plan and/or preliminary plat/special use permit approval is required prior to development of the project. We understand this to be the procedure.
- 7. Multi-family design standards, Non-residential design standards, or Shopping Center design standards apply. This is acknowledged and will be addressed at the preliminary plat/major site plan stage of the approval process.
- 8. Attachment "A" Transportation narrative describes a connection to a crosswalk that is left blank. The narrative describes a pedestrian connection to Albacore Street.
- 9. Is the adjacent NCDOT owned parcel dedicated as a right-of-way. Please provide detail on the right to access through this parcel. The land was acquired with right-of-way funds for the purpose of providing public access, and access is not restricted as to the subject property. NCDOT has subsequently recorded a letter that removes some previously recorded restrictions, attached. Actual driveway permits and/or encroachment agreements will be provided at the preliminary plat/site plan stage of the approval process.
- 10. Provide information on wastewater availability.
  - A letter allocating wastewater capacity has been provided by Carolina Water Service and is attached.
- 11. In attachment "A" a comment is made regarding existing commercial located in Full Service, the commercial area proposed for relocation combines a request for 6 units of density. The additional 30 units of density are proposed in the conservation area, not in the full-service area. Please clarify the statement that the existing commercial is in full service. It does not appear to be in Full Service on the 2006 map. The existing Future Land Use Map actually shows only about 0.34 acres of Full Service, even though 1.177 acres was previously approved for commercial development here.
- 12. Please clarify statement that the Currituck planning staff and BOC has determined that no additional commercial allocation is being requested. The application states that the staff and BOC determined in 2009 that the proposed commercial use of the 1.177 acres is in keeping with the policies of the LUP.
- 13. The county has an easement over the pond. The easement is shown and labeled on the site development plan.
- 14. Clearly show land use plan classifications on amended sketch plan page 6 of 6. The plan and land use designations have been updated and made easier to distinguish between classifications. The tabulation has also been updated.

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 5 of 10

- 15. Areas proposed for commercial designation should include any required supporting features (ex: drive aisles, fire truck turnarounds, paddle boat rental docks, outdoor entertainment decking). All commercial activities must be located within areas designated as commercial on the sketch plan. The updated designations are shown consistent with previous County policy established on the adjacent Buck Island development, a PUD which was development at about the same time as Monteray Shores under the same UDO provisions. The County Commissioners have previously determined, by approving the adjacent TimBuck II development plan, that it is advantageous to Currituck County to exclude private rights of way serving this type of development from the commercial use classification, and this development proposal is consistent with that policy.
- 16. Has the existing open space including reserve utility open space and green space been recorded and/or dedicated? Provide update on status of green space and reserve utility open space. Carolina Water Service has affirmed that the land is not needed for utility use, and has provided a letter to that effect, which is attached. The NC general assembly repealed the requirement for "green area" in 2020. A copy of the rule change is also attached.
- 17. The amended sketch plan page 3 of 6 is not legible. Please provide clear a clear copy of the plan. An effort has been made to make the plan as legible as possible.
- 18. Provide approved wetland delineation for CAMA and Army Corps wetlands. We have an approved COE wetland delineation, and a copy is attached; at this time we have only a partial CAMA delineation. However, in reviewing the policy that was in effect at the time of original PUD approval, the requirement was: "Net acreage shall be determined by on site evaluation by technical staff, eliminating all areas designated by CAMA as wetlands. Sketch plan Approval shall be based upon a general inspection of such factors. Preliminary [plat] approval shall require net and gross acreages to be shown by actual survey based upon CAMA designated wetland parameters." Identical language was present in the UDO up to the adoption of the current UDO; I have not found language in the current UDO that modifies this, so it appears that we only need an approximation at this stage of the approval, which is provided on the base map. Net acreage was estimated by extrapolating the delineated CAMA line to the northern property boundary.
- 19. Marinas are defined by the UDO as "Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Marinas for ten boats or less shall be classified as privately owned outdoor recreation facilities." The following specific standards of the UDO apply to marinas.

#### Marinas

Marinas shall be certified as a "clean marina" as part of the North Carolina Clean Marina Program, and shall comply with the following standards:

#### (a) Location

(i) Marinas shall be located in areas where there is a high rate of water "turnover" (the time required for tidal action or water flow to

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 6 of 10

- replace water of a boat basin with new water from another source).
- (ii) Marinas in upland areas shall be encouraged.
- (iii) Marina access channels shall be designed to maximize circulation and avoid dead-end spots.
- (iv) Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

## **(b)** Design

- (i) Marinas shall be planned in such a manner as to minimize the risk of water pollution.
- (ii) Marina designs must incorporate facilities for the proper handling of sewage, waste, and refuse.
- (iii) Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.

## (c) Dredging

- (i) Dredging operations shall not occur during critical periods of fish migration and breeding.
- (ii) The method of dredging shall be chosen that will have the least environmental impact, and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.

We are not proposing a marina, but only a 10-slip boat basin which is exempt from these provisions.

## Currituck County Building Inspections & Fire, Bill Newns 252-232-6023

Reviewed

- Needed Fire Flow for construction is determined by the ISO method.
- No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
- A fire hydrant must be within 400' of all exterior portions of the structure. 600' if the structure has NFPA 13 sprinkler system installed.
- Fences/barriers must not impede the fire hydrant minimum distance to site.
- Fire hydrants must be placed so they are not used to stretch hose across Caratoke Highway and Shortcut Rd. to service site.

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 7 of 10

- Gates/entrances to sites must be 20' clear width for apparatus access.
- The fire apparatus must be able to come within 150' of all exterior portions of the structures. 200' if the structure has NFPA 13 sprinkler system installed.
- Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated, the backing of 150' should be measured in a straight line.
- Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
- All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
- FDC connection must be a minimum of 25' away from structure and within 100' of fire hydrant.
- FDC's must have signage in 4" letters (red sign with white letters)
- FDC" s 6" minimum Stortz connection or 2-2.5" National Standard Thread.
- Knox Box provided on buildings (Coordinate location with the local VFD)
- VFD Fire Chief request two dry hydrants ne located in the ponds.
- Mark fire hydrants locations in the center of road/street with blue reflectors.
- According to NC General Statute parking is not allowed within 15' of a fire hydrant. (FDC included)
- Provide "no parking" signage at fire access lanes provide "no parking signage at fire hydrants". Inspection notes

Appendix B for building plans at permit application for commercial structures. Residential Notes

Town homes must have lot lines in order to use residential code.

- Cluster mailbox units must be accessible (accessible route, reach ranges)
- Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks, and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
- Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.

Soil engineering may be required.

• Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth.

These requirements are acknowledged and will be addressed with final design and construction.

## Currituck County Soil & Stormwater, Dylan Lloyd 252-232-3360

Approved with Corrections

- 1)Stabilize outfall from pond at entrance to swale that drains west to Currituck Sound. The contractor that installed the pipe is responsible for completing the stabilization, which should be completed soon.
- 2) Is old pipe (possibly damaged) at entrance to townhome development to be removed? The pipe situation is being studied by the entities that are served by that drainage system. This developer is cooperating with the group, but the repair is the responsibility of the beneficiaries.
- 3) Please explain 'Line of Potential Pond Augmentation' near open space / townhome cluster. The pond is proposed to be enlarged where so indicated.

## Currituck County Water, DaveSpence/Will Rumsey, 252-232-6060

Reviewed

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 8 of 10

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

Reviewed

Notes: Need Approval from NCDEQ Concerning Wastewater Capacity Letter Approval for proposed development and restaurant. This is required in connection with the preliminary plat or commercial site plan approval and will be provided at the next stage of the development approval process.

Consult with Health Department concerning proposed new restaurant/bar at 252-232-6603. The Architect will consult with the Health Department during the design of the restaurant.

## US Army Corps of Engineers, Anthony Scarbraugh 919-251-4619

Reviewed

Any impacts to jurisdictional waters or wetlands of the US require prior approval from the US Army Corps of Engineers. Approvals will be sought as required once the design has been finalized.

#### Currituck County GIS, Harry Lee 252-232-2034

Reviewed

THE PARCEL ID NUMBER ON THE APPLICATION IS INCORRECT. IT SHOULD BE 0116-000-0010-0000. The parcel ID has been updated.

PLEASE PROPOSED NAMES FOR THE PROPOSED STREETS. Street names have been selected and approved, and have been added to the plan.

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

- Indicate CAMA jurisdictional lines on the plans. Indicate the CAMA Coastal Wetlands AEC lines and Section 404 wetland lines on the plans. Note: If the navigable waters of the pond connect to the Currituck Sound, then the pond and its shoreline will also be designated Areas of Environmental Concern (AEC). Navigable waters do not connect to the sound. A partial CAMA delineation was completed previously in cooperation with Ron Renaldi, and is shown on the drawings. The line has been extrapolated to the northern boundary on this preliminary plan, but CAMA will again be consulted to approve the remainder of the line at the next stage of the approval process.
- At minimum, based on the information provided, the boardwalk and boating facility and any
  wetland fill within an AEC will require a CAMA Major Permit. Please contact Robert Corbett,
  DCM Field Representative, for further information. He can be reached at 252-264-3901. No
  wetland fill within an AEC is proposed, but CAMA will be consulted regarding the boardwalk and
  boating facility.
- Note: The County's Land Use Plan is the Currituck County 2006 Land Use Plan certified by the CRC on May 18, 2007 as amended through July 2, 2019. https://files.nc.gov/ncdeq/Coastal%20Management/documents/PDF/Land%20Use%20Plans/Currituck2006LUPwithMAPSCAMACert7-2-19.pdf
- The property is primarily designated as "Conservation Areas" with some "Full Service Areas" on the County's Future Land Use Map. "Conservation Areas" are described on Pages 11-1 and 11-2 and "Full Service Areas" are described on Page 11-3. Work with the County to determine consistency/inconsistency of the proposal with the "Conservation Areas" designation on the County's Future Land Use Map. If inconsistent, work with the County to determine an appropriate Future Land Use Map LUP amendment proposal. We are studying this issue and will work through it with the County.

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 9 of 10 Additionally, a letter is attached from John Morrison, who is helping to resolve some of these questions and some additional issues that arose after these TRC comments were provided.

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

- 2 Full size copies of revised plans.
- 1-8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

A special use permit hearing is an evidentiary hearing where the Board of Commissioners must make a Quasi-Judicial Decision.

- An evidentiary hearing will be held for the Board of Commissioners to gather competent, material and substantial evidence to establish the facts of the case.
- All testimony is made under oath.
- The applicant or opposing parties shall establish written findings of fact and conclusions of law
- Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- Non-parties may present competent, material, and substantial evidence that is not repetitive.

Typical Use Permit (Quasi-Judicial) Hearing at BOC

- Swearing in of witnesses/speakers
- Presentation by County Staff on Application
- Required Presentation by Applicant or Authorized Agent (20-25 minutes)
  - Applicant to Present Findings of Fact
- Public Comment Period (typically 3 minutes each)
- Applicant Rebuttal (typically 5 minutes)
- BOC Deliberation & Decision

# The Twiford Law Firm, P.C.

Russell E. Twiford (Retired) John S. Morrison R. Mark Warren Courtney S. Hull Lauren E. Arizaga-Womble

## Attorneys At Law

P.O. Box 669
111 Currituck Commercial Drive
Moyock, North Carolina 27958-0669
Telephone (252) 435-2811
Fax (252) 435-9974
June 24, 2021

Elizabeth City Office 203 North Road Street Elizabeth City, NC 27907-0099 Telephone (252) 338-4151 Fax (252) 338-8546

LOOK AT OUR WEBSITE: www.twifordlaw.com

Please Respond To: Moyock

Ms. Jennie Turner, Planner II
Currituck County Department of Planning
and Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929

In re: Outer Banks Ventures, Inc.

Dear Jennie:

I am pleased to advise I have been retained by Outer Banks Ventures, Inc., in regard to obtaining approval of its Amended Sketch Plan/Use Permit – PB 87-56 Monteray Shores, Phase 10. In this regard, I look forward to working with you, your staff, and Ike.

Although most of the matters under consideration are technical and beyond my area of expertise and therefore better left to the competence of Bissell and Associates, I have been directed to three legal issues under consideration. The first is infringement upon the area designated as "Utility Open Space" on a recorded plat. The second is whether the proposed use would be violative of a conservation designation. Finally, the necessity, or not, for a separate application to amend the existing Land Use Plan. I will now address each in turn.

It is my understanding Ike appropriately raised concerns as to any intrusion into what is designated on a plat recorded in 2007 simply entitled "Utility Open Space." Significantly, as I am informed, this plat was prepared for Carolina Water Service. I believe it was Ike's concern individual property owners in the subdivision could contest any construction in this designated land. After discussion with my clients and some research, and assuming I have a correct understanding of the facts, I do not believe they would be successful. Although there are numerous Appellate decisions regarding vested rights of property owners in platted streets, roads, parks, trails, beaches, and the like, that is not the situation here. I perceive it to be an easement contingent in nature. That is to say, if utilities are needed to serve the property, they could be so located. It is a specified "utility easement" only. It is my understanding when the previous project was originally approved and platted, it was in anticipation of water and sewage utilities. Subsequently, those needs have been otherwise addressed by the public utility company. Accordingly, the need for this easement no longer exists. There is a legal doctrine regarding the extinction of easements known as Cessation of Purposes of Easement. This is well-explained by Professor Webster in his highly regarded text Real Estate Law in North Carolina. In Section 15.28 of that text, he explains:

Ms. Jennie Turner, Planner II June 24, 2021 Page 2

If the particular purpose for which an easement is created is fulfilled, or otherwise ceases to exist, the easement also ceases. This is a corollary to the rule that an easement holder's right to use the property is a right to use it only for the purpose for which the easement is created. (Emphasis added)

Is that not the situation here? In any event, litigation could only be instituted by a property owner within the subdivision that the utility open space was being denied to the property owner. It seems it would be incumbent on the plaintiff to prove a utility was needed. Again, it is my understanding no such utilities are now required.

Also, I believe it worthy of note the designation is highly generalized: "Utility Open Space."

The most thorough definition I could find of "utility" is as follows:

All privately, publically, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste and other similar commodities, including non-transportational fire and police communication systems which directly or indirectly serve the public.

Although I believe the only utility contemplated at the time of plat recordation was water and waste, even in the most expansive definition of utility, none of the items occurring above are needed, or will ever be located in the subject space. Thus, the "Utility Open Space" no longer exists.

I also note in the 2008 UDO which was in effect at the time of my client's purchase in 2009, Section 10.4.8 therein entitled "Utility Open Space Reservation" explains:

Every residential development containing more than 20 lots or dwelling units <u>served by septic tanks</u> shall reserve an area in addition to the open space required herein suitable in terms of the size, location, soil type, topography, and <u>other relevant factors</u> to accommodate a community sewage treatment facility <u>if one becomes necessary</u> in the future. (Emphasis added)

Ms. Jennie Turner, Planner II June 24, 2021 Page 3

Thus, even by the County's UDO, it is apparent a reserved utility open space is only applicable "if one becomes necessary." That necessity has now been met by other accommodations.

Next, as to this project somehow being violative of the conservation classification, it is my understanding the property was improperly mapped in 2006 as the upland portion of the property does not have a coastal wetland or area of environmental concern, is not subject to Corps of Engineers' jurisdiction, is not a critical wildlife habitat nor a bottomland or pocosin, or swamp forest, and does have central water and sewer available. Further, I believe the future land use plan under consideration will follow the Corps of Engineers' wetland delineation which is the more proper delineation.

Additionally, a similar project under the existing UDO was addressed by the Planning Staff and the Board of Commissioners at the Board's July 6, 2009, session. This was a project of Mr. DeGabrielle's entitled "PB 87-56 Monteray Shores, Commercial Parcel 6." Mr. DeGabriel's property was also classified as a conservation area. However, both staff and Board recommended approval finding the proposed use "is in keeping with the policies of the Plan." I am enclosing a copy of the same for your review. It would appear the Board has already made a decision that this land and the intended use is consistent with the conservation classification. I am not aware a contrary decision has been made. Although, I clearly understand one Board cannot necessarily bind another, as the matter stands now, there has been no contrary decision and the previous classification should stand unless the Board wishes to change it. Would not that be a decision for the Board rather than staff? Also legally problematic would be to treat similarly situated applicants differently. I would urge this is somewhat similar, though not on all fours, with res judicata in civil litigation. This matter has already been decided as to this land. (Please see Paragraph 6 on Page 5 of the Planning Staff's Case Analysis and Paragraph A on Page 5 of the July 6, 2009, Board of Commissioners' meeting.)

In conclusion, my client urges there is no necessity for an application to amend the existing Land Use Plan. As with Mr. DeGabrielle, the Board could find it is consistent, or even though it is not consistent, the Board chooses to allow this project to go forward for reasons it would state. We accept the sincerity of your review and your opinions to the contrary. We would prefer, at this stage, to go forward for Board review even with the opposition of staff.

Ms. Jennie Turner, Planner II June 24, 2021 Page 4

Thank you for your kind consideration. I am sure you will share this with Ike. Please anticipate my every cooperation with you going forward.

Warmest personal regards,

JSM:lg

# PLANNING STAFF CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS

## CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS DATE: July 6, 2009

PB 87-56 Monteray Shores PUD

ITEM:

PB 87-56 Monteray Shores, Preliminary Plat/Special Use Permit,

for a 1 lot commercial subdivision within an existing Planned Unit

Development.

LOCATION:

At the intersection of Malia Dr. and Caroline Ct.

TAX ID:

Tax Map 116, Parcel 10 (Open Space)

ZONING

PUD Overlay - General Business

PRESENT USE:

Vacant

**OWNERS:** 

Robert R. Degabrielle 6400 SW Gator Trl.

Palm City, FL 34990

**ENGINEER:** 

Coastal Engineering and Surveying Inc.

P.O. Box 1129 W. Kitty Hawk Rd. Kitty Hawk, NC 27949

# LAND USE/ZONING OF SURROUNDING PROPERTY: SURROUNDING PROPERTY:

	Land Use
NORTH:	Open Space

Zoning RO1

SOUTH:

Open Space

RO1

EAST:

Future Corolla Worship Center Site - Tim Buck II

RO1/GB

WEST:

Open Space

RO1

#### LAND USE PLAN

**CLASSIFICATION:** 

The 2006 Land Use Plan classifies the site as a Conservation

Area within the Corolla subarea.

SIZE OF SITE:

Proposed Parcel 6 - 1.030 acres plus .1 acres for an access

road.

NUMBER OF UNITS:

N/A

PROJECT DENSITY: N/A (no proposed development at this time), An additional

SUP will be required for any future development and this

SUP is for the subdivision only.

STREETS: There are no streets proposed. Access road construction

details will be required at the time of development.

**UTILITIES:** Carolina Water Service, Inc. will accommodate the water

and sanitary sewer needs of the proposed parcel

**OPEN SPACE:** Residual Open Space for Moteray Shores PUD

131.502 acres or 36.98%

## NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for a single lot commercial subdivision within Monteray Shores planned unit development. This subdivision will require the construction of a new access road at the time of development. The property is located west of the Corolla Worship Center Site and the access road will begin at the intersection of Malia Dr. and Caroline Ct.
- In September of 2008 the TRC reviewed the preliminary plat and recommended approval. The application could not move forward at that time due to failure to obtain wastewater authorization from Carolina Water Service. authorization has since been received and the developer wishes to proceed.
- The Army Corp of Engineers has indicated the site is free of any 404 wetlands.
- The Division of Water Quality has approved a reduction in the available green area for the PUD and the reconfiguration is shown on the Waste Water Treatment Plant Green Space Map GS-1 prepared by Robert G. Burgin, Jr., Inc.

## II. UNRESOLVED TRC COMMENTS:

Since the project was previously approved by the TRC, the new application has been reviewed by the core review team (CRT), and all have recommended approval for the subdivision only. Subsequent review will be required at the time of development in association with a new special use permit.

## III. QUESTION(S) BEFORE THE BOARD:

## **Special Use Permit Criteria and Staff Findings:**

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

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

1. COMPLETENESS OF THE APPLICATION

## **Suggested Findings:**

- a. The application is complete.
- 2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S" Suggested Findings:
  - a. The proposed use is permissible with a Special Use Permit
- 3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

  Suggested Findings:
  - a. The conditions proposed meet the minimum requirements of this ordinance.
- 4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY: Suggested Findings:
  - a. The proposed subdivision should have little to no impact on public health or safety. Adequate water and sewer infrastructure has been proposed.
- 5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED

## **Suggested Findings:**

- a. The subdivision is proposed within a General Business area of an existing PUD and is allowed by the UDO with a special use permit.
- b. The parcel is currently within an existing Planned Unit Development with and should be in harmony with the surrounding area.
- 6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

## **Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Conservation area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:
  - i. Policy ES2 states "NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401

- water quality certifications by the State of North Carolina. The proposed subdivision does not contain any wetlands.
- ii. Policy OB1 states "Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks" The proposed subdivision has been designed with adequate water and sewer extensions.
- 7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).
  - a. The county should have adequate public facilities to service this subdivision.

## IV. STAFF RECOMMENDATION

**Suggested Findings:** 

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, staff recommends approval of this plat/SUP with the following suggestions.

 Given that the property is located in a conservation area, staff recommends implementation of low impact development (LID) techniques for any development on the lot.

## V. PLANNING BOARD RECOMMENDATION

Ms. Robbins motioned to **recommend approval** with staff recommendations and the following condition:

 An inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development.

Ms. Wilson seconded the motion. Motion carried unanimously.

# JULY 6, 2009 BOARD OF COMMISSIONERS' MEETING

2

## July 6, 2009, BOC Meeting

Item 11 Appointment to Senior Citizen Advisory Boa	Item 11	Appointment	to	Senior	Citizen	Advisory	Boar
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Item 12 Appointments to Game Commission

#### Item 13 Consent Agenda:

- 1. Resolution Surplus Property
- Moyock Welcome Center Change Order #1 RPC Contracting, Inc.
   Mainland Water System Change Order #1 12" Water Line Improvements - Sanford Contractors, Inc.
- 4. Approval of June 15, 2009, Minutes
- Item 14 Commissioner's Report
- Item 15 County Manager's Report
- Item 16 Closed Session:
  - 1. According to 143-318.11(5) to discuss acquisition of real property, Waterside Villages

Adjourn

#### Public Comment

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

Chairman Etheridge opened the public comment period.

Terry King, Knotts Island, commented on the Volunteer Fire Department contracts and that Fire Departments are independent state incorporated businesses that contract with the county.

Maureen O'Shea, President of LCVFD, reviewed what ISO rating was and that her department will meet on July 16 to vote on signing the fire contract.

There being no further comments, Chairman Etheridge closed the public comment period.

## Presentation on the 2010 Census

Akilah Ensley, reviewed the importance of Census data. The US Constitution requires a national census once every 10 years.

The Board thanked Ms. Ensley for her presentation.

Public Hearing and Action PB 87-56 Monteray Shores, Commercial Parcel 6: Preliminary Plat/Special Use Permit for a one lot commercial subdivision within an existing Planned Unit Development located at the intersection of Malia Drive and Caroline Court, Tax Map 116, Parcel 10 (Open Space), Poplar Branch Township.

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

ITEM:

PB 87-56 Monteray Shores, Preliminary Plat/Special Use

Permit, for a 1 lot commercial subdivision within an

existing Planned Unit Development.

LOCATION:

At the intersection of Malia Dr. and Caroline Ct.

TAX ID:

Tax Map 116, Parcel 10 (Open Space)

ZONING

PUD Overlay - General Business

PRESENT USE:

Vacant

OWNERS:

Robert R. Degabrielle 6400 SW Gator Trl. Palm City, FL 34990

ENGINEER:

Coastal Engineering and Surveying Inc.

P.O. Box 1129 W. Kitty Hawk Rd. Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

SURROUNDING PROPERTY:

Land Use Zoning NORTH: Open Space RO1 SOUTH Open Space RO1 EAST: Future Corolla Worship Center Site - Tim RO1 / GB

Buck II

WEST: Open Space

RO1

LAND USE PLAN

CLASSIFICATION:

The 2006 Land Use Plan classifies the site as a Conservation Area within the Corolla subarea.

SIZE OF SITE:

Proposed Parcel 6 - 1.030 acres plus .1 acres for

an access road.

NUMBER OF UNITS:

N/A

PROJECT DENSITY:

N/A (no proposed development at this time), An additional SUP will be required for any future development and this SUP is for the subdivision only.

STREETS:

There are no streets proposed. Access road construction details will be required at the time of development.

UTILITIES:

Carolina Water Service, Inc. will accommodate the water and sanitary sewer needs of the

proposed parcel

OPEN SPACE:

Residual Open Space for Monteray Shores PUD

131.502 acres or 36.98%

#### I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for a single lot commercial subdivision within Monteray Shores planned unit development. This subdivision will require the construction of a new access road at the time of development. The property is located west of the Corolla Worship Center Site and the access road will begin at the intersection of Malia Dr. and Caroline Ct.
- In September of 2008 the TRC reviewed the preliminary plat and recommended approval. The application could not move forward at

that time due to failure to obtain wastewater authorization from Carolina Water Service. Wastewater authorization has since been received and the developer wishes to proceed.

- The Army Corp of Engineers has indicated the site is free of any 404 wetlands.
- The Division of Water Quality has approved a reduction in the available green area for the PUD and the reconfiguration is shown on the Waste Water Treatment Plant Green Space Map GS-1 prepared by Robert G. Burgin, Jr., Inc.

#### II.UNRESOLVED TRC COMMENTS:

• Since the project was previously approved by the TRC, the new application has been reviewed by the core review team (CRT), and all have recommended approval for the subdivision only. Subsequent review will be required at the time of development in association with a new special use permit.

#### III. QUESTION(S) BEFORE THE BOARD:

#### Special Use Permit Criteria and Staff Findings:

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

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

- COMPLETENESS OF THE APPLICATION Suggested Findings:
  - a. The application is complete.
- 2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S" Suggested Findings:
  - a. The proposed use is permissible with a Special Use Permit
- 3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

#### Suggested Findings:

- a. The conditions proposed meet the minimum requirements of this ordinance.
- 4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY: Suggested Findings:
  - a. The proposed subdivision should have little to no impact on public health or safety. Adequate water and sewer infrastructure has been proposed.
- 5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED Suggested Findings:
  - a. The subdivision is proposed within a General Business area of an existing PUD and is allowed by the UDO with a special use permit.
  - b. The parcel is currently within an existing Planned Unit Development with and should be in harmony with the surrounding area.
- 6. The special use will be in conformity with the Land Use Plan or other officially adopted plan. <u>Suggested Findings:</u>

- a. The 2006 Land Use Plan classifies this site as Conservation area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:
  - i. Policy ES2 states "NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina. The proposed subdivision does not contain any wetlands.
  - ii.Policy OB1 states "Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks" The proposed subdivision has been designed with adequate water and sewer extensions.
- 7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).
  - a. The county should have adequate public facilities to service this subdivision.

#### IV. STAFF RECOMMENDATION

Suggested Findings:

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this plat/SUP with the following suggestions.

 Given that the property is located in a conservation area, staff recommends implementation of low impact development (LID) techniques for any development on the lot.

#### V. PLANNING BOARD RECOMMENDATION

 ${\tt Ms.}$  Robbins motioned to  ${\tt recommend}$  approval with staff recommendations and the following condition:

- An inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development.
- Ms. Wilson seconded the motion. Motion carried unanimously.

## PLANNING BOARD DISCUSSION (June 9, 2009)

Mr. Kovacs asked if the land is vegetative.

- Mr. Gomez stated it has trees, but mostly overgrown.
- Mr. Kovacs asked if there are any wetlands on the property.
- Mr. Gomez stated no.
- $\mbox{Mr.}\xspace$  Kovacs stated he would like to see as many trees preserved as possible.
- Mr. Woody stated an inventory of the trees could be done before the site is cleared.

### ACTION

Ms. Robbins motioned to recommend approval with staff recommendations and a inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development. Ms. Wilson seconded the motion. Motion carried unanimously.

Chairman Etheridge opened the public hearing. There being no comments, Chairman Etheridge closed the public hearing.

Commissioner Aydlett moved to approve with findings of fact, staff and Planning Board recommendations. Commissioner O'Neal seconded the motion. Motion carried.

Public Hearing and Action PB 09-20 South Ridge Variance: Variance request from Currituck County Unified Development Ordinance section, Chapter 8, Parking and Driveways, to allow on street parking. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

TTEM. PB 09-20 South Ridge, Planned Unit Development,

variance request to allow on-street, parallel parking.

120 Survey Road, adjacent to Eagle Creek subdivision, LOCATION:

Moyock Township.

TAX ID: 0015-000-0083-0000

ZONING

DISTRICT: Residential (R) with Planned Unit Development Overlay.

Residential (PUD Overlay): 68.67 acres

LBH (PUD Overlay): 5.67 acres\* \*Rezoning/Sketch Plan approved December 3, 2007

PRESENT USE: Farmland

OWNERS: William B. Plitt and Linda P. Yendall

5621 North 9th Road Arlington, VA 22205

APPLICANT: Chip Friedman

3500 Virginia Beach Boulevard, Suite 528

Virginia Beach, VA 23452

ENGINEER: Bissell Professional Group

3512 North Croatan Highway

PO Box 1068 Kitty Hawk, NC 27949

#### NARRATIVE:

Chip Friedman has requested a variance from the Unified Development Ordinance (UDO) to allow on-street parking within a planned unit development. The proposed on-street parking spaces are provided around the pocket park located in the rear of the development. Providing onstreet parking instead of a parking lot would increase green space and reduce impervious areas.



## **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:** Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Planner II

Date: July 15, 2021 – Response to TRC Resubmittal

Re: PB 87-56 Monteray Shores, Phase 10 – Amended Sketch Plan/Use Permit

The following comments have been received for the July 14, 2021 TRC meeting. In order to be scheduled for the September 20, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on July 22, 2021. TRC comments are valid for six months from the date of the TRC meeting.

## Planning, Jennie Turner 252-232-6031

Reviewed

- 1. Planning staff and the county attorney are still reviewing the letter from Twiford Law Firm provided with the resubmittal. Staff response to the letter is forthcoming.
- 2. Please provide detailed information on the basis for the updated Amended Sketch Plan calculations. What information was used? We need to make sure the numbers are accurate. When we met on June 3, 2021, we discussed the updates required for the PUD. We noted that we will accept recorded plats for determining total land area, open space, and commercial allocations.
- 3. Please describe how you have shown the county's easement over the pond.
- 4. Areas proposed for commercial designation should include any required supporting features (ex: drive aisles, paddle boat rental docks, decking, parking lot islands). All commercial activities must be located within areas designated as commercial on the sketch plan.
- 5. The amended sketch plan page 3 of 6 is still not legible. Let's discuss how to resolve this.

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

- Note: Previous comments from June 2021 still apply.
- Note: Concerning consistency with the LUP, while local governments use the LUP as a guide for local decision making, often weighing supporting and non-supporting policies, to the extent that the LUP can be used as the basis to deny a CAMA Permit it is used by DCM as a regulatory document. LUP consistency determinations for CAMA permitting are made by DCM based on the definitive and/or regulatory wording of LUP policies, including the Future Land Use Map and its designation descriptions. There is no variance process for denial of a CAMA Permit based on the LUP; either an LUP amendment is submitted or a project is modified to be consistent with the LUP. Local zoning is not administered by DCM for CAMA permitting. Board

of Commissioners' discretionary authority, while used in local decision-making, is not used in CAMA permit decisions.

References have been made in the application materials regarding density specific to the PUD. For LUP consistency in CAMA permitting, the density calculation is specific to those areas in "Full Service Areas" and those areas in "Conservation Areas" as described in the LUP.

DCM provides Currituck Technical Review Committee comments so that potential permitting issues can be addressed in the early stages of project development. Specific to the LUP, DCM's LUP Consistency Determinations are made in response to CAMA Major Permit applications which are most often submitted in the later stages of a project. The timing of an LUP amendment, if needed for CAMA permit approval, is up to the applicant and/or the County.

Regarding simultaneous action of an LUP amendment as referenced in the application materials, a local action to amend the LUP may be simultaneous with local rezoning, but an amendment to the CAMA LUP is not complete until it is state certified. The local public hearing to amend the CAMA LUP must meet specific noticing requirements in order for the amendment to be eligible for state certification. Guidance on this process is on file with the County.

## <u>Currituck County Building Inspections & Fire, Bill Newns 252-232-6023</u>

Approved

No further comments

#### Currituck County Water, DaveSpence/Will Rumsey, 252-232-6060

Reviewed

No comments till project is further along.

### Currituck County GIS, Harry Lee 252-232-2034

Approved

#### Currituck County Economic Development, Larry Lombardi, 252-232-6015

#### Reviewed

Concerned with the ingress/egress flow of traffic at Sunset Blvd and Highway 12 which can negatively impacting existing businesses located at TimBuck II and Seaside Market.

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

- 2 Full size copies of revised plans.
- 1-8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



## **Currituck County**

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153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

#### **MEMORANDUM**

**To:** Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Planner II

Date: REVISED JULY 16, 2021- Response to TRC Resubmittal

Re: PB 87-56 Monteray Shores, Phase 10 – Amended Sketch Plan/Use Permit

The following comments have been received for the July 14, 2021 TRC meeting. In order to be scheduled for the September 20, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on July 22, 2021. TRC comments are valid for six months from the date of the TRC meeting.

#### Planning, Jennie Turner 252-232-6031

Reviewed - Comments Revised July 16, 2021

- Please provide detailed information on the basis for the updated Amended Sketch Plan calculations. What information was used? We need to make sure the numbers are accurate. When we met on June 3, 2021, we discussed the updates required for the PUD. We noted that we will accept recorded plats for determining total land area, open space, and commercial allocations.
- 2. Please describe how you have shown the county's easement over the pond. It is critical to the county that any proposed changes to the existing pond will not adversely affect the existing easement (including pond level rise) the county holds over the pond and stormwater pipe for the ground water that is directed to the pond.
- 3. Areas proposed for commercial designation should include any required supporting features (ex: drive aisles, paddle boat rental docks, decking, parking lot islands). All commercial activities must be located within areas designated as commercial on the sketch plan.
- 4. The amended sketch plan page 3 of 6 is still not legible. Let's discuss how to resolve this.

## **July 16, 2021 - Additional Planning Comments:**

Please consider the following staff concerns, these concerns are intended to give the applicant the best path forward for project approval and to protect the applicant from future permitting issues, an LUP amendment on the front end of this process can help with future permitting issues.

An amendment to the LUP is necessary for the BOC to make a finding through an evidentiary hearing that the project is consistent with the LUP as it relates to additional density in areas designated as conservation.

It is staff's understanding that only a legislative decision can update a Future Land Use Map. Although this ASP/UP request is related to the entire Monteray Shores PUD and the UDO

allows a maximum density of 3 units per acre based on the Transitional Provisions; changes to the ASP are also required to be consistent with the 4 findings of fact required prior to issuance of a use permit. Consistency with an ordinance provision does not necessarily guarantee consistency with the Land Use Plan Classification.

Most of the PUD is already platted and built, this Amended Sketch Plan request specifically pertains to the subject parcel. The subject parcel has mostly conservation designation. It does not appear that proposed multi-family development would be consistent with the conservation classification of the LUP that references low-density residential development. Prior to any development on the site the project will require additional approvals such as preliminary plat/use permit for any proposed subdivision and use permits for outdoor entertainment and outdoor recreation uses. The conservation classification issue is even deeper than the density issue. With respect to the proposed commercial uses proposed, LUP classification includes the following language: "With the exception of agricultural related uses, nonresidential uses should not be encouraged." Depending on the proposed commercial uses, it appears that it will continue to be very difficult to make an LUP consistency finding in the conservation classification.

The preliminary plat/use permit for the commercial subdivision lot that was approved on July 6, 2009 (referenced in Twiford Law letter) did not amend the conservation designation. It included a condition of implementation of LID techniques on the lot. The staff report presented to the board states that an additional SUP will be required for any future development and the SUP issued was for the subdivision only. Also, the area of the proposed commercial areas does not conform to the area previously approved for the subdivision lot.

Regarding CAMA permits/approvals: CAMA AECs are dynamic. In the event the pond was to breach, most of the proposed project/development could require Major Permits. Without the full-service designation, permits for construction may not be issued by DCM.

It appears a change to the definitive upland portion of the property on the Land Use Map can be supported by staff. This change should be made prior to any BOC evidentiary hearing on this property.

In response to the letter from Twiford Law Firm; Mr. McRee was not commenting on the September 11, 2001, K-49 plat. He was questioning what was represented for the subject property on the Monteray Shores PUD plats that went to record in late 1980s/1990s, how the subject property was designated on the plat and whether any persons purchased property relying on said plat. There is also concern whether Carolina Water Service has an interest or easement in the Utility Open Space designation on the subject property for current or future use. What is Carolina Water Services position regarding removing the utility open space designation?

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

- Note: Previous comments from June 2021 still apply.
- Note: Concerning consistency with the LUP, while local governments use the LUP as a guide for local decision making, often weighing supporting and non-supporting policies, to the extent that the LUP can be used as the basis to deny a CAMA Permit it is used by DCM as a

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 2 of 3 regulatory document. LUP consistency determinations for CAMA permitting are made by DCM based on the definitive and/or regulatory wording of LUP policies, including the Future Land Use Map and its designation descriptions. There is no variance process for denial of a CAMA Permit based on the LUP; either an LUP amendment is submitted or a project is modified to be consistent with the LUP. Local zoning is not administered by DCM for CAMA permitting. Board of Commissioners' discretionary authority, while used in local decision-making, is not used in CAMA permit decisions.

References have been made in the application materials regarding density specific to the PUD. For LUP consistency in CAMA permitting, the density calculation is specific to those areas in "Full Service Areas" and those areas in "Conservation Areas" as described in the LUP.

DCM provides Currituck Technical Review Committee comments so that potential permitting issues can be addressed in the early stages of project development. Specific to the LUP, DCM's LUP Consistency Determinations are made in response to CAMA Major Permit applications which are most often submitted in the later stages of a project. The timing of an LUP amendment, if needed for CAMA permit approval, is up to the applicant and/or the County.

Regarding simultaneous action of an LUP amendment as referenced in the application materials, a local action to amend the LUP may be simultaneous with local rezoning, but an amendment to the CAMA LUP is not complete until it is state certified. The local public hearing to amend the CAMA LUP must meet specific noticing requirements in order for the amendment to be eligible for state certification. Guidance on this process is on file with the County.

## **Currituck County Building Inspections & Fire, Bill Newns 252-232-6023**

**Approved** 

No further comments

## Currituck County Water, DaveSpence/Will Rumsey, 252-232-6060

Reviewed

No comments till project is further along.

## Currituck County GIS, Harry Lee 252-232-2034

Approved

## Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

Concerned with the ingress/egress flow of traffic at Sunset Blvd and Highway 12 which can negatively impacting existing businesses located at TimBuck II and Seaside Market.

### The following items are necessary for resubmittal:

- 2 Full size copies of revised plans.
- 1-8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



## **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: Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Planner II

Date: July 15, 2021 - Response to TRC Resubmittal 8-26-21 Response is provided below.

Re: PB 87-56 Monteray Shores, Phase 10 – Amended Sketch Plan/Use Permit

The following comments have been received for the July 14, 2021 TRC meeting. In order to be scheduled for the September 20, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on July 22, 2021. TRC comments are valid for six months from the date of the TRC meeting.

#### Planning, Jennie Turner 252-232-6031

#### Reviewed

- Planning staff and the county attorney are still reviewing the letter from Twiford Law Firm provided with the resubmittal. Staff response to the letter is forthcoming. We have no additional comments with the current response.
- 2. Please provide detailed information on the basis for the updated Amended Sketch Plan calculations. What information was used? We need to make sure the numbers are accurate. When we met on June 3, 2021, we discussed the updates required for the PUD. We noted that we will accept recorded plats for determining total land area, open space, and commercial allocations.
  - We have performed a thorough review of the recorded plats from 1988 to date, and developed a tabulation of acreages for the total PUD, the open space areas, the commercial allocations and the residential densities, and are providing the results as a separate document. There is also a tabulation included on page 3 of the drawing set. The development tables on the other drawing sheets have been updated consistent with these findings. We would be pleased to meet with you to explain the results of this research in detail.
- Please describe how you have shown the county's easement over the pond.
   The easement is shown on sheets 2-6 consistent with legal documents provided dy Currituck County, and has been labeled on sheet 5.
- 4. Areas proposed for commercial designation should include any required supporting features (ex: drive aisles, paddle boat rental docks, decking, parking lot islands). All commercial activities must be located within areas designated as commercial on the sketch plan.

The parking lot islands, paddle boat docks and entertainment decks have been included in the updated use area designations and calculations. The drive aisles are in 24' rights-

of-way and are excluded from commercial use areas, consistent with the adjacent TimBuck II development.

5. The amended sketch plan page 3 of 6 is still not legible. Let's discuss how to resolve this.

We have developed a new sheet 3 that solves this problem.

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

- Note: Previous comments from June 2021 still apply.
- Note: Concerning consistency with the LUP, while local governments use the LUP as a guide for local decision making, often weighing supporting and non-supporting policies, to the extent that the LUP can be used as the basis to deny a CAMA Permit it is used by DCM as a regulatory document. LUP consistency determinations for CAMA permitting are made by DCM based on the definitive and/or regulatory wording of LUP policies, including the Future Land Use Map and its designation descriptions. There is no variance process for denial of a CAMA Permit based on the LUP; either an LUP amendment is submitted or a project is modified to be consistent with the LUP. Local zoning is not administered by DCM for CAMA permitting. Board of Commissioners' discretionary authority, while used in local decision-making, is not used in CAMA permit decisions.

References have been made in the application materials regarding density specific to the PUD. For LUP consistency in CAMA permitting, the density calculation is specific to those areas in "Full Service Areas" and those areas in "Conservation Areas" as described in the LUP.

DCM provides Currituck Technical Review Committee comments so that potential permitting issues can be addressed in the early stages of project development. Specific to the LUP, DCM's LUP Consistency Determinations are made in response to CAMA Major Permit applications which are most often submitted in the later stages of a project. The timing of an LUP amendment, if needed for CAMA permit approval, is up to the applicant and/or the County.

Regarding simultaneous action of an LUP amendment as referenced in the application materials, a local action to amend the LUP may be simultaneous with local rezoning, but an amendment to the CAMA LUP is not complete until it is state certified. The local public hearing to amend the CAMA LUP must meet specific noticing requirements in order for the amendment to be eligible for state certification. Guidance on this process is on file with the County.

A separate application to amend the Land Use Plan has been filed and is under review.

#### Currituck County Building Inspections & Fire, Bill Newns 252-232-6023

Approved

No further comments

#### Currituck County Water, DaveSpence/Will Rumsey, 252-232-6060

Reviewed

No comments till project is further along.

#### Currituck County GIS, Harry Lee 252-232-2034

Monteray Shores Phase 10 Amended Sketch Plan/Special Use Permit Page 2 of 3

## **Approved**

## Currituck County Economic Development, Larry Lombardi, 252-232-6015

#### Reviewed

Concerned with the ingress/egress flow of traffic at Sunset Blvd and Highway 12 which can negatively impacting existing businesses located at TimBuck II and Seaside Market.

The final design and permitting of the roadway connection will be done with input and agreement from NCDOT and Bill Grandy of Seaside Market.

## The following items are necessary for resubmittal:

- 2 Full size copies of revised plans.
- 1-8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



## **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: Mark S. Bissell, PE, Bissell Professional Group

Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Senior Planner

Date: September 9, 2021 – Response to 8.26.2021 TRC Resubmittal

Re: PB 87-56 Monteray Shores, Phase 10 – Amended Sketch Plan/Use Permit

The following comments have been received at the September 8, 2021 TRC meeting. In order to be scheduled for the October 18, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on September 23, 2021. TRC comments are valid for six months from the date of the TRC meeting.

## Planning, Jennie Turner 252-232-6031

#### Reviewed

- 1. Thank you for assembling and organizing documents and plats to update the Amended Sketch Plan/Special Use Permit for Monteray Shores PUD. Staff requests a meeting to review the information prior to the resubmittal date.
- 2. Please describe how you have shown the county's easement over the pond. It is critical to the county that any proposed changes to the existing pond will not adversely affect the existing easement (including pond level rise) the county holds over the pond and stormwater pipe for the ground water that is directed to the pond.
  - It does not appear that the easement is shown over the pond as referenced in Deed Book 1135, Page 302 "(i) a perpetual right and easement to convey and discharge groundwater associated with the Whalehead Watershed Improvement District into the pond shown and more particularly described on that plat recorded at Plat Cabinet K, Slide 50 of the Currituck County Registry"
  - Please note the easement includes the pond.
- Areas proposed for commercial designation should include any required supporting features (ex: drive aisles, paddle boat rental docks, decking, parking lot islands). All commercial activities must be located within areas designated as commercial on the sketch plan.
  - According to the UDO, <u>upper story dwelling units</u> in PUDs are required to be in areas designated commercial, this includes required supporting features.
- 4. Please provide additional information related to the proposed access through adjacent NCDOT owned parcel(s). How will the driveway/road connect? Please provide a response from NCDOT.

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

No Comment

## **Currituck County Building Inspections & Fire, Bill Newns 252-232-6023**

Approved

No further comments

## Currituck County Water, DaveSpence/Will Rumsey, 252-232-6060

Reviewed

Will need to see utility plans.

## Currituck County GIS, Harry Lee 252-232-2034

Reviewed

## Currituck Soil and Stormwater (Dylan Lloyd, 252-232-3360)

Approved

## Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

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

Approved

## The following items are necessary for resubmittal:

- 2 Full size copies of revised plans.
- 1-8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



September 23, 2021

The Coastal Experts

Ms. Jennie Turner
Senior Planner
Currituck County Dept. of
Planning and Community Development
153 Courthouse Road, Ste. 110
Currituck, NC 27929

Re: PB87-56 Monteray Shores Phase 10 Amended Sketch Plan/Use Permit TRC Response

Dear Jennie,

We are responding to additional TRC comments dated September 9, 2021 as follows:

1. Based on the meeting that was held in your office last week, we have updated the development tabulation sheet that was prepared that summarizes the current status of all of the development areas, commercial and residential allocations and open space areas for the entire P.U.D. Final adjustments to the tabulation including the 57 villas units that were inadvertently omitted from the last several sketch plan amendments, adjusting the acreage between Monteray Pines and Parcel 9 to account for the dumpster area that was added to Monteray Pines, and clarifying that the unit total does not consider any loss of lots in Corolla Shores due to the NCDOT taking, which needs to be handled by that developer.

I believe that the tabulation now accurately reflects the current status of all development in all phases of the P.U.D.. This tabulation has been used to update the summary of proposed changes to the development data that are being proposed with the current amendment on Page 3 of the plan set.

- 2. We have reviewed the county's easement as recorded in Deed Book 1135, page 302, along with the plat that was recorded in Plat Cabinet K, slide 50 at the Currituck County registry and believe that the easement as shown on the amended sketch plan accurately mirrors the recorded documents. It is not anticipated that any proposed changes to the existing pond will have any adverse affect whatsoever on the County's utilization of the pond for groundwater disposal.
- 3. As discussed, the parking spaces that are associated with the upper-story dwelling units are now designated as commercial on the land use allocation plan (sheet 6).
- 4. Regarding the proposed access through the adjacent NCDOT right-of-way parcel, a tentative plan has been added showing how the drive aisle and parking area through the Seaside Market will be formalized to approximately match the site plan for that facility that was approved in the late 1990's. While we don't yet have a written agreement with NCDOT, NCDOT has received the development plan concept and has offered to amend the existing lease agreement for the

Seaside Market to include the use of this right-of-way for the new development. We are in the process of amending that agreement, and expect to have it in place prior to a request for site plan or Special Use Permit approval at the next stages of the approval process.

We are submitting two full size copies of revised plans, one  $8.5 \times 11$  copy of revised plans, and a .pdf digital copy of revised documents and plans.

We look forward to reviewing this request with the County Commissioners at their meeting on October 18, 2021.

Thank you for your assistance in working through these issues.

Sincerely yours,

BISSELL PROFESSIONAL GROUP

Mark S. Bissell, P.E.

Cc: Mr. Richard Willis

## U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW-2017-01236 County: Currituck U.S.G.S. Quad: Mossey Island

## NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Outer Banks Ventures, Inc.

C/O Richard Willis

Address: Post Office Box 549

Corolla, North Carolina 27927

Telephone Number: 252-261-1760 A

Size (acres)

36.1 Acres

Nearest Town Corolla

Nearest Waterway

Sanders Bay

River Basin

**Currituck Sound** 

**USGS HUC** 

Latitude: 36.327407 N

03010205

Coordinates

Longitude: -75.819538 W

Location description: Property is located at Parcel 10 Monteray Shores P.U.D, off Malia Drive and Ocean Trail Highway, adjacent to a man-made pond and the Currituck Sound, near Sanders Bay, in Corolla, Currituck County, North Carolina. NC Parcel No. 9935-63-4485. Deed Book 1161. Page 734.

## Indicate Which of the Following Apply:

## A. Preliminary Determination

- There are waters, including wetlands, on the above described project area, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

## **B.** Approved Determination

There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are waters of the U.S., including wetlands, on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

#### SAW-2017-01236 Outer Banks Ventures. Inc.

The waters of the U.S., including wetlands, on your project area have been delineated and the delineation has been verified by the Corps. If you wish to have the delineation surveyed, the Corps can review and verify the survey upon completion. Once verified, this survey will provide an accurate depiction of all areas subject to CWA and/or RHA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

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The waters of the U.S., including wetlands, have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on <u>April 23. 2020</u>. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.



The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC 252-264-3901 to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Raleigh W. Bland, SPWS at (910) 251-4564 or Raleigh.w.bland@usace.army.mil.

- C. Basis For Determination: This site meets all of the required wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Interim Regional Supplement (Supplement) to the 1987 Wetland Delineation Manual. The waters and wetlands are part of a broad continium of wetlands connected to the Currituck Sound.
- D. Remarks: A Department of the Army Permit is required for any work on this property in jurisdictional waters or wetlands.

#### E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

## F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers South Atlantic Division Attn: Jason Steele, Review Officer 60 Forsyth Street SW, Room 10M15 Atlanta, Georgia 30303-8801 SAW-2017-01236 Outer Banks Ventures, Inc.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 23, 2020. \*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\*

W. Blay, SPWS

Corps Regulatory Official:

Expiration Date: April 23, 2025 Date: April 23, 2020

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm\_apex/f?p=136:4:0.

Copy Furnished: CESAW/RG-W/Bland

SAW-2017-01236 Outer Banks Ventures. Inc.

NOTIFICATION OF AL	MINISTRATIVE APPEAL OPTIC REQUEST FOR APPEAL	JAG AND I ROCESS AND
Applicant: Outer Banks Ventures, Inc.	File Number: SAW 2017-01236	Date: April 23, 2020
Attached is:		See Section below
INITIAL PROFFERED PERMIT (Stand	ard Permit or Letter of permission)	A
PROFFERED PERMIT (Standard Permi	t or Letter of permission)	В
PERMIT DENIAL		C
APPROVED JURISDICTIONAL DETE	RMINATION	D
PRELIMINARY JURISDICTIONAL D		E

SECTION 1 - The following identifies your rights and options regarding an administrative appeal of the above decision.

Additional information may be found at <a href="http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx">http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx</a> or Corps regulations at 33 CFR Part 331.

#### A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
  authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
  signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all
  rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the
  permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
  authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
  signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all
  rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the
  permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein,
  you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of
  this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days
  of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the
  date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers
  Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form
  must be received by the division engineer within 60 days of the date of this notice.

SAW-2017-01236 Outer Banks Ventures. Inc.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

#### SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

District Engineer, Wilmington Regulatory Division,

Attn: Raleigh W. Bland, PWS

2407 West 5th Street

Washington, North Carolina 27889

910-252-4558

If you only have questions regarding the appeal process you may also contact:

Mr. Jason Steele, Administrative Appeal Review Officer

CESAD-PDO

U.S. Army Corps of Engineers, South Atlantic Division

60 Forsyth Street, Room 10M15 Atlanta, Georgia 30303-8801

Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

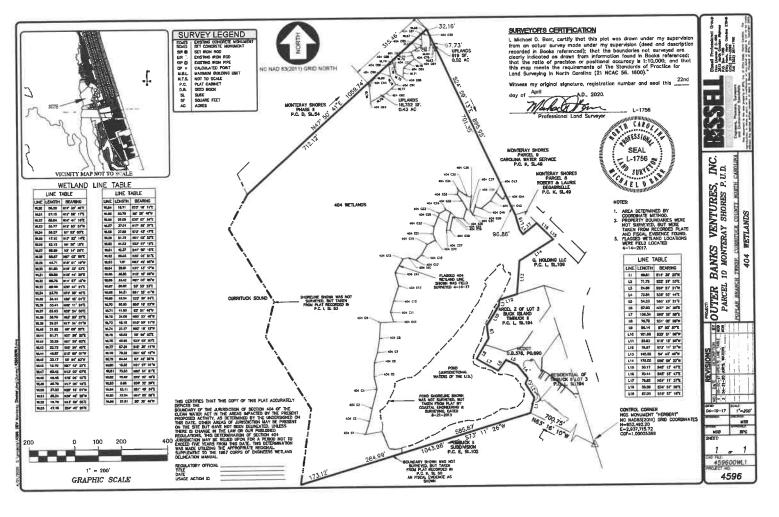
Signature of appellant or agent.

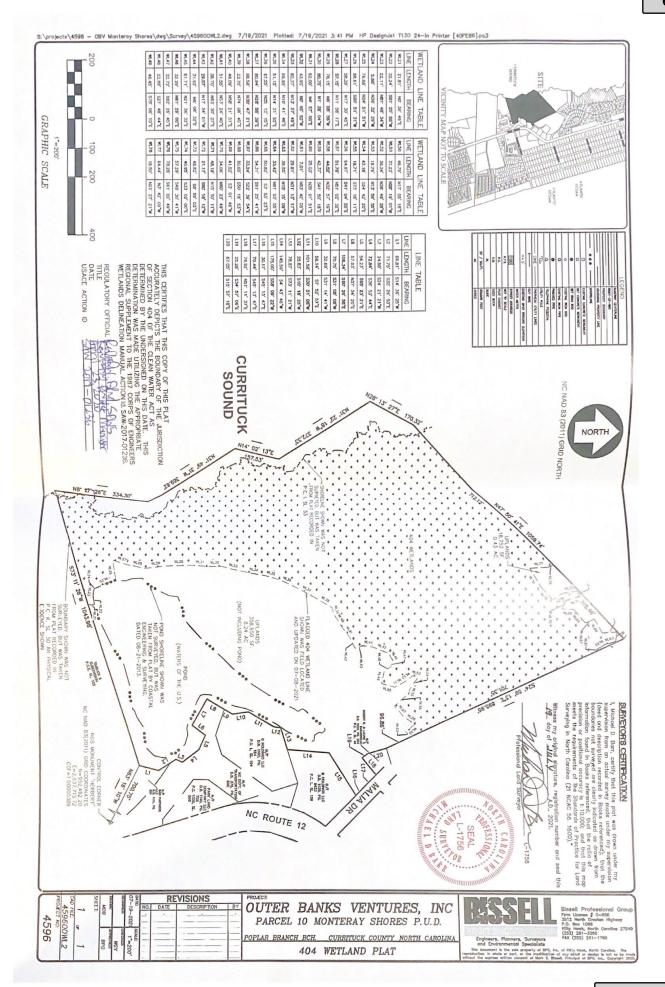
For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Raleigh W. Bland, PWS, 2407 West 5th Street Washington, North Carolina 27889

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137





Secretary





August 5, 2016

Denise A. Hall Register of Deeds Curtifuck County 153 Courthouse Road, Suite 600 Currituck, NC 27929

Dear Ms. Hall,

House Bill 959 was signed into law July 11, 2016. Section 17(a) of the bill rescinds all transportation corridor official maps filed or amended to date. A list highlighting the affected map(s) in your jurisdiction is enclosed for your reference. This letter serves as official notification in compliance with Section 17(b) of HB 959.

Section 17(a) of HB \$359 further states that all restrictions imposed under Article 2E of the North Carolina General Statutes, "Transportation Corridor Official Map Act," are no longer applicable to properties located within corridors designated under the rescinded maps. This would include the prohibitions on issuance of building permits and subdivisions of property stipulated in NCGS 136-44.51(a).

As a result of the rescission of all previously filed maps, property owners cease to be eligible for the tax reductions provided for under NCGS 105-277.9 (unimproved property) and NCGS 105-277.9A(a) (improved property).

Please update your internal records and procedures as necessary to comply with the provisions of Hease contact Mr. Ray McIntyre at 919-707-4634 or Section 17(a) of HB 959. rmcintyre@ncdot.gov with any questions.

Sincerely,

Patrick Norman, PE

Director of Planning and Programming

Enclosure

cc:

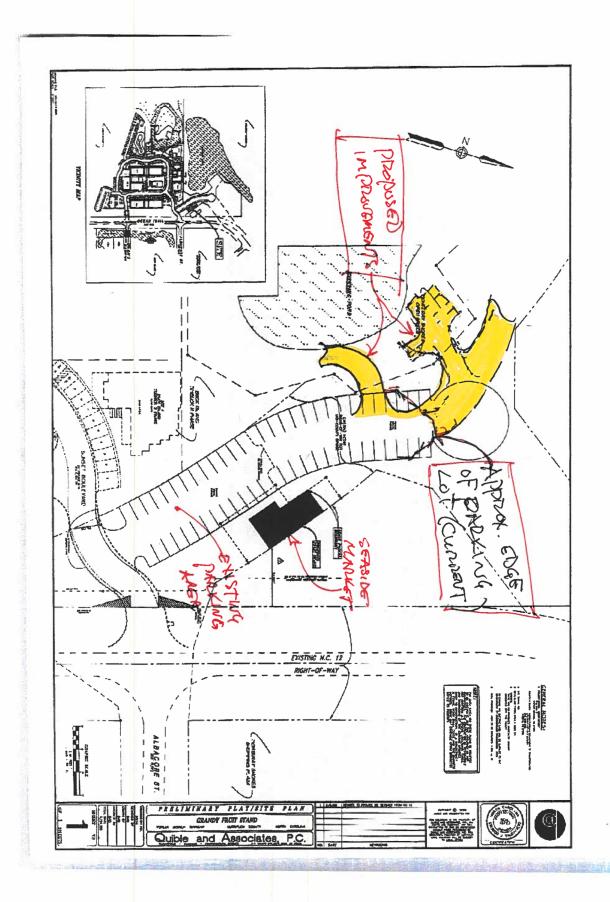
Nicholas J. Tennyson, Secretary of Transportation Malcolm Fearing, Board of Transportation Jerry Jennings, PE, Division Engineer

Carr McLamb, NCDOT General Counsel

→ Nothing Compares — \_\_\_\_\_\_

State of North Carolina | Department of Transportation | Division of Planning and Programming 1 South Wilmington Street | 1534 Mail Service Center | Raleigh, NC 27699-1534 919-707-4610 T

RECORD DATE OF ADOPTION REGISTER TIP OF DEEDS BY BOT DESCRIPTION COUNTY PROJECT NO. 7/15/1992 7/8/1992 MID CURRITUCK BRIDGE CURRITUCK R-2576 (SOUTH OF COROLLA ON NC 12)



Register of Deeds Ú, O FEET ) = 250 DCLPHIN \$1 (60' R./W) N MONTERAY SHORES P.U.D. W.W.T.P. CAROLINA WARER SERVICE 90+ W. P. Ity Hows ha. Nitry Hawk, E.C. 27949 (282)- 261-4151 (282)-261-1333 52-FP T. S POPLAR BRANCH TWSP. CURRITUCK COUNTY NORTH CAROLINA ENGINEERING & SURVEYING, INC. FINAL PLAT Civil — Structura Sita Development Amended

Book K Pag Packet Pg. 117

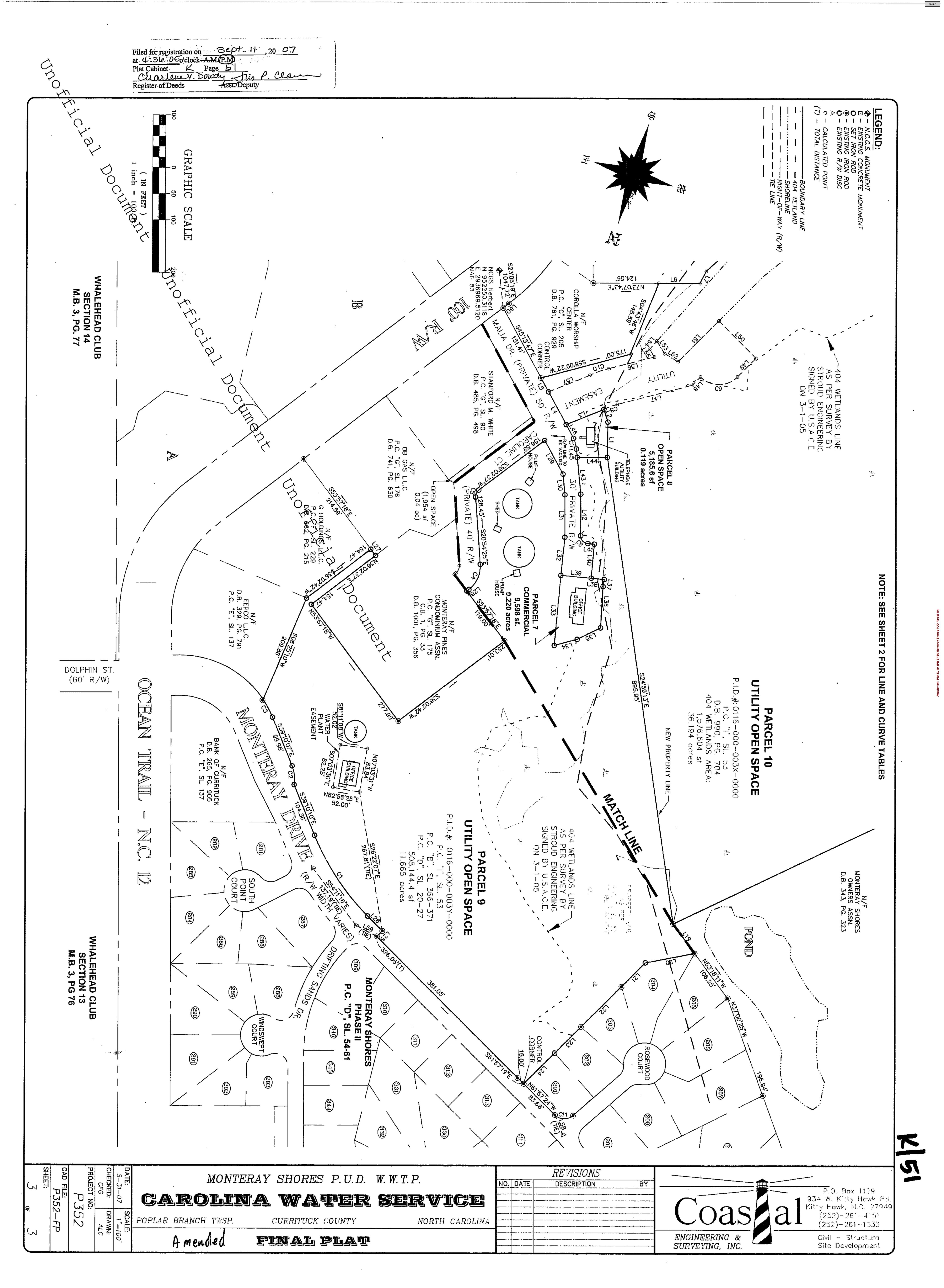
Filed for registration on Sept. 11, 20 07

at 4:36:050'clock A.M.P.M.

Plat Cabinet Register of Deeds ALBACORE STREET-60' R/W S73'11'26"W 1043.98' 784.53 J N73.07'43"E P.C H MONTERAY SHORES P.U.D. W.W.T.P. DESCRIPTION BY CAROLINA WATER SERVICE 934 W. Intly Howard Ho. Witty Howe, F.C. 17949 (252)-261-4151 (252)-261-1333 ", \$ POPLAR BRANCH TWSP. CURRITUCK COUNTY NORTH CAROLINA 1.\_64 ENGINEERING & SURVEYING, INC. Civi - Structura Site Development FINAL PLAT Amenolea

Book K Pag Packet Pg. 118

6.B.r



Book K Pag Packet Pg. 119

MITACHED AND CANCELLED & 40.00

Tax Collector Certification That No Delinquent Taxes

Are Due. Date 15 10 By Certification
expires Jan. 6th of the year following certification date.

<del>)</del>.

Doc ID: 002254930004 Type: CRP Becorded: 09/15/2010 at 10:50:43 AM

Fee Amt: \$268.00 Page 1 of 4
Excise Tax: \$40.00
Currituck County, NC

Charlene Y Dowdy Register of Deeds
BK 1135 PG 302-305

TRANSFERATAX AMOUNT 200 COLLADOLA DATE/COLLECTOR 9-14-2010 TKS

Prepared by:

Donald I. McRee, Jr., Attorney

Return to:

P.O. Box 39, Currituck, North Carolina 27929

STATE OF NORTH CAROLINA

DEED OF EASEMENT

COUNTY OF CURRITUCK

THIS DEED OF EASEMENT made this 31 to day of AUGUST, 2010, by and between ROBERT R. DEGABRIELLE and wife, LAURIE T. DEGABRIELLE, (the "Grantors"), and COUNTY OF GURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, whose mailing address is P.O. Box 39, Currituck, NC 27929, (the "Grantee"):

WITNESSETH:

THAT WHEREAS, Grantors are the owners of all of that certain lot or parcel of land as set forth in those deeds recorded in Book 990. Page 704 of the Currituck County Registry;

AND WHEREAS Grantee has requested Grantors' conveyance of an easement for the purpose of the installation and maintenance of a subsurface pipe for the conveyance of ground water and groundwater discharge into the pond located on the above referenced property and the Grantors have agreed to the easement;

NOW, THEREFORE, for and consideration of the sum of ten and no/hundreds dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors do hereby give, grant and convey unto the Grantee, (i) a perpetual right and easement to convey and discharge groundwater associated with the Whalehead Watershed Improvement District into the pond shown and more particularly described on that plat recorded at Plat Cabinet K, Slide 50 of the Currituck County Registry and (ii) a perpetual right and easement 20 feet in width to construct and maintain, over upon and across the property

Supon and across the p

Book 1135 Pag Packet Pg. 120

6.B.s

ement - County Deed Book 1135 Page 302 (PB 87-56 Mo

# BOOK 1135 PAGE 0303

of the Grantors a subsurface pipe for the conveyance and discharge of groundwater from the force main associated with the Whalehead Watershed Improvement District into the pond located on the property of the Grantors described as follows:

That area in, upon, across and into the property of the Grantors lying within the lines delineated as "20' Utility Easement" as shown on a map or plat prepared by Barnette Integrated Land Development, entitled in part "Currituck County, 20' Utility Encroachment NCDOT And Parcel 10, Monteray Shores, PUD, Corolla, Poplar Branch Township, Currituck County, North Carolina", dated November 4, 2009 and attached hereto as Exhibit A, said area being more particularly described as follows:

Beginning at a point, said point being located the following calls and distances from a PK Nail at the intersection of Ocean Trail (NC 12) and Albacore Street: From said PK Nail South 74 dog 54 min 27 sec West 42.49 feet, North 17 deg 00 min 50 sec West 20.17 feet, South 60 deg 27 min 58 sec West 88.67 feet, along a curve to the left, said curve having a radius of 851.47 feet for an arc length of 184.66 feet on a cord of 184.30 feet cord bearing a North 52 deg 40 min 46 sec West to a point, South 24 deg 21 min 21 sec West 12.13 feet to the point and place of beginning, said point and place of beginning being on the eastern edge of Parcel 10 Monteray Shores PUD; from said point and place of beginning turning and running South 32 deg 26 min 53 sec East 20.76 feet to a point; thence turning and running North 16 dog 51 min 37 sec West 20.00 feet to a point; thence turning and running North 73 deg 08 min 23 sec East 54.96 feet to the point and place of beginning.

- TO HAVE AND TO HOLD the above described easement unto the Grantee, its successors and assigns forever, but subject to the following limitations:
- (a) The easement shall be solely for the use of the conveyance and discharge of ground water.
- (b) The maximum discharge rate from the force main associated with the Whalehead Watershed Improvement District shall not exceed 3,500 gallons per minute.
- (c) The amount of discharge from the force main associated with the Whalehead Watershed Improvement District may not raise the pond level in excess of 2.3 feet beyond normal pond height.
- (d) Grantee shall be responsible for, and shall indemnify and hold Grantors, their successors and assigns harmless from all claims for costs, damages and injuries associated with or related to the cleanup of any sedimentation and/or "hazardous material" (as the term is defined in any and all applicable Federal or State environmental laws or regulations) located within the pond which are caused by, result from or are related to conveyance of ground water from the force main associated with the Whalehead Watershed Improvement District into the pond.

# BOOK 1135 PAGE 0304

(SEAL)

The Grantors covenant that they are seized of said premises in fee simple and that they have the right to grant this easement for the purposes set forth herein, that Grantors will warrant and defend title to said property thus conveyed against the lawful claims of all person 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.

TESTIMONY WHEREOF the party of the Grantors have duly executed and sealed this document and deed, this the day and year first above written.

Robert R. DeGabrielle

Laurie T. DeGabrielle

STATE OF Vincing

I, Hotelle , a Notary Public for the State and City/County aforesaid, hereby certify that Robert K DeGabrielle and wife, Laurie T. DeGabrielle personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this the 3 day of <u>Ougus</u>, 2010.

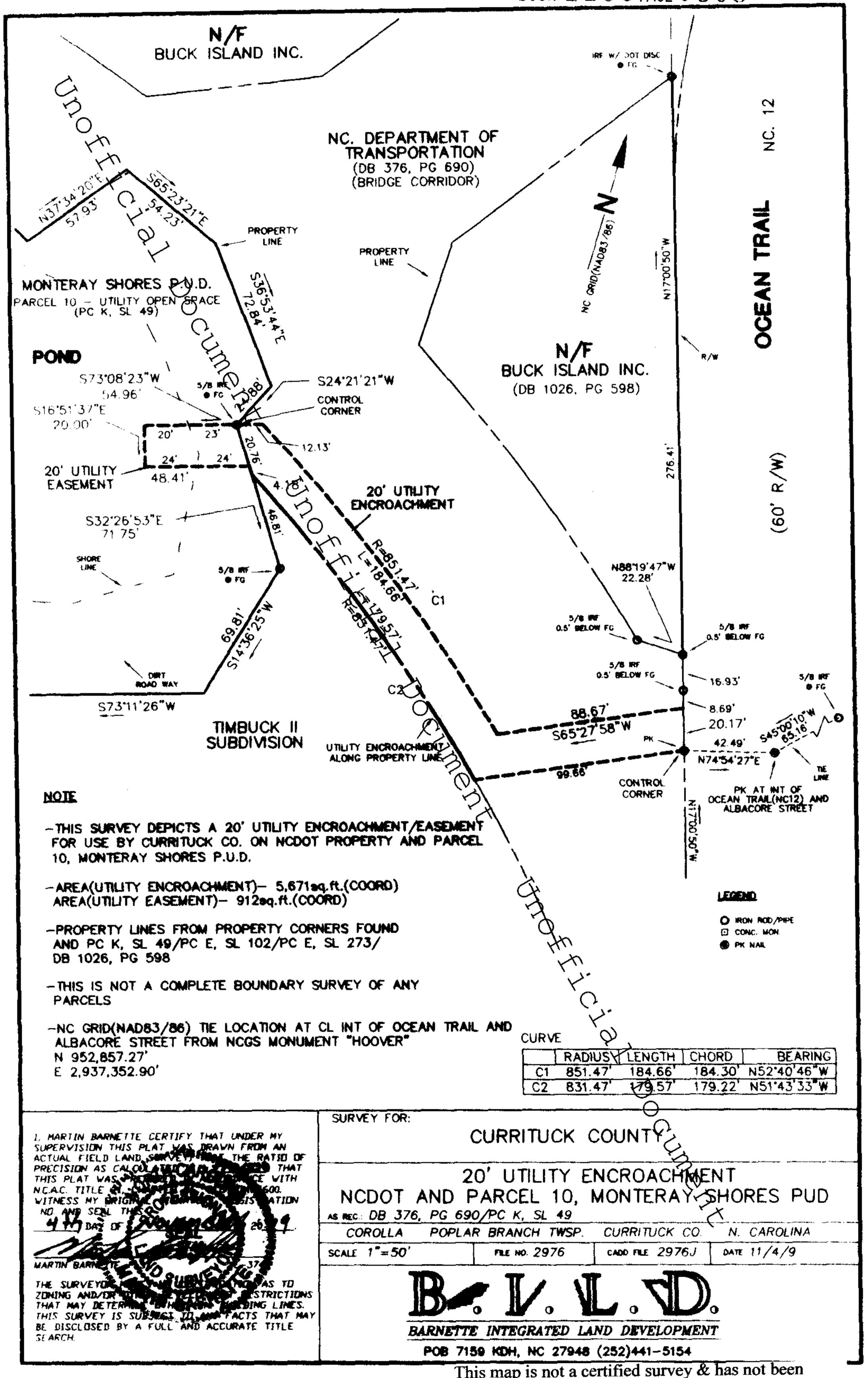
(SEAL/STAMP)

LETA G NORFLEET
Commonwealth of Virginia
Notary Public
Commission No.: 279839
My Commission Expires 05/31/2011

Notary Public: Leta Hyor lest Printed Name: Leta G Norsheet My Commission Expires: My 31 2011

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Unofficial Document



This map is not a certified survey & has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Temporary Adoption Eff. November 8, 1996; Temporary Adoption Eff. May 8, 1997;

Eff. August 1, 1998;

Repealed Eff. September 1, 2006.

#### 15A NCAC 02H .0226 INNOVATIVE ANIMAL WASTE OPERATION PERMITS FOR SWINE OPERATIONS

History Note: Authority G.S. 143-215.1; 143-215.10C; Clean Water Responsibility And Environmentally Sound

Policy Act, S.L. 1997 c. 458;

Temporary Adoption Eff. August 21, 1998; Temporary Adoption Expired May 11, 1999.

#### 15A NCAC 02H .0227 SYSTEM-WIDE COLLECTION SYSTEM PERMITTING

(See 15A NCAC 02T .0400)

History Note: Authority G.S. 143-215.1(a); 143-215.3(a),(d); NC Clean Water Act of 1999; S.L. 1999 c. 329;

Temporary Adoption Eff. March 1, 2000;

Eff. April 1, 2001;

Repealed Eff. September 1, 2006.

#### **SECTION .0300 - SEPTIC TANK SYSTEMS**

15A NCAC 02H .0301 SCOPE

15A NCAC 02H .0302 TECHNICAL GUIDE FOR EVALUATION OF SOIL ABSORPTION SITES

15A NCAC 02H .0303 INTERPRETATION AND TECHNICAL ASSISTANCE

15A NCAC 02H .0304 TABLE NO. I 15A NCAC 02H .0305 TABLE NO. II

15A NCAC 02H .0306 APPLICABILITY: VIOLATIONS

History Note: Authority G.S. 130A-160; 130A-335; 143-215.1; 143-215.6;

Eff. February 1, 1976;

Amended Eff. July 1, 1988; February 1, 1986;

Repealed Eff. April 1, 1994.

#### SECTION .0400 - COASTAL WASTE TREATMENT DISPOSAL

15A NCAC 02H .0401 STATEMENT OF POLICY

15A NCAC 02H .0402 APPLICABILITY

15A NCAC 02H .0403 DEFINITION OF COASTAL AREAS 15A NCAC 02H .0404 FACILITY LOCATION AND DESIGN 15A NCAC 02H .0405 PRIVATELY OWNED INSTALLATIONS

15A NCAC 02H .0406 PUBLICLY OWNED SEWERAGE FACILITIES

15A NCAC 02H .0407 EXCEPTIONS FROM REQUIREMENTS

History Note: Authority G.S. 143-211; 143-214.2(c); 143-215; 143-215.1(a); 143-215.1(b)(1); 143-215.3(a)(1);

Eff. February 1, 1976;

Amended Eff. November 1, 1986; April 1, 1983; September 13, 1981; May 11, 1980;

Repealed Eff. May 1, 2020.

#### 15A NCAC 02H .0408 DISPOSAL OF STORMWATER

*History Note:* Authority G.S. 143-214.1; 143-215.3(a)(1);

Eff. November 1, 1986;

Repealed Eff. January 1, 1988.

#### Proposed Street Name Review and Addition to Master Street List Form

	To Be Completed By Applicant				
Subdivision Name:	Monteray Shores				
Subdivision Type:	Planned Unit Development				
Applicant:	Outer Banks Ventures, Inc.				
Address:	PO Box 459				
	Corolla, NC 27927				
Phone:	252-453-4198 Fax:				
Proposed Street Nar Virginia Lane Currie Lane					
XXXXXXX					
Peanut Lane					
Alternate Street Nam	ne(s): Please provide at least one (1) alternate street name				
	To Be Completed By County Staff				
Proposed street name.	s with a check mark have been approved. Proposed street names with an X mark have				
Reviewed By:	Harry Lee Date: 6/24/21				
Add the following dat Street Name:	ta to the Master Street List:				
Address Range:					
F&R #:					
Community:					
ZIP:					
Location:					
-					
Plat Approval Date:					



June 24, 2021

Re: Monteray Shores Phase Ten, OBV

Corolla, Currituck County NC

Sanitary Sewer Utility

To Whom It May Concern:

Carolina Water Service, Inc. of North Carolina (CWSNC) provides sanitary sewer utility service to Monteray Shores and adjacent developments including the above referenced property and project.

The wastewater treatment facility site is adequate to meet the needs of the "phase ten" buildout, and the property proposed for development is not needed for utility use.

Should you have questions, please contact me at 252-269-2540 or dana.hill@carolinawaterservicenc.com.

Respectfully,

Dana Hill Director of Operations

4944 Parkway Plaza Boulevard, Suite 375 • Charlotte, North Carolina 28217 (800) 525-7990 • cwsnc@carolinawaterservicenc.com • www.carolinawaterservicenc.com



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3261)

Agenda Item Title: Fire and EMS Advisory Board

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

#### **Brief Description of Agenda Item:**

George Thiess, Moyock Fire Department Deputy Chief, is being submitted for your consideration to replace Mike Hurt on the FEAB. DC Thiess, if approved, will serve as Fire Services Representative to fill an unexpired term ending May, 2023.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

#### FIRE AND EMS ADVISORY BOARD 2 Year Term

	District			Date of	
Incumbent	Served	New Appointee	Nominated by	Appointment	End of Term
Fire Services Representative					1st Full
Ryland Poyner	Consensus			6/21/2021	5/31/2023
Fire Services Representative					1st Full
Michael D. Hurt	Consensus	Replacement Requested		6/21/2021	5/31/2023
Citizen Representative					2nd-2 Year Term
William Bailey	Consensus			9/8/2020	5/31/2022
Commissioner*					BOC
Paul Beaumont	Consensus			12/5/2016	Member
Corolla Fire District Rep					Init.
Tim Bostaph	Consensus			2/17/2020	5/31/2022
KI Fire District Rep					Init.
Ed Yamiolkowski	Consensus			2/17/2020	5/31/2022
Fire/EMS Chief					Fire/EMS Chief
Ralph "Chip" Melton	Consensus				Ordinance Req

<sup>\*</sup>Commissioner term expiration extended to December to correllate with election cycles.

Fire/EMS Chief serves as required by ordinance

Commissioner Beaumont serves on this Board

# Attachment: FEAB Appt Recommendation(Board Appt-FEAB)



#### **Moyock Fire Department**

108 Fire Station Ct. Moyock, NC 27958



William Bailey
Chair, Currituck County Fire-EMS Advisory Board
153 Courthouse Rd.
Currituck, NC 27929

Mr. Bailey,

As most are aware, there has been a change in leadership at the Moyock Fire Department. Mike Lane has recently been named the new Moyock Fire Department Chief.

Mike Hurt was removed from his position by the Board of Directors per Moyock Fire Department bylaws. Mike Hurt is the current representee on the FEAB. With this change, the Moyock Fire Department would like to respectfully request an official change in representation of membership on the FEAB. We feel it is in the best interest of all parties involved so the FEAB can continue to do its good work within Currituck County.

We would like to nominate Current Deputy Chief George Thiess to replace Mike Hurt. Deputy Chief Thiess brings over 10 years of firefighter experience to the group and is currently employed by the United States Navy.

We would like to thank Mike Hurt for everything he has done for the department and the county and greatly appreciate the service he gave.

If you have any questions, please feel free to reach out!

Sincerely,

Mike Lane Fire Chief

Moyock Fire Department

Mikelane310@yahoo.com

252-435-4605

Phone: 252,435.

2281

Fax: 252.435.6450



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3262)

Agenda Item Title: Whalehead Stormwater Drainage Service District Advisory

Submitted By: Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Nominee George Mears, as recommended by outgoing Chairman, Lee Foreman, to fill his vacancy on the stormwater advisory. If approved by concensus, Mr. Mears will begin serving in January, 2022, for a full, two-year term expiring January, 2024.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

### WHALEHEAD STORMWATER DRAINAGE SERVICE DISTRICT ADVISORY BOARD 2 Year Terms

In accordance to	Nominated	Now Appointed	No maior ada al lavo	Date of	Final of Towns
Incumbent	by	New Appointee	Nominated by	Appointment	End of Term
1					1st Term
Larry Queen	Consensus			June 21, 2021	January 2023
					2nd Term
Lee Foreman	Consensus	Requesting Replacement		June 21, 2021	January 2022
					2nd Term
Jim Pruden	Consensus			June 21, 2021	January 2022
					3rd Term
John J. McTear	Consensus			June 21, 2021	January 2023
					3rd Term
Sid Wilson	Consensus			June 21, 2021	January 2023

#### WHALEHEAD PROPERTY OWNERS' ASSOCIATION

Corolla, North Carolina
October 2, 2021

Chairman Michael H. Payment
Currituck County Board of Commissioners
Currituck, North Carolina 27929

Re: Self Nomination to Relieve the current Chairman of the Whalehead Drainage District Citizens' Advisory Board

**Dear Chairman Payment:** 

The term of the current Chairman of the Whalehead Drainage District Advisory Board, Lee Foreman, is expiring soon and he recently asked me to consider self-nominating myself to replace himself on the County Whalehead Drainage District Advisory Board subject to the County's approval because his term was ending and he agreed to accept the nomination as the next President of the Whalehead Property Owners' Association, a role he has held in the past and will likely be assuming in a couple of weeks pending acceptance of the proposed WPOA Officer slate by the WPOA Membership on October 9, 2021. Lee will be replacing myself as the current President.

I was the first Chairman of this citizen advisory board when it was created some 12 years ago and I served in that position until term limits were imposed about five years later. At the time I was a hydrogeologist and Environmental Engineer with the US Army Corps of Engineers but I retired from the Corps in 2018. I have an undergrad in carbonate geology and geophysics from the University of Wisconsin and a Masters in Environmental Engineering from Old Dominion. While I currently live in Suffolk, Virginia, my wife and I have owned land at 1008 Corolla Drive in Whalehead since 1998 and we completed construction of our home there in early 2002.

I was a Navy pilot from 1972-1994, three years of which I flew into hurricanes with teams of scientists for Naval Oceanographic Office and helped train the first two NOAA aircrews as NOAA was taking over this mission from the Navy. I then spent another 23 years as a hydrogeologist and a project manager both in the private sector (URS Greiner-Woodward Clyde) and Federal sector with the Norfolk District of the USACE, where I was the project manager for both the design and construction phases of NASA Wallops Island Launch Test Range's defensive 4.5 mile beach which, two years later, protected Wallops Island from a direct hit by Hurricane Sandy.

I enjoyed the years I spent working on the County's Advisory Board and especially enjoyed working with the County's very professional County Engineer, Eric Weatherly.

Very respectfully,

George Mears ME, MBA, CDR USN (ret)

President, WPOA

**Whalehead Property Owners' Association** 

757 621-8239/ ghmears@gmail.com



# Currituck County Agenda Item Summary Sheet

Agenda ID Number - (ID # 3263)

**Agenda Item Title:** Budget Amendments

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Budget amendments, various.

Potential Budget Affect: See individual amendments for department and net effects.

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

#### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 18th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

			Debit		Credit Increase Revenue or Decrease Expense	
Account Number	Account Description		Decrease Revenue or Increase Expense \$ 8,000			
10441-532000	Supplies					
10441-506000	Insurance Expense				\$	3,000
10441-590000	Capital Outlay				\$	5,000
			\$	8,000	\$	8,000
ε	nformation Technology (10441 above the capital threshold to e	equip the IT department			ourcnases tna	t did not fall
Minute Book #	Operating Fund (10) - No ch	nange.				
lournal #			Clerk to t	the Board		

#### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 18th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

				Debit	(	Credit
Account Number	Account Description  Supplies Sheriff Donations		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10510-532000 10380-483510			\$	6,400	\$	6,400
Explanation:	Sheriff (10510) - Increase app Overdose Prevention.	propriations to record (	\$ donation from	6,400 n Albemarle Regiona	\$ al Health Servi	6,400 ces for
Net Budget Effe	ct: Operating Fund (10) - Incr	reased by \$6,400.				
Minute Book #	, Page#					
Journal #			Clerk to th	ne Board		

#### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 18th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

		ĺ	Debit  Decrease Revenue or Increase Expense		Credit
Account Number	Account Description				e Revenue or ase Expense
10460-557100	Software License Fee	\$	400		
10530-561000	Professional Services	\$	1,000		
10960-531000	Fuel	\$	25,000		
10320-411000	Article 39 Sales Tax			\$	26,400
12541-554007	Insurance - Carova Beach VFD	\$	3,535		
12390-499900	Appropriated Fund Balance			\$	3,535
210541-554006	Insurance - Corolla	\$	4,000		
210541-506000	Health Insurance			\$	4,000
26535-557100	Software License Fee	\$	314		
26535-588000	Contingency			\$	314
61818-511010	Data Transmission	\$	1,055		
61818-516000	Repairs & Maintenance	\$	5,000		
61818-506000	Insurance Expense			\$	2,500
61818-533600	System Supplies			\$	3,555
67878-557100	Software License Fee	\$	300		
67878-506000	Health Insurance Expense			\$	300
		\$	40,604	\$	40,604

**Explanation:** 

Various Departments - Increase appropriations due to rising costs of vehicle fuel, software license fees and volunteer fire department building insurances; increase in professional services for new hire background checks; and departmental transfers in Mainland Water for operations.

Net Budget Effect: Operating Fund (10) - Increased by \$26,400.

Fire Services Fund (12) - Increased by \$3,535. Corolla Fire Services (210) - No change.

Emergency Telephone System Fund (26) - No change.

Mainland Water Fund (61) - No change. Mainland Sewer Fund (67) - No change.

Minute Book #,	Page #	

Journal # Clerk to the Board

#### **BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 18th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

			Debit		Credit	
Account Number	Account Description		Decrease Revenue or Increase Expense  \$ 15,000		Increase Revenue or Decrease Expense	
10510-516200 10510-506000	Vehicle Maintenance Insurance Expense	\$			15,000	
		\$	15,000	\$	15,000	
Explanation:	Sheriff (10510) - Transfer budgeted fu	unds for increased costs o	f vehicle maintenand	e and for tire r	eplacements.	
Net Budget Effect	: Operating Fund (10) - No change.					
Minute Book #	, Page #	_				
Journal #		Clerk to	the Board			



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3256)

Agenda Item Title: Job Description Revisions-Various

Submitted By: Leeann Walton - County Manager

Presenter of Item:

**Board Action:** Action

#### **Brief Description of Agenda Item:**

Revisions to job descriptions to update duties and requirements for various departments to correlate with Phase III Salary Study. See attachments.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 



#### **CURRITUCK COUNTY JOB DESCRIPTION**

#### JOB TITLE: ECONOMIC DEVELOPMENT DIRECTOR ECONOMIC DEVELOPMENT DEPARTMENT

#### **GENERAL STATEMENT OF JOB**

A key member of the County Manager's Executive Leadership Team with responsibility for planning, directing, managing, and supervising the day-to-day operations of the Economic Development department. Operating within broad general policy guidelines and in alignment with the County Manager, the Director exercises substantial latitude and discretion to achieve effective and efficient utilization of resources to manage the department.

Under limited supervision, performs complex professional administrative work in directing economic and industrial development within the County. Work involves promoting the <u>retention</u>, and expansion of existing industries in the County and the establishment of new industries. Assists new and existing industry and businesses in obtaining infrastructure support, grant funding and manpower; promoting attributes of the area; and maintaining a database of County resources. Work also involves developing marketing materials to promote the County. Coordinates the economic development activities with various local, regional, and State and Federal officials and agencies. Assists and advises County officials in matters pertaining to industrial expansion, including preparing reports and other records for presentation to the County Economic Development Board and County Commissioners. Lobbies elected State and Federal officials on behalf of the County. Performs administrative functions and coordinates activities with various local and state organizations and professionals; landowners; and outside consultants. Reports to the County Manager.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

#### **ESSENTIAL JOB FUNCTIONS**

Develops programs to attract new industry and business to <u>the</u> County; receives inquiries from business representatives, manufacturers, <u>site selectors, residents</u> and others interested in establishing or expanding operations in County, and provides information relating to suitability of County for expressed needs; assists industrial realtors in providing information about the County to their clients; arranges and/or conducts tours of County facilities and real estate available for industrial use; serve on Emergency Management team during County crisis periods.

Assists existing industries and businesses in <u>the</u> County with problems and concerns pertaining to infrastructure, zoning, support, and manpower availability, contacting County, state, and federal agencies to provide available assistance as appropriate.

Evaluates the financial condition of new and existing industries to determine funding and other resource needs for preparing an economic development activity report for County Board of Commissioners, County Manager, and the Economic Development Board.

Collects demographic, geographical, and economic data about the County; investigates labor supply, transportation, utilities, machinery, financing, and other requirements for establishment of new and existing industry; photographs available sites and/or facilities; prepares and continually

updates technical reports, <u>news blog</u>, brochures, news releases; etc., used in publicizing the advantages of locating in the County.

Makes recommendations to the Board of County Commissioners concerning capital improvements for the County, and expansion and attraction for business and industry; recommends obtaining options on land as possible industrial/commercial sites, as appropriate.

Provides recommendations to the Manager, Airport Manager, and Board of Commissioners regarding airport planning and development issues; negotiates to purchase land for airport expansion projects; serves as the Economic Development laison to the Division of Aviation, Aeronautic Council, and the FAA; negotiates for economic development grants with the Division of Aviation; lobbies elected officials of the State and Federal government for funding and other aviation issues; manages airport construction projects with an economic development impact; receives and responds to airport business inquiries from the Airport Manager; develops and manages related operating budget; prepares and presents to support airport activities reports to the Authority, DOT-AV, and Aeronautic Council; solicits input, drafts and presents amendments for rules and regulations for approval; responds to any public inquiries, concerns or issues.

Performs planning duties with respect to transportation and infrastructure needs; contacts landowners to determine and discuss potential development sites; utilizes computerized tools to draw building and utility lines on site maps for clients.

Serves as coordinator for, or participant in, community and regional economic development committees <u>and workforce development</u>, providing input and advice based on expertise and/or observations; participates in activities of such groups as appropriate to promote interests of <u>the</u> County.

Confers with representatives of County and non-County firms and explains the advantages of locating new or expanded facilities in the County; <u>advises Economic Development Partnership</u> North Carolina and the Department of Commerce of the County's available resources.

Attends seminars, conferences, workshops, classes, lectures, etc., as appropriate, to enhance and maintain knowledge of trends and developments in the field of industrial, <u>commercial</u> development and promotion; reviews professional journals, attends association and professional meetings, and otherwise maintains contacts with industrial and business professionals to facilitate exchange of information.

Develops budget proposals for economic development programs and administers approved budgets. Receives and responds to inquiries concerning planning, zoning, and permit procedures.

Develops budget proposals for Economic Development programs and administers allocated funds, ensuring proper development, maintenance and submission of accounting records and reports.

#### ADDITIONAL JOB FUNCTION

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster. Performs other related work as required.

#### MINIMUM TRAINING AND EXPERIENCE

Bachelor's degree in economics, business administration, <u>public administration</u>, finance or a directly related field and <u>6 to 9 years of increasingly responsible</u> experience in business, <u>planning</u>, industrial development planning, <u>marketing</u>, <u>real estate</u>, or a <u>directly</u> related field; or any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.

#### **SPECIAL REQUIREMENT**

Possession of a valid North Carolina driver's license.

#### MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, cameras, etc. Must be physically able to operate a motor vehicle. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are more than those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

<u>Data Conception:</u> Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

<u>Interpersonal Communication:</u> Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to clients and supporting personnel.

<u>Language Ability:</u> Requires the ability to read a variety of reports, correspondence, real property appraisals and assessments, deeds, surveys, permits, etc. Requires the ability to prepare a variety of correspondence, reports, forms, budgets, studies, assessments, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

<u>Intelligence:</u> Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

<u>Verbal Aptitude:</u> Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including accounting, engineering, legal, and marketing terminology.

<u>Numerical Aptitude:</u> Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; interpret graphs; compute discount, interest, profit and loss, ratio, and proportion, etc.; perform calculations involving variables, formulas, square roots, and polynomials.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width, and shape.

<u>Motor Coordination:</u> Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

<u>Manual Dexterity:</u> Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

<u>Interpersonal Temperament:</u> Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

**Physical Communication:** Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

#### **KNOWLEDGE, SKILLS AND ABILITIES**

Thorough knowledge of County zoning codes and ordinances.

Considerable knowledge of the methods and techniques used in business solicitation and industrial promotion.

Considerable knowledge of the available resources of the County.

Considerable knowledge of the resources available to assist industries at the county, state, and federal levels.

Considerable knowledge of general management and business organization principles and practices.

Considerable knowledge of the local and regional travel and tourism industry.

Considerable knowledge of County geography and the placement of housing developments and subdivisions.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state, and local laws, rules, and regulations.

Ability to use common office machines, including popular computer-driven word processing, spreadsheet, and file maintenance programs.

Ability to interpret blueprints, diagrams, specifications, codes and building regulations.

Ability to exercise considerable independent judgment and discretion in establishing, applying, and interpreting policies and procedures.

Ability to analyze and interpret financial statements from new and existing companies.

Ability to gather, analyze and interpret industrial and economic data and to make sound recommendations based on the information.

Ability to develop effective promotional material for the County.

Ability to effectively express ideas orally and in writing.

Ability to make oral presentations before large groups of people.

Ability to work in a consulting capacity and exercise leadership in contact with a variety of public, industrial, and business officials at various levels of authority and influence.

Ability to exercise tact, courtesy, and firmness in contact with contractors, property owners and the public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

ED: 10/18/2021 01/07 (REV BOC)



#### **CURRITUCK COUNTY JOB DESCRIPTION**

#### JOB TITLE: EMERGENCY MANAGEMENT AND COMMUNICATIONS DIRECTOR EMERGENCY SERVICES DEPARTMENT

#### **GENERAL STATEMENT OF JOB**

Under limited supervision, performs highly responsible administrative and supervisory work directing and overseeing various aspects of the County emergency management services and central communications. Work involves coordination with federal, state, and local government partners and private agencies to mitigate, prepare, respond to and recover from large scale events; developing, implementing, evaluating and maintaining county Emergency Management and Communications related plans, policies and procedures; oversee public education programs related to the departments; and oversee yearly department budget preparations, and other finance activities including contract preparation. Responds to emergency calls as needed to assist in coordinating the activities of various agencies and secure needed resources.

Work involves coordinating various County programs with other governmental and private agencies involved with emergency response and management; developing, implementing and evaluating emergency response and evacuation plans, including public education programs; and overseeing budgeting, accounts payable, purchasing and other financial activities. Responds to major emergency response scenes to coordinate the activities of various agencies and to ensure availability of necessary equipment, supplies and manpower; supervises and coordinates with the fire marshal for fire inspections and investigations. Reports to the County Manager.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

#### **ESSENTIAL JOB FUNCTIONS**

Plans, d Develops, maintains, and oversees implementation of County-wide plans and procedures for multiple responses to natural or man-made disasters and large scale county public events, coordinating capabilities and responsibilities of involved agencies emergency communications, volunteer fire and ambulance departments; coordinates County personnel and Department staff for emergency operations, acting as liaison to various governmental and non-governmental agencies to ensure understanding of proper roles and responsibilities of officials; assists organizations such as schools, county departments and other facilities in coordination with emergency response agencies and developing individualized response plans; develops tests of disaster plans; submits written plans to overseeing state and federal agencies, as appropriate.

Reviews, updates, and implements standard operating procedures; reviews and analyzes quality improvement reports.

Develops and conducts tests of disaster and emergency response plans, evaluating effectiveness of plans and programs and making recommendations for alteration of plans, and/or need for

additional planning, equipment, staff, etc.; develops long-range plans for expansion of emergency response capabilities and services.

Ensures proper and timely communication of pertinent information to various government officials and agencies, utilities companies, schools, and the general public of potential or imminent danger from inclement weather or other natural or man-made emergencies, as situations allow; responds to and assumes command of major emergency response operations, coordinating activities of various responding agencies and ensuring availability of necessary equipment and manpower.

Provides input and assistance on fire prevention programming and related issues; provides direction on policy for the Fire Marshal; supervises related daily operations; assists in resolving related conflicts; reviews and approves budget at the department level; reviews subdivision plans; responds to fire scenes that require investigations.

Develops and oversees implementation of education programs to inform public of proper response to emergency situations and various services of County emergency management programs.

Administers or makes recommendations for routine personnel matters affecting subordinates, including recruiting, interviewing, hiring, training, assigning, scheduling, granting leave, appraising, and disciplining, etc., submitting such records and reports as required by County management.

Advises subordinate and volunteer personnel of changes in federal, state, and local laws governing emergency services; ensures that emergency services personnel receive orientation and training required for assigned positions; establishes, interprets and enforces standard operating procedures for the various programs.

Schedules, supervises, and directs telecommunications staff engaged in answering telephone and radio calls for emergency and non-emergency assistance; ensures adherence to established laws, regulations, policies, and procedures and assists subordinates in handling non-routine calls or solutions.

Supervises and participates in operation of a computer terminal connected with the Department of Criminal Investigation (DCI) and NCIC System.

Prepares emergency management and communications operating and capital outlay budget proposals for submission to County Manager and administers approved budgets; reviews invoices and approves payments; oversees maintenance of equipment and supply inventories; prepares bid specifications for non-routine purchase of equipment and supplies.

Manages the E-911 system; operates Computerized Aided Dispatch terminals and 911 database and operated communications console; implements and manages the wireless 911 system; plans for future equipment and operating needs.

Utilizes computerized data entry equipment and various word processing or file maintenance programs to enter, store and/or retrieve information as requested or otherwise necessary; selects data from varied sources and summarizes information for standard reports.

Prepares and submits various reports as required by local, state, and federal governments; oversees filing and maintenance of reports, records, and other documents as required by federal, state, and local laws and regulations.

Oversees Coordinates with Communication Supervisor to maintain maintenance of County Communication equipment, coordinating repair through outside services vendors as necessary and maintains security of recordings as necessary.

Oversees the county facilities access system and issuance of county identification cards.

Works with Fire-EMS and Sheriff's Office in managing the public safety radio system to include ordering portable and mobile radios, coordinating maintenance with radio vendor, radio template updates and radio programming.

Prepares grant applications and documentation for awarded grants.

Maintain equipment issued to emergency management.

#### ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as necessary.

#### **MINIMUM TRAINING AND EXPERIENCE**

Bachelor's degree in public administration, business administration, or a related field with a minimum of five years of experience in communications, EMS, fire and/or emergency management, including administrative and program planning; or any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.

#### **SPECIAL REQUIREMENTS**

Possession of a valid North Carolina CDL and DCl certification. MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED

#### TO PERFORM ESSENTIAL JOB FUNCTIONS

<u>Physical Requirements:</u> Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, self-contained breathing apparatus, cameras, two-way radios, etc. Requires the ability to exert up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects. Requires the ability to maintain body equilibrium when bending, stooping, crouching, climbing, reaching and/or stretching arms, legs, or other parts of body, and to physically maneuver over and/or upon varying terrain, surfaces, or physical structures. Physical demand requirements are those for Heavy Work.

<u>Data Conception:</u> Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar or divergent from obvious standards) of data, people, or things.

<u>Interpersonal Communication:</u> Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments, or directions to subordinates or assistants.

<u>Language Ability:</u> Requires the ability to read a variety of reports, correspondence, charts, forms, invoices, personnel records, etc. Requires the ability to prepare correspondence, reports, budgets, purchase orders, forms, charts, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak to people with poise, voice control and confidence.

<u>Intelligence:</u> Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

<u>Verbal Aptitude:</u> Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including chemical, legal, and medical terminology.

<u>Numerical Aptitude:</u> Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width, and shape.

<u>Motor Coordination:</u> Requires the ability to coordinate hands and eyes rapidly and accurately in using office and emergency response equipment.

<u>Manual Dexterity:</u> Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

<u>Interpersonal Temperament:</u> Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress and in emergency situations.

<u>Physical Communication:</u> Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone and two-way radio.

#### **KNOWLEDGE, SKILLS AND ABILITIES**

Thorough knowledge of the practices, procedures, standards, and regulations regarding emergency management coordination at the local government level.

Thorough knowledge of the ethical guidelines applicable to the position as outlined by professional organizations and/or federal, state, and local laws, rules, and regulations.

Thorough knowledge of fire safety laws, rules, regulations, and state and County fire codes.

Thorough knowledge of the standard practices, procedures and methods involved in fire inspection, prevention, and safety.

Thorough knowledge of firefighting equipment, methods, and techniques

Considerable knowledge of the operation, licensing, and maintenance of two-way radio communication systems.

Considerable knowledge of the geographical layout of the County and all political subdivisions.

Considerable knowledge of fire training practices, techniques, and fire prevention methods.

Considerable knowledge of modern investigative methods and techniques used to determine the cause of fires.

Considerable knowledge of the financing sources and programs available through state and federal funding agencies for local fire departments, and of the requirements and standards for obtaining and retaining state and federally funded programs.

Emergency communications and response planning and management, fire prevention and suppression and fire services administration.

General knowledge of building, electrical and plumbing codes applicable to fire inspections work.

General knowledge of the geographic layout of the County, including street locations and water distribution systems.

General knowledge of the principles of supervision, organization, and administration.

Working knowledge of fire sprinkler systems, standpipe systems, stationary fire pumps, fire hydrant systems and fire wells.

Ability to use common office machines, including popular computer-driven word processing, spreadsheet, and file maintenance programs.

Ability to react promptly and effectively in a disaster situation.

Ability to plan and coordinate efficient and effective emergency response efforts during natural and man-made disasters.

Ability to supervise the work of subordinate personnel.

Ability to maintain moderately complex records and to prepare and submit reports from them.

Ability to work in a consulting capacity with fire and rescue department personnel, volunteers, public officials, law enforcement agencies and the general public.

Ability to effectively express ideas orally and in writing.

Ability to make oral presentations before large groups of people.

Ability to exercise tact, courtesy, and firmness in frequent contact with representatives of governmental agencies, civic groups, and the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

ED: 10/18/2021 (REV BOC)



#### **CURRITUCK COUNTY JOB DESCRIPTION**

### JOB TITLE: INFORMATION TECHNOLOGY SERVICES DIRECTOR INFORMATION TECHNOLOGY SERVICES

#### **GENERAL STATEMENT OF JOB**

Under general supervision, this position is responsible for the administration, planning and direction of the activities of the Information Technology Services department. Set the strategic goals for the ITS department and aligns those goals with the county-wide goals set forth by the governing body. Provides leadership, guidance and supervision over assigned personnel. Reports to the County Manager.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

#### **ESSENTIAL JOB FUNCTIONS**

Align the goals of the IT department with those of the governing body to ensure enterprise-wide successful projects.

Establishes priorities and reviews schedules to ensure that schedules are met.

Evaluates and makes recommendations on the selection of new hardware and software...

Prepares technology related budget estimates for all departments and controls expenditures.

Directs and supervises all department personnel and resources; assigns, supervises, evaluates, disciplines, and promotes personnel.

Reviews major new system work for adequacy of concept and design.

Reviews specifications for equipment and supplies.

Serves as technical advisor on automation to the County Manager and other departments.

Researches new technologies and determines feasibility.

Interfaces with other department heads, outside vendors, County IT staff, and other community groups.

Negotiates contracts for IT software, equipment, and professional services.

Oversees configuration of servers, firewalls, e-mail and telephone systems.

Designs network and cabling systems for new construction and renovation projects.

Reads manuals, literature and brochures and attends classes to stay abreast of the latest trends and developments in the computer industry.

Align the strategic plan for the IT department with the governing body to ensure interoperability.

#### INFORMATION TECHNOLOGY SERVICES DIRECTOR

Establish schedules for metric priorities and reviews to ensure requirements.

<u>Evaluates and determines the selection of new hardware and software to accommodate present and future requirements.</u>

<u>Develops a multiyear budget while determining project requirements to control expenditures</u> within multiple departments constraints.

Oversees IT department personnel; Delegate assignments, evaluate, promote, and discipline employees.

Analyze present and future systems to the highest security standards applicable.

Regulates specifications for infrastructure needs such as server, workstation, and other hardware.

Assist the County Manager and other departments with proficient technical support. Directing and determine the configuration of (but not limited to) servers, networks, firewalls, cloud environments, virtualization environments, e-mail, and telephone systems. Including critical infrastructures such as; (e.g. 911 CAD workstations, Utilities, Emergency Response Systems, etc).

<u>Coordinates with Federal and State agencies to ensure critical systems and infrastructure meet</u> availability, security, and retention standards.

<u>Develops and implements an organization wide strategic information technology security policy</u> for defensive and proactive operations.

Serves as point of contact for the IT department. Communicates with Federal and State entities, vendors, community groups and county staff.

Negotiates monetary and laborious contracts for IT software, equipment, and professional services.

Directs contractors and oversees projects to ensure specifications.

Maintain a knowledge base of the computer industry for latest trends and development by continuing education and provided resources.

#### **ADDITIONAL JOB FUNCTIONS**

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

#### MINIMUM TRAINING AND EXPERIENCE

Graduation from a four year college with a A Master's degree in computer science, business administration or related field from an appropriately accredited institution; and at least six years of progressively responsible computer systems experience, three of which are at the supervisory level and possess a CGCIO (Certified Government Chief Information Officer) certification. An equivalent combination of education and experience may be considered.

#### INFORMATION TECHNOLOGY SERVICES DIRECTOR

### MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

<u>Physical Requirements:</u> Must be physically able to operate a variety of computers and their peripheral equipment; hand tools, such as screwdrivers, pliers, soldering irons, and electronic test instruments; as well as common office machines such as typewriters, telephones, etc. Must be able to exert up to 50 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Physical demands are in excess of those for Sedentary work. Light Work usually involves walking or standing for periods of time.

<u>Data Conception:</u> Requires the ability to compare and/or judge the readily observable, functional, structural, or compositional characteristics (whether similar to or divergent from obvious standards) of data, people or things.

<u>Interpersonal Communication:</u> Requires the ability of speaking and/or signaling people to convey or exchange information. Includes giving instructions, assignments and/or directions to subordinates or assistants.

<u>Language Ability:</u> Requires the ability to read a variety of reports and records, invoices, purchase orders, budgets, blue prints and engineering schematics, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, requests for bids and bid specifications, purchase orders, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction and style. Requires the ability to speak to people with poise, voice control and confidence.

<u>Intelligence:</u> Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatical form; and to deal with several abstract and concrete variables.

<u>Verbal Aptitude:</u> Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages including computer and electrical terminology.

<u>Numerical Aptitude:</u> Requires the ability to utilize mathematical formulas; to add and subtract totals; to multiply and divide; and to determine percentages and decimals; understand and apply the theories of algebra.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

<u>Motor Coordination:</u> Requires the ability to coordinate hands and eyes rapidly and accurately in using computer equipment.

<u>Manual Dexterity:</u> Requires the ability to handle a variety of office equipment, control knobs, switches, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

<u>Interpersonal Temperament:</u> Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under minimal levels of stress when confronted with persons acting under stress.

**Physical Communication:** Requires the ability to talk and/or hear: (talking: expressing or exchanging

ideas by means of spoken words; hearing: perceiving nature of sounds by ear).

#### INFORMATION TECHNOLOGY SERVICES DIRECTOR

#### **KNOWLEDGE, SKILLS AND ABILITIES**

Thorough knowledge of the capabilities of various kinds of servers, computers and software products.

Knowledge of management and supervisory principles and practices.

Knowledge of principles and practices used in the automation of business processes.

Thorough knowledge of County policies and procedures affecting operations and personnel.

Ability to prepare and administer a budget.

Ability to communicate ideas effectively in both oral and written form.

Ability to plan, direct, and coordinate the work of subordinates.

Ability to detect and correct system failures and report programming failures.

Ability to exercise independent judgment in directing the work of subordinates and in making technical decisions.

Ability to follow complex oral and written instructions.

Ability to explain computer program functions and operating procedures.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

Skill in the operation of computers and other standard office equipment.

Skill in planning, organization, and decision making.

Skill in the supervision of personnel.

Skill in public speaking and public relations.

Skill in oral and written communication.

ED: 10/18/2021 (REV BOC)



#### **CURRITUCK COUNTY JOB DESCRIPTION**

JOB TITLE: Public Works Operations Manager

#### PUBLIC WORKS DIVISION

#### **GENERAL STATEMENT OF JOB**

Under limited supervision, performs complex duties supervising and exercising direct administrative and management responsibilities for the Solid Waste Divisions and County Public Works, as well as Mosquito Control, and Public Beach Facilities. Work involves preparing and administering departmental budgets, administering and managing contractual services, significant accountability for planning, program development and implementation, and supervising and evaluating employees within the departments in accordance with federal, state and local environmental laws and regulations. Work involves extensive public contact with general public, contractors, County, State, and Federal officials, and County Departments. Work requires considerable independent judgment. Individual in this capacity is on call 24 hours per day, 7 days per week. This position is classified as essential personnel and must maintain duty assignment in adverse conditions. Reports to the Public Works Director.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

#### **ESSENTIAL JOB FUNCTIONS**

Plans, supervises, coordinates and implements the management of the County's Public Works Division, Solid Waste/Recycling, Mosquito Control, Public Beach Facilities with Contract Administration and Capital Improvements pertaining to the aforementioned programs; identifies, negotiates and selects organizations to provide services to the County.

Ensures coordination of activities with other departments, governmental jurisdictions and agencies.

Participates in contract negotiation, monitors contractors for performance, costs, and approves payment upon acceptance of services.

Meets with Facility Managers to obtain information about facility issues.

Reviews construction drawings for new facilities.

Acts as a liaison between other departments.

Develops implements and manages annual budgets for Public Works, Solid Waste/Recycling, Public Beach Facilities, Court Facilities and Mosquito Control.

Develops implements and manages a Facility Improvement Plan to guide budgetary decisions.

Works with the County's Safety Officer and implements safety training to staff.

Prioritize daily workload and assign proper resources to accomplish tasks.

Monitors Division activities to determine problems and needs, and recommends solutions.

Maintains current knowledge of legislative trends and developments in the industry for application to regulatory compliant solid waste operations.

Oversees transfer station operation and contract to ensure compliance with NC DENR.

Enforces the Solid Waste Ordinance.

Interviews applicants and makes recommendation for hiring. Review work of subordinates through reports, periodic conferences, results of directives and annual evaluations.

Reviews and formulates bid specifications and requests for proposals.

Oversees and administers contracted services operations and ensures compliance with contract specifications.

Conducts or directs the completion of special projects as assigned

Develops solid waste collection and recycling programs, applies for grant funding, implements programs as funding is secured.

Promotes and ensures proper employee training and compliance with County safety program and departmental safety procedures; ensures that all equipment, materials and work conditions are adequately maintained to prevent accidents.

Prepares schedule for the public works department and community service workers; verifies and authorizes time sheets.

Answers telephones, receiving inquiries and providing information or referring callers to appropriate personnel; records and relays messages, as appropriate.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens. Must follow rules, methods and safe handling in connections with blood borne pathogens.

#### **ADDITIONAL JOB FUNCTIONS**

Attends meetings of department heads, and Albemarle Regional Solid Waste Authority meetings.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

#### **CUSTOMER SERVICE**

This is a front-line position for providing excellent customer service to members of the general public and other County employees. Personal contact occurs with the employees of the unit, employees of other departments in the County, citizens and customers of the department. Service is provided in person, by telephone contact and electronic means.

#### SUPERVISION

Direct supervision over employees in the Public Works Department. Includes assigning, directing, evaluating and reviewing work of subordinate employees. Responsibilities include providing on-the-job training; evaluating job performance; recommending selection of new staff members, promotions, status changes, and discipline; and planning, scheduling, and coordinating work operations.

#### MINIMUM TRAINING AND EXPERIENCE

Bachelor's degree in business administration, planning or related field, and three to five years of experience in management, preferably related to public works; or any equivalent combination of training, education and experience which provides the required skills, knowledge and abilities. Must possess a valid North Carolina driver's license.

## MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, calculators, copiers, facsimile machines, dictation recorders, etc. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) or data, people or things.

Interpersonal Communications: Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving assignments and/or directions from superiors.

Language Ability: Requires the ability to read a variety of reports, correspondence, invoices, checks, forms, procedural manuals, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, etc. Must be able to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Personal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and/or hear: (talking - expressing or exchanging ideas by means of spoken words; hearing - perceiving nature of sounds by ear). Requires the ability to communicate via telephone.

#### **KNOWLEDGE, SKILLS AND ABILITIES**

Thorough knowledge of modern techniques and methods used in the development and operation of Public Works and Solid Waste programs.

Thorough knowledge of federal, state and local laws, rules, regulations and ordinances.

Knowledge of the equipment, materials and engineering used in the construction, maintenance and repair of buildings, grounds.

Considerable knowledge of Solid Waste operations and programs.

Considerable knowledge of governmental budgeting, personnel, and purchasing practices.

Considerable knowledge of the current literature, trends, and developments of County operations within various departments.

Considerable knowledge of the principles and practices used in public speaking and making presentations.

General knowledge of the application of information technology to the work of the department.

Ability to prepare complex and detailed records and reports.

Ability to deal tactfully and courteously with business and industrial officials and the general public.

Ability to promote and educate the public with concerns.

Ability to express ideas effectively both orally and in writing.

Ability to establish and maintain effective working relationships with County officials, other public officials, County employees, contractors, and the public as necessitated by work assignments.

Ability to supervise employees in a manner conducive to full performance and high morale.

Considerable knowledge of modern office practices and procedures.

Considerable knowledge of arithmetic, grammar, spelling, and vocabulary.

Skill in the operation of common office machines, including popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to develop and modify work procedures, methods and processes to improve efficiency.

Ability to take a teamwork approach to the job by cooperating with others, offering to help others when needed, and considering larger organization or team goals rather than individual concerns. Includes the ability to build a constructive team spirit where team members are committed to the goals and objectives of the team.

ED: 10/04/2022 10/18/2021 (REV BOC)



# Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3257)

Agenda Item Title: Salary Classification Chart-Revised

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

#### **Brief Description of Agenda Item:**

Classification title changes based upon revisions to job descriptions, previously approved:

Grade 62: Airport Director (was Manager) Change 10 4 2021

Grade 73: Assistant County Engineer (was Assistant Public Services Director/Assistant CE)

Change 9 7 2021

Grade 92: County Engineer (was Public Services Director/CE) Change 9 7 2021

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

SALARY GRADE	SALARY RANGE	CLASSIFICATION
50	\$24,775 - \$33,959	Custodian
50.5	\$26,180 - \$36,548	Senior Center Site Manager
51	\$26,786 - \$36,775	Maintenance Helper Park Attendant Rural Attendant
52	\$28,796 - \$39,629	Accounting Clerk I Aging Senior Services Admin. Supervisor Animal Care Technician Community Social Services Assistant DSS DCI CP/Clerk Deputy Register of Deeds Library Assistant I Permit Officer I Recreation Assistant Secretary I Tax Clerk I

53	\$30,808 - \$42,407	Line Maintenance Mechanic Helper Library Assistant II Maintenance/Repair Worker Meter Reader EMT Basic/Firefighter Lineman - Airport Processing Assistant IV Public Information Assistant IV Tax Clerk II Utilities Customer Service Representative
53.5	\$31,388 - \$43,467	Visitor Relations Coordinator  Detention Officer
54	\$32,818 - \$45,220	4H Program Assistant Accounting Clerk II Animal Control Officer Assistant Register of Deeds District Administrator F&C Sciences Associate Income Maintenance Caseworker I Library Associate I Permit Officer II Telecommunicator Trainee
54.5	\$33,438 - \$46,350	Intake Officer

55	\$34,830 - \$48,038	Accounting Clerk III Administrative Assistant I Line Maintenance Mechanic Park Superintendent Processing Assistant V Public Information Assistant V Receptionist/IT Administrative Assistant Telecommunicator I
		Tourism Promo & Event Coordinator Utilities Customer Service Supervisor
		othicles eastorner service supervisor
55.5	\$35,491 - \$49,239	Deputy Director of Elections
		Rural Center Manager
		Shelter Manager
56	\$36,843 - \$50,856	Deputy Tax Collector
		Deputy Trainee
		EMT/Intermediate
		Evidence Technician
		Income Maintenance Caseworker II
		Maintenance/Repair Worker HVAC
		Maintenance/Repair Worker/Electrician
		Permit Officer III
		Sales & Marketing Associate Social Worker I
		Telecommunicator II
		Visitor Relations Specialist
		Wastewater ORC Trainee
		Water Plant Operator Trainee

56.5	\$38,257 - \$53,698	Sergeant Detention Officer
57	\$38,852 - \$53,669	Administrative Assistant II Athletic Grounds Manager Building Inspector I Code Enforcement Officer Deputy Sheriff I Human Resources Assistant Recreation Specialist Rural Center Director Support Technician Visitor Center Supervisor Wastewater Operator Water Plant Operator/Lab Technician
58	\$40,863 - \$56,486	Deputy Sheriff II Firefighter/EMT Basic Income Maintenance Caseworker III Income Maintenance Investigator II Library Associate II Planning Technician Training Officer

59	\$42,874 - \$59,302	Accounting Technician Accounting & Payroll Technician Building Inspector II probationary/FQ Inspect I ** E Body Deputy Sheriff III Development Technician Detective I EMT Paramedic/Firefighter Permit Coordinator Planner I Public Relations Coordinator Tax Appraiser Visitor Center Supervisor
60	\$44,887 - \$62,119	*Administrative Officer I Corporal - Sheriff Cross Connection ORC Deputy Emergency Management Coordinator Deputy III - School Res Officer EMS Training Officer Fire Training Officer/Recruitment Coordinator *Income Maintenance Supervisor II *Lieutenant Detention Officer Fire Marshal

		Lieutenant - EMS
		Risk Manager Social Worker II
		Stormwater Technician
		Water Distribution Supervisor Trainee
60.5	\$45,747 - \$63,672	*Communications Supervisor
		Firefighter EMT/Advanced
		Maritime Museum Manager
61	\$46,898 - \$64,936	Building Inspector III probationary/FQ BI II
		Creative Director
		Detective II
		GIS Specialist
		IT Coordinator
		Paralegal
		Planner II
		Marketing Director
		Video Production Specialist
		Wastewater Supervisor ORC
		Water Distribution Supervisor
		Web/AV Specialist

62	\$48,909 - \$67,751	*Airport Director  *Contract Purchasing Agent Fiscal and Budget Assistant  *Operations Manager - PW/Solid Waste Sergeant Site Manager/Curator Soil & Stormwater Manager Social Worker III Social Worker Invest/Assess Treatment
63	\$50,918 - \$70,566	*Aging Senior Services Director *Animal Services and Control Director Building Inspector III FQ *Director of Elections Engineering Technician Firefighter EMT/Paramedic Maintenance Supervisor *Social Work Supervisor II *Water Treatment Plant Supervisor
64	\$52,931 - \$73,383	*Accountant Fire Lieutenant *Jail Superintendent Senior Planner

65	\$55,373 - \$76,803	*Assistant to County Manager  *Captain - EMS  *Fire and EMT Captain  *Project Coordinator
	¢50054 ¢70016	*Public Information Officer
66	\$56,954 - \$79,016	*Public Utilities Superintendent *Social Worker Supervisor III *Wastewater Superintendent *Water Superintendent
67	\$58,962 - \$81,828	*Chief Building Inspector  *Emergency Management Director  *Lieutenant - Sheriff  *Recreation Director  *Social Work Program Manager
68	\$60,973 - \$84,644	*Administrative Assistant/Clerk to the Board *Human Resources Director *Public Works Director *Tax Administrator
69	\$62,984 - \$87,461	*GIS Coordinator
70	\$65,056 - \$90,362	

71	\$67,006 - \$93,092	*Captain- Sheriff *Chief Deputy - Fire/EMS *IT Director *Tourism Director
72	\$69,019 - \$95,910	*Assistant Planning Director
73	\$71,028 - \$98,723	*Assistant County Engineer  *Chief Deputy - Sheriff  *Economic Development Director
74	\$73,041 - \$101,541	
75	\$75,050 - \$104,356	*Chief of EMS
76	\$77,063 - \$107,173	*Director of Social Services *Public Utilities Director
77	\$79,072 - \$109,987	
78	\$81,085 - \$112,805	*Assistant Finance Director
79	\$83,096 - \$115,621	
80	\$84,860 - \$118,091	
81	\$86,981 - \$131,724	

	82	\$89,156 - \$135,017	
	83	\$91,385 - \$138,393	*Assistant County Manager *Planning Director
_	84	\$93,670 - \$141,852	
-	85	\$96,011 - \$145,399	
-	86	\$98,412 - \$149,034	
	87	\$100,725 - \$152,537	
	88	\$100,724 - \$154,050	*Senior Planning Director *Development Services Director
-	89	\$104,267 - \$157,901	
-	90	\$106,873 - \$161,848	
-	91	\$109,545 - \$165,895	
-   	92	\$111,867 - \$169,410	*Finance Director *County Engineer
	93	\$114,663 - \$173,645	
ŀ	94	\$117,530 - \$177,986	
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	95	\$120,468 - \$182,436	
	96	\$123,480 - \$186,997	
	97	\$126,567 - \$191,672	
	98	\$129,731 - \$196,463	
	99	\$132,974 - \$201,375	
	100	\$136,298 - \$206,409	
	101	\$139,706 - \$211,570	
	102	\$143,199 - \$216,859	
	103	\$146,779 - \$222,280	
	104	\$150,448 - \$227,837	
	105	\$154,209 - \$233,533	
	106	\$158,064 - \$239,372	
-	107	\$162,016 - \$245,356	
-	108	\$166,066 - \$251,490	

109	\$170,218 - \$257,777	
110	\$174,474 - \$264,221	
111	\$178,825 - \$270,811	*Attorney

\* indicates exempt status

Board determined \*County Manager's salary

Board determined \*Sheriff's salary

Board determined \*Register of Deeds' salary

Board determined \*Attorney's salary

\*\* E Body Grade is Dependent upon State Certification Level



October 4, 2021 Minutes – Regular Meeting of the Board of Commissioners

#### **WORK SESSION**

#### 1. 5:00 PM Campgrounds

The Board of Commissioners met at 5:00 PM in a work session to finalize language pertaining to Campgrounds as a use in Currituck County. The Work Session was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Laurie LoCicero, Planning Director, summarized the allowable methods and camping units agreed to by the Board of Commissioners at prior work sessions. Following review of proposed text amendment language for new campgrounds, the Board reconsidered a 50 acre minimum parcel size for new campgrounds. Commissioner White suggested campgrounds be allowed in Light Industrial (LI) or Heavy Industrial (HI) zoning so smaller parcels and higher density could be possible. Following discussion and consideration of the lack of LI or HI zoning along the corridor, the Board chose not to modify the 50 acre minimum parcel size at this time. Modifications to proposed setback options of 100' or 50' with additional screening were considered, but no changes were made.

Conversation with Jeff Simms, Senior Director of State Relations and Program Advocacy for the National Association of RV Parks and Campgrounds, were relayed to the Board. Mr. Simms prefers using density to regulate campground size and voiced concern with both the 50 acre minimum parcel size and buffer requirements. He gave no guidance relative to employee housing and Commissioner White, who just returned from a camping vacation, noticed each facility contained one residential dwelling unit while seasonal staff utilized campers for housing. Following discussion, Commissioners revised language to allow one residential dwelling to be occupied by an owner or year-round, full-time staff. After discussing on-site storage areas, Commissioners set a five-acre maximum for storage with internal screening requirements.

The text amendment for new campgrounds will move through the Planning process and Planning staff will work with the Interim County Manager/County Attorney to revise language as needed for non-conforming campgrounds. The Work Session concluded at 5:27 PM.

#### 6:00 PM CALL TO ORDER

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

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

Chairman Payment called the meeting to order and announced the earlier work session.

#### A) Invocation & Pledge of Allegiance

Developer, Sam Miller, was in attendance and volunteered to offer the Invocation and lead the Pledge of Allegiance.

#### B) Approval of Agenda

Commissioner Mary Etheridge made a motion to amend the agenda and requested Public Hearing items PB 21-15, Windswept Pines, Phase 3, and PB 21-17, Hugh S. Miller, be moved to the next meeting to allow time for Commissioners to receive financial reports from the County and updated student numbers from the Board of Education. Commissioner Jarvis seconded the motion. The motion failed due to a 3-3 tie vote. Commissioners Mary Etheridge, Selina Jarvis, and Bob White voted in favor of the amendment. Chairman Payment and Commissioners J. Owen Etheridge and Kevin McCord were opposed.

Commissioner Bob White moved for approval of the agenda as originally presented. Commissioner McCord seconded the motion. The motion carried, 5-1, with Commissioner Mary Etheridge opposed.

Approved agenda:

#### **Work Session**

5:00 PM Campgrounds

#### 6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance
- B) Approval of Agenda

#### **Public Comment**

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

#### **Commissioner's Report**

#### **County Manager/County Attorney**

#### **Reports**

#### **Administrative**

#### **Reports**

- A) Presentation of Donation to Currituck Kids
- B) NC Forest Service Annual Report Presentation-Aaron Bishop, Currituck Ranger, and Will Rose, Assistant County Ranger

#### **Public Hearings**

- A) PB 21-19 Outer Banks Ventures, Inc. LUP Amendment: Request to amend the FutureLand Use Classification Map from Conservation to Full Service designation on property located at the southern end of Monteray Shores Planned Unit Development adjacent to Malia Drive in Corolla.
- B) **PB 21-15 Windswept Pines, Phase 3:** Allied Properties, LLC requests conditional zoning of 15.55-acres from C-MXR (Conditional- Mixed Residential) to C-MXR, AldenRun in Windswept Pines development in Moyock Township.
- C) **PB 21-17 Hugh S. Miller, IV:** Request for Conventional Rezoning of 162.5 acres from Agriculture (AG) and General Business (GB) to Single-Family Residential-Mainland (SFM), leaving 2.5 acres GB. The property is located in Barco, Tax Map 70, Parcels 37through 40, Crawford Township.
- D) PB 21-16 Currituck County Housekeeping Text Amendment: Request to amend the Currituck County Unified Development Ordinance Chapter 2 to correct a reference related to Minor Subdivisions, Chapter 4 to correct terminology from "use permit" to "special use permit" and Chapter 6 to correct a General Statute reference for consistency with the G.S. 160D update.

#### **New Business**

#### A) Consent Agenda

- 1. Budget Amendments
- Consideration of a Resolution Authorizing Design-Build Construction Delivery Methodfor New Elementary School in Moyock Township

- 3. Job Description Revisions-Airport, Public Works
- 4. Consideration of Support for Albemarle Regional Broadband Expansion Project
- 5. Approval Of Minutes-September 20, 2021

#### **Adjourn**

RESULT: APPROVED [5 TO 1]

MOVER: Bob White, Commissioner

SECONDER: Kevin E. McCord, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Selina S.

Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

NAYS: Mary "Kitty" Etheridge, Commissioner
ABSENT: Paul M. Beaumont, Vice Chairman

#### **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 Payment opened the Public Comment period.

County Resident Glenn Hines, of the North Carolina homes Certification Board, addressed regulations for on-site wastewater systems and rules related to the 18" water table separation. He said no lot is immune to this restriction, and the County's fill requirement in the Unified Development Ordinance conflicts with these rules. He said fill placement is the responsibility of Albemarle Regional Health Services.

Tameron Kugler, Currituck County Travel and Tourism Director, announced the Travel and Tourism Department won three Destination Marketing Awards at the North Carolina Travel Industry Association Conference. The County competed in the large market budget category and received the Gold for group marketing, with five sister counties for the African American Experience of Northeastern North Carolina; a Platinum for Leisure Marketing for Simply Corolla, NC; and the Best in Show out of 80 entries. Ms. Kugler acknowledged Tourism staff and thanked the Board of Commissioners for their support. Commissioners thanked Ms. Kugler and Tourism staff for their efforts.

No others were signed up nor wished to speak and the Public Comment period was closed.

#### **COMMISSIONER'S REPORT**

Commissioner Jarvis commended William Nelson, Airport Manager, and staff for putting on Aviation Day, an event recently held at the Currituck County Airport.

1. Modify the dress code to allow staff to pay to wear jeans on Friday to raise funds for Operation Santa Claus.

Commissioner Mary Etheridge thanked Cooperative Extension staff for putting on a Farm Heritage Day event and recognized farmers for their work in Currituck County.

Communication: Minutes from 10-04-2021 (Approval Of Minutes-October 4, 2021)

She said she and Department of Social Services Director, Samantha Hurd, have been discussing ways to encourage County staff to participate in the Operation Santa program and proposed that the County allow employees to pay \$2.00 to wear jeans each Friday beginning October 8, 2021 through December 10, 2021. The Board agreed, and Commissioner Mary Etheridge made an official motion to suspend the County dress code and to allow jeans during the stated timeframe at a cost of \$2. The motion was seconded by Commissioner Jarvis and carried, 6-0.

RESULT: APPROVED [UNANIMOUS]

MOVER: Mary "Kitty" Etheridge, Commissioner SECONDER: Selina S. Jarvis, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty"

Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner, Bob White, Commissioner

ABSENT: Paul M. Beaumont, Vice Chairman

#### **COMMISSIONER'S REPORT, CONTINUED**

Chairman White responded to Public Comments about Wild Horse tours on the off-road, made at the previous Board of Commissioners meeting and addressed social media comments that his ownership of a tour business is a conflict of interest while serving as Commissioner. He discussed the diverse knowledge brought to the Board by the members and their involvement in a variety of businesses and industry in the County. He recalled Board member requests for recusal from voting when conflicts of interest be present.

Chairman Payment acknowledged the absence of Vice-Chairman Beaumont. He discussed recent brush and structure fires in the county this fire season and encouraged citizens to have their chimneys inspected and cleaned. He asked for continued support of local volunteer fire departments and first responders.

Commissioner McCord announced he, Chairman Payment, Commissioner J. Owen Etheridge, Interim County Manager/County Attorney Ike McRee, and Sheriff Beickert attended the swearing-in ceremony for Ray Matusko, Currituck County Clerk of Court, who was elected President of the North Carolina Conference of Clerks of Superior Court. He recognized William Nelson, Airport Manager, for his efforts putting together Aviation Day at the airport. The Moyock Volunteer Fire Department was recognized for hosting the Community Day event. He touched on business owners and conflicts of interest and reported stats on speeding tickets issued in the school zone. Information was provided on the upcoming Covid Booster Shot clinic and the Currituck County Christmas Parade.

Commissioner J. Owen Etheridge recognized Mr. Matusko as the first from Currituck to serve as President of the Clerk of Court's Conference. He noted the many children who had the opportunity to take flights on Aviation Day. He reported on Cooperative Extension's Farm Heritage Day and Community Day at Moyock Volunteer Fire Department. He expressed his thanks for the medical advances being made in recognition of Breast Cancer Awareness Month.

#### **COUNTY MANAGER/COUNTY ATTORNEY REPORTS**

Interim County Manager/County Attorney, Ike McRee, updated Commissioners on the status of the Letendre lawsuit after their appeal was dismissed by the Court of Appeals. He said the Knotts Island playground installation has begun and is expected to be completed in two to three weeks. He said William Nelson, Airport Manager, is doing a great job bringing aircraft into the Currituck County Regional Airport, and said fuel sales this year to date are at 105,000 gallons, almost doubling sales of around 68,000 gallons annually since 2016.

#### **ADMINISTRATIVE REPORTS**

#### A. Presentation of Donation to Currituck Kids

Chairman Payment, who serves on the Executive Board of Currituck Kids, accepted a donation on their behalf as presented by Commissioner J. Owen Etheridge, who won the award from a vendor, Boomerang Design, while attending the North Carolina Association of County Commissioners Conference. Chairman Payment provided information on the Currituck Kids organization and thanked Commissioner Etheridge for the donation.

# B. NC Forest Service Annual Report Presentation-Aaron Bishop, Currituck Ranger, and Will Rose, Assistant County Ranger

Aaron Bishop, Currituck County Ranger, and Will Rose, Assistant County Ranger, presented the North Carolina Forest Service Annual Report. A Powerpoint was used to review services, resources, and duties of the department, which include forest management and protection, education, training and emergency response. Statistics noted there are 4,300 fires per year in North Carolina, with the majority caused by debris burning. Commissioners thanked Mr. Bishop and Mr. Rose for their efforts and support in the county.

Chairman Payment called a brief recess at 6:53 PM. The meeting reconvened at 7:00 PM.

#### **PUBLIC HEARINGS**

#### A. PB 21-19 Outer Banks Ventures, Inc. LUP Amendment:

APPLICATION SUMMARY		
Property Owner:	Applicant:	
Richard C. Willis	Richard C. Willis	
Outer Banks Ventures, Inc.	Outer Banks Ventures, Inc.	
PO Box 549	PO Box 549	
Corolla, NC 27927	Corolla, NC 27927	
Case Number: PB 21-19	Application Type: Future Land Use Plan	
Case Number. PD 21-19	Map Amendment	
Parcel Identification Number:	Existing Use: Pond/Vacant/Utility Open	
0116-000-0010-0000	Space for Monteray Shores PUD	
Land Use Plan Classification:	Proposed Land Use Plan Classification:	
Full Service and Conservation	Full Service and Conservation	
Borool Size (Aeroe), 26 10	Current Zoning: SFO with PUD Overlay,	
Parcel Size (Acres): 36.19	Monteray Shores PUD	
Request: Amend future land use plan classification map from Conservation to Full Service		
to allow for mixed-use development.		

### NARRATIVE & STAFF ANALYSIS Outer Banks Ventures Inc. is re-

Outer Banks Ventures, Inc. is requesting a Future Land Use Plan Map amendment from Conservation to Full Service. The property is in the Monteray Shores PUD and is adjacent to the Timbuck II Shopping Village, Corolla Adventure Golf & Bumper Cars, Monteray Shores commercial area, Monteray Pines Condominiums, and the Monteray Shores Wastewater Treatment Plant.

The site is 36.19 acres, 0.40 acres are designated Full Service and 35.79 acres are designated Conservation. This request will result in 12.22 acres designated Full Service and 23.57 acres designated Conservation. The request is based on a recently approved US Army Corps of Engineers wetland delineation. This request designates the upland portion of the site as Full Service and the wetland area will remain as Conservation. The requested amendment will allow the owner to request Monteray Shores Amended Sketch Plan/Special Use Permit approval of mixed-use development including residential density on the Full Service designated portion of the site.

The property is in the Corolla subarea of the 2006 Land Use Plan. The policy emphasis in this subarea is to allow for predominately medium density residential development (2-3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should also apply to PUDs. Strip commercial development is to be avoided for both aesthetic reasons and traffic movement considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services – particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

Staff finds this request acceptable since it is in line with the draft update to the 2006 Land Use Plan/Map, *Imagine Currituck*. Full Service designation and commercial development is located to the south along the property line, adjacent to the area requested for changed designation. Water and sewer are available to the site, and the property is close to NC12, a major arterial street. The existing pond will be incorporated into the Full Service area and will be a design and stormwater feature for future development. The applicant has provided a certified wetland delineation dated April 23, 2020. The 404 wetlands area will remain designated Conservation. Given these reasons, the requested change to the 2006 Future Land Use Plan Map is appropriate.

Should the LUP Map amendment be approved, the application must be reviewed and approved by the Division of Coastal Management.

# APPLICANT'S STATEMENTS OF JUSTIFICATION FOR REQUEST THE FOLLOWING RESPONSES WERE PROVIDED BY THE APPLICANT:

- 1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties?
  - Yes. The land that is proposed to be reclassified is adjacent to existing commercial development and to the Full Service Land Classification along its entire southern and eastern boundaries. The land is located adjacent to and will become part of an existing commercial and mixed-use hub in Corolla.
- 2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties?
  - No. Adjacent properties are commercial condominiums and a wastewater utility.
     The amendment will provide for additional compatible commercial and mixed-use development.
- 3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities?
  - No. Existing streets will be looped through the development and will be able to accommodate traffic; no impacts on schools are anticipated; pedestrian

connections will be made to enhance connectivity, and existing utilities have capacity to serve the site.

- 4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans?
  - o The following policies are supported by this amendment:
    - The Corolla Subarea states in part, "the policy emphasis of this plan is to allow for predominantly medium density residential development (2 to 3 units per acre)
    - An overall density of no more than 3 units per acres should also apply in PUDs, the prevailing development form in the Corolla Area.
    - The property is within the developable part of an existing PUD.
  - The full service use of this land will be in keeping with the following policies of the Land Use Plan:
    - POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.
      - Applicant Comment: The land that is being considered does not contain any wetlands.
    - POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.
      - Applicant Comment: The land is adjacent to and has access to adequate water and sewer facilities.
    - POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
      - Applicant Comment: The development that is proposed will provide an opportunity for access to the sound.
    - POLICY PA2: The County supports MANY FORMS OF "ACCESS" to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.
      - Applicant Comment: Development of the land is proposed to include boat docks.
    - 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.

- Applicant Comment: The site is environmentally suitable, has adequate sewage capacity and transportation facilities available, and is adjacent to existing urban development.
- POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
  - OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ onsite 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.
  - COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, selfsupporting 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.
    - Applicant Comment: The proposed development appears to support both of these development policies, except for the lack of a full service designation with regard to the 2<sup>nd</sup> policy, which this land should technically have based on the land suitability analysis.
- 5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
  - Yes. A new wetland map indicates that the portion of the site that is proposed for classification as full service is not wetlands and is suitable for development.
- 6. Is there a public need for additional land space to be classified to this request?
  - There is a need in Corolla for additional restaurant, housing, entertainment and recreational opportunities which can be made available as a result of the approval.
- 7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed?
  - The land is not a wetland, most of the land is not in a flood hazard area, it has not been classified as a storm-surge area, does have soils that are suitable for development, and is adjacent to existing water and sewer lines. The original analysis in the 2006 LUP appears to be a high-level analysis that did not focus on this particular land.
- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare:
  - The site is suitable for development in terms of soils, drainage, transportation, utilities, and compatibility with adjacent developments. Public health, safety, and welfare can be advanced through careful planning and design.

SURROUNDING PARCELS		
	Land Use	LUP Classification

North	Monteray Shores Open Space	Conservation
South	Timbuck II Shopping Village	Full Service & Conservation
East	Monteray Shores WWTP/ Corolla Adventure Golf & Bumper Cars/Seaside Farm Market/Coffee Shop	Full Service & Conservation
West	Currituck Sound	N/A

#### A Land Use Plan Amendment is a legislative decision of the Board of Commissioners.

#### Staff recommends approval because:

- The Future Land Use Map in the Draft 2006 Land Use Plan Update, *Imagine Currituck*, shows this area as G3, Mixed Use Center & Corridors which is a similar designation to Full Service.
- The policy emphasis for the Corolla subarea is to allow for predominately medium density residential development with minimal commercial development arranged in clusters. The requested change will allow for commercial or mixed-use development in an existing commercial center in Corolla. The area contains commercial development for Buck Island PUD (Timbuck II Shopping Village) as well as the Monteray Shores PUD (Monteray Plaza Shopping Center) and it abuts the existing Monteray Shores WWTP to the northeast.

#### **Planning Board Recommendation**

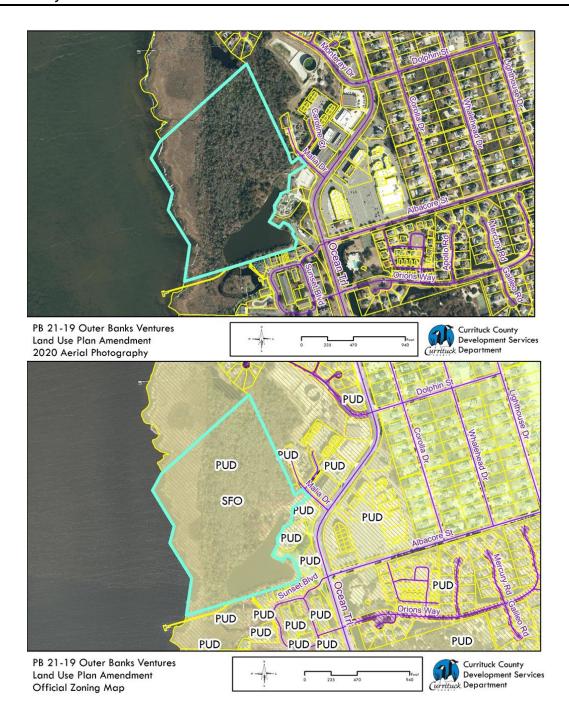
On September 14, 2021, the Planning Board recommended denial of the requested text amendment with a 3-3 vote. The request is **denied** as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.

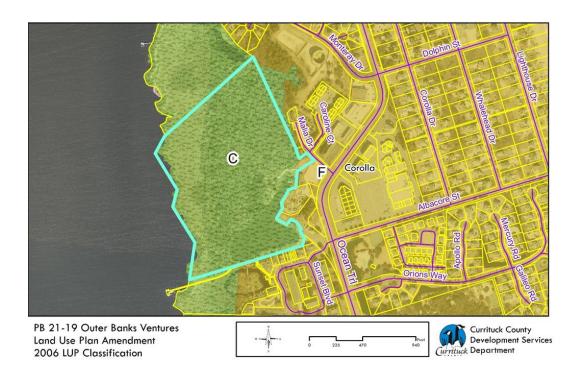
#### Motion

Ms. Krause moved to deny PB 21-19 Outer Banks Ventures Land Use Plan Amendment because the request is not consistent with the Land Use Plan because:

The area is designated Conservation on the Future Land Use Map and the requested amendment will allow more intense development in an area outside of existing Full Service designation.

Mr. Doll seconded the motion which resulted in a tie vote with Vice-Chairman Owens, Chairman Ballance, and Mr. Hurley voting nay. The request is <u>denied</u> as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.





Senior Planner, Jennie Turner, reviewed the Land Use Plan amendment request for Commissioners. A powerpoint was used to display the location within the Monterey Shores Planned Unit Development (PUD). Site maps were used to review current Land Use designations and proposed changes. Ms. Turner reviewed the background and purpose for the request, and it was noted that the Future Land Use Map Classifications would have a similar designation to what the applicant is requesting. Review standards and consistency statements were presented. Staff recommends approval of the request. A 3-3 tie vote at the Planning Board results in a recommendation for denial. Planning Board concerns include the development proposed, traffic, stormwater and environment.

Ms. Turner responded to questions about the status of the Land Use Plan update.

John Morrison, Attorney with Twiford Law Firm, addressed the Board as representative for the applicant, Outer Banks Ventures, LLC. He clarified the Imagine Currituck Land Use Plan would allow the development without the need for an amendment. He discussed the adjoining easement, current designation and requested designation, which is for a portion to become full-service. He described the proposed construction plan with clustered housing to maximize open space and described adjacent commercial use. He said wetlands will remain in Conservation with no development. He reviewed a history of the area and presented reasons to support approval of the request. Mr. Morrison responded to Board questions about the proposal. He confirmed no applications have been made to state agencies for building purposes and the applicant is only requesting the Land Use Plan amendment at this time.

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

Commissioner White moved to approve PB 21-19, Outer Banks Ventures Land Use Plan Amendment, because the request is consistent with the 2006 Land Use Plan, and

it meets the Imagine Currituck proposed Land Use Plan, specifically the G-3 zoning for density. The policy emphasis for the Corolla Subarea is to allow for predominately medium density residential development with minimal commercial development arranged in clusters. The requested change may allow for potential commercial or mixed-use development in an existing commercial center in Corolla. Full service designation and commercial development are located to the south, water and sewer are available, the property is in close proximity to North Carolina Highway 12, and an Army Corps certified wetland delineation indicates that the area proposed for full service designation does not contain wetland areas.

Commissioner J. Owen Etheridge seconded the motion. The motion carried, 6-0.

RESULT: APPROVED [UNANIMOUS]

**MOVER:** Bob White, Commissioner

**SECONDER:** J. Owen Etheridge, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty"

Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner, Bob White, Commissioner

**ABSENT:** Paul M. Beaumont, Vice Chairman

#### B. PB 21-15 Windswept Pines, Phase 3:

APPLICATION SUMMARY	
Property Owner:	Applicant:
Allied Properties, LLC	Allied Properties, LLC
417-D Caratoke Highway	417-D Caratoke Highway
Moyock, NC 27958	Moyock, NC 27958
Case Number: 21-15	Application Type: Conditional Rezoning
Parcel Identification Number:	Existing Use: Undeveloped acreage within a
0009-000-006A-0000	residential subdivision
	Parcel Size (Acres): 15.55-acres includes
Land Use Plan Classification: Rural	1.48-acre parcel split by the railroad right of
	way
Moyock Small Area Plan	Zoning History:
Classification:	A and GB (1989)
Full Service	C-MXR (2015) (2018)
Current Zoning: C-MXR	Proposed Zoning: C-MXR
<b>Request:</b> The request is to establish V	Windswept Pines Phase 3 - 14 residential lots and

associated infrastructure in an undeveloped area of the subdivision.

#### **HISTORY**

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 lots (including an existing parcel recombined to provide an entrance to Baxter Lane), 1.48-acres of commercial area, and area for a possible future development phase. The future development phase did not have a conceptual design layout that included 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, developed, and built out Windswept Pines, Phases 1 and 2. This application is for Phase 3 of the development.

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 of the original approval to provide additional stormwater ponds for Phase 2 of the development.

A second amendment to the C-MXR was submitted in 2019 to add Phase 3 which included 14 residential lots. The Board of Commissioners voted to deny the request by a recorded vote of six to one at their October 21, 2019 meeting because:

• The request is inconsistent with the 2006 Land Use Plan Policy PP2 in that it exceeds the County's ability to provide adequate public facilities, particularly school capacity. The proposed development, located in the Moyock Elementary School District, increases the number of projected students by three (based on the Student Generation Rate Study prepared by Tischler and Associates, Inc (2004)). The Average Daily Membership (ADM) for Moyock Elementary School for August 2019 exceeds the actual school capacity adopted by the Currituck County Board of Education.

#### **NARRATIVE**

The North Carolina General Statutes (NCGS 160D-703) allows owners of individual parcels to apply for modification of the conditions provided the modification would not result in other properties failing to meet the terms of the conditional zoning.

The application is being resubmitted following the denial by the Board of Commissioners, as allowed per Section 2.3.16 of the UDO which allows the applicant to submit the same application upon waiting one year after the date of the denial (October 19, 2019).

This conditional zoning request for PIN 000900006A0000 includes proposed phase 3 for 14 residential lots and proposed Phase 4 for the commercial tract located between Caratoke Highway and the railroad. There are no modifications proposed for the commercial tract. The road extension and access for this phase provides interconnectivity to adjacent lands to the north and east.

The development summary of the proposed phases is shown below:

Phase 3:

Total Area: 15.55-acres
Number of Lots: 14 residential lots

Open Space: 7.51-acres proposed, (4.67-acres required)

Phase 4:

Commercial Parcel: 1.48-acres with a 2,500 square foot building

The development summary of the Windswept Pines development is shown below:

Total Area: 66.87-acre development tract

Residential Lots: 73 lots (including the existing McCrary parcel)
Commercial Lot: 1 parcel with a 2,500 square foot building

Open Space:

Proposed: 24.57-acres (residential) + 0.15-acres (commercial) = 24.72-acres

total

Required: 19.62 acres required (residential) + 0.148-acres commercial = 19.77-

acres total

#### **COMMUNITY MEETING**

The community meeting was held on May 25, 2021 at 6:00 pm at the Eagle Creek Outdoor Pavilion. The engineer reviewed the proposed development plan and the approval process.

The comments received at the meeting included the association turn-over of the common areas. planned drainage improvements, maintenance of the subdivision and drainage infrastructure in the existing phases of Windswept Pines, and proposed developments in the vicinity. summary of the community meeting is provided in this agenda packet.

#### APPLICANT PROPOSED ZONING CONDITIONS

- 1. USE: SUBDIVISION
- 2. ALL LOTS TO BE GREATER THAN OR EQUAL TO 20,000 SQUARE-FEET.
- 3. THE PROJECT ENGINEER WILL MODEL STORMWATER TO 100-YEAR STORM EVENT AND STORMWATER WILL BE MANAGED FROM THAT 100-YEAR STORM.
- 4. THE APPLICANT WILL WORK WITH SOIL AND WATER CONSERVATION DEPARTMENT TO EXPLORE IMPROVING THE DRAINAGE OUTLET TO THE EAST OF THE DEVELOPMENT.
- 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 Residential	GB/C-MXR	

#### 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.

\*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. 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 and requires a Land Use Plan map amendment.

#### **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.

#### **Technical Review Committee Comments**

The Technical Review Committee reviewed this conditional zoning request and identified the following comments:

- 1. Adopted Plan Consistency:
  - a. The 2006 Land Use Plan identifies this property as Rural within the Moyock subarea. The policy's 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.
  - b. The Moyock Small Area Plan identifies this site as Full-Service. This designation identifies areas where there will be significant public investment in infrastructure, and thus can support higher density of development.
  - c. 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.
  - d. 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 zoning map amendment, 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.
    - i. 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).
    - ii. The total gross development density for phases 1-3 is 1.09 dwelling units per acre.
  - e. 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.
- 2. Smaller lots in the Moyock area, including Windswept Pines, generally meet the minimum off-street parking requirements, but some property owners are parking on the street. On-street parking is not permitted for this development. The applicant has agreed to installation of "No Parking" signage. The Board may wish to consider an agreed upon condition to address the parking issues.
- 3. Conditional zonings are legislative decisions of the board and not controlled by any one factor. In determining whether to adopt or deny a proposed request, the board may consider the standards in UDO, Section 2.4.3.C. One of the factors is whether the proposed development is adequately serviced by public facilities.
  - a. The Moyock Elementary School is currently over capacity\*. This is a conditional zoning application and conditions that are agreed upon by the applicant and the

county can be placed on the project to address timing of development and the completion of the proposed expansion of the Moyock Elementary School. Timing conditions could include phasing or the submittal of application (preliminary plat/special use permit, construction drawings, or final plat).

\*According to an email from the former county manager (June 7, 2021 and June 22, 2021), the contract for Moyock Elementary School expansion was executed by both parties with a substantial completion date of August 1, 2023. The expansion should increase the capacity of Moyock Elementary School to 750 students (529 current capacity).

ADEQUATE PUBLIC FACILITIES – SCHOOLS <sup>1</sup>				
School	2021-2022 Actual Capacity <sup>2</sup>	Committed Capacity <sup>3</sup>		
Moyock Elementary Shawboro Elementary	116% 99%	122%		
Central Elementary	91%	122 /0		
Griggs Elementary	61%	102%		
Jarvisburg Elementary	91%			
Knotts Island Elementary	37%	37%		
Moyock Middle	95%	91%		
Currituck Middle	62%	9178		
Currituck High	80%	99%		
JP Knapp Early College	89%	99%		

<sup>&</sup>lt;sup>1</sup>Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

4. Conditional zonings are not exempt from a spot zoning challenge. Given the size of this request the Board must be assured that all factors defining reasonable spot zoning are considered in their hearing and decision.

#### **Technical Review Committee Recommendation**

Provided adequate public facilities are available to serve the proposed development, the Technical Review Committee recommends <u>approval</u> of the conditional zoning application subject to the following conditions (must be agreed upon by the county and the applicant):

- 1. The 2006 Land Use Plan future land use map must be amended to identify the property as Full-Service as part of the motion for approval.
- 2. "No Parking" signage shall be installed in Phase 3 at locations suggested by the Fire Official (RECOMMENDED).

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.

The conditional zoning request <u>is consistent</u> 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.

<sup>&</sup>lt;sup>2</sup>Capacity percentages are based on 2021-2022 school year classroom standards and May 2021 ADM
<sup>3</sup>Capacity percentages are based on the 2021-2022 school year classroom standards and May 2021 ADM

The request is reasonable and in keeping with the changed conditions acknowledged by the Moyock Small Area Plan and addresses the demonstrated community need of providing a Full-Service area that offers both residential and commercial uses in the development.

#### CONDITIONS OF APPROVAL

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

#### Agreed upon conditions of approval:

- 1. Use: Subdivision
- 2. All lots to be greater than or equal to 20,000 square-feet.
- 3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
- 4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
- 5. All residential development will be single-family and will conform to sample building elevations provided.

Technical Review Committee recommended condition that must be agreed upon by the applicant and the county:

1. "No Parking" signage shall be installed in Phase 3 at locations suggested by the Fire Official (RECOMMENDED).

#### **Planning Board Recommendation**

On August 10, 2021, the Planning Board recommended <u>approval</u> of the conditional zoning application subject to conditions with a 5-0 vote.

#### Motion

Mr. Doll moved to **approve** <u>PB 21-15</u> because the request <u>is consistent</u> with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because:

- o The amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.
- o The proposed gross density allocation of Phase 3 is 0.90 dwelling units per acre is in keeping with the Full-Services designation of the Moyock Small Area Plan. The designation identifies areas where there will be significant public investment in infrastructure and can support higher density of development.
- o MSAP Policy FLU1 promotes compatibility between new development and existing development to avoid adverse impacts to the existing community.

And the request is reasonable and in keeping with:

- o Changed conditions acknowledged by the Moyock Small Area Plan, and
- Addresses the demonstrated community need of providing a Full-Service area plan that offers both residential and commercial uses in the development.

Communication: Minutes from 10-04-2021 (Approval Of Minutes-October 4, 2021)

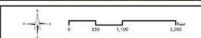
#### Conditions of Approval:

- 1. Use: Subdivision
- 2. All lots to be greater than or equal to 20,000 square feet.
- 3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
- 4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
- 5. All residential development will be single family and will conform to sample building elevations provided.
- 6. "No Parking" signage shall be installed in Phase 3 at locations suggested by the fire Official.

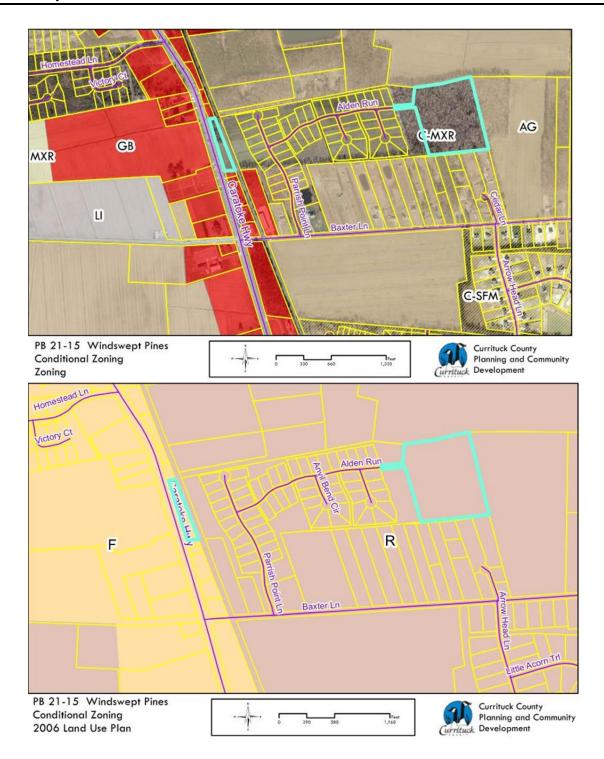
Mr. Bass seconded the motion and the motion carried unanimously.

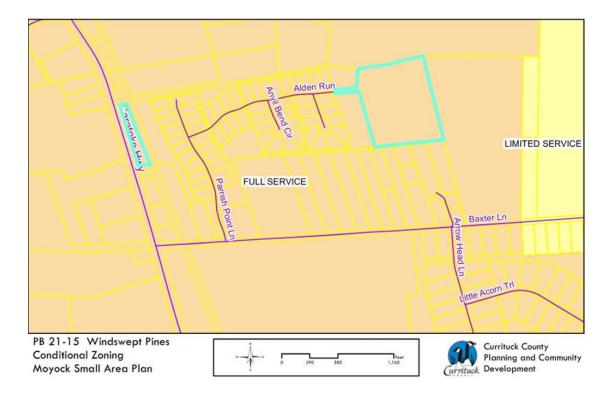


PB 21-15 Windswept Pines Conditional Zoning Aerial









Donna Voliva, Assistant Planning Director, reviewed the request for Commissioners. She used the overhead to show existing parcels in the development and presented the history of the development which included phased construction. She said the current parcel was included in the conditional zoning but had no conceptual development plan. She displayed the proposed site plan consisting of 14 lots, expanded stormwater pond, and a commercial site. Zoning conditions, drainage improvements and comments from the community meeting and the Technical Review Committee (TRC) were presented. Ms. Voliva explained a Land Use Plan map amendment would be needed if approved. Supporting policies in the Land Use Plan (LUP) and Moyock Small Area Plan (MSAP) were reviewed.

Ms. Voliva responded to Board questions during presentation related to drainage and the fire official's request for signage prohibiting on-street parking. Interim County Manager/County Attorney, Ike McRee, explained the county's authority to regulate private streets only at the request of the owner of the streets.

Concerns with adequate public facilities prompted a request for Superintendent Dr. Matt Lutz, who was in attendance, to provide current school capacity numbers to the Board. Concerned with school capacities, Commissioner Jarvis asked what the timeline was for the buildout of Phase I and II of the subdivision. Ms. Voliva said she would research and provide the information when determined.

Ms. Voliva said the Technical Review Committee (TRC) recommended approval with the condition that no parking signage be installed at locations suggested by fire officials. The Planning Board also recommended approval of the request. She said if approved the LUP would be amended to identify the area as full service. Consistency statements were reviewed.

Mark Bissell, Engineer for the applicant, addressed the Board and reviewed the original

undeveloped plat followed by the parcel with 14 lots deliniated. Housing styles, drainage, and proposed improvements were presented. Conditions were reviewed, all of which were agreed to by the parties. Soil and Stormwater Technician, Dylan Lloyd, discussed the existing drainage, new ditching to be installed, and right of way agreements that have been secured for ditch clearing. Mr. Bissell responded to questions posed by Board members related to a timeline for construction. Mr. Bissell said it would be three to four months before the item would be back before the Board for the Use Permit.

Chairman Payment opened the Public Hearing.

Bertrille Bright Lomax of Chesapeake, Virginia, said she is partners with Jamie Jarvis and owns the adjacent property, which is farmed. She said she has not received any notification related to a drainage plan for that part of the land. Ms. Lomax voiced concerns with the ability to grow hemp at the location, as hemp does not like water, and she wanted to make sure the county is aware of what they plan to do on the adjacent parcel.

Justin Old, Applicant, said he expects to be back before the Board in February or March if the item is approved.

No others were signed up nor wished to speak and the Public Hearing was closed.

Ms. Voliva returned to provide the timeline for the approvals and Phase I and II construction for Windswept Pines. She said the Conditional Zoning was approved in 2015. The first home was built in 2018 and the last home was constructed in 2020.

Discussion concluded and Commissioner Mary Etheridge moved to table the item until the November 15, 2021 Board Meeting to allow Commissioners to meet with the Board of Education to address Adequate Public Facilities. Commissioner Jarvis seconded the motion. The motion failed, 4-2. Chairman Payment and Commissioners J. Owen Etheridge, McCord, and White voted against the motion.

Commissioner J. Owen Etheridge hereby adopted by Resolution and moved for approval of PB 21-15 because the request is consistent with and amends the 2006 Land Use Plan (LUP) 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 (MSAP) adopted by the Board of Commissioners
- The proposed gross density allocation of Phase 3 is 0.90 dwelling units per acre
  is in keeping with the Full-Services designation of the MSAP. The designation
  identifies areas where there will be significant public investment in infrastructure
  and can support higher density of development.
- MSAP Policy FLU1 promotes compatibility between new development and existing development to avoid adverse impacts to the existing community and addresses drainage issues.

The request is reasonable and in keeping with changed conditions acknowledged by the

MSAP and addresses the demonstrated community need of providing a Full-Service area that offers both residential and commercial uses in the development.

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. The project engineer will model stormwater to a 100-year storm event and stormwater will be managed from that 100-year storm.
- 4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
- 5. All residential development will be single family and will conform to sample building elevations provided.
- 6. "No Parking" signage shall be installed in Phase 3 at locations suggested by the fire office.

Motion is based on unanimous Planning Board and Technical Review Committee recommendations for approval; an added condition to include drainage improvements at the Northern end of Baxter Lane.

Commissioner McCord seconded the motion.

Commissioner Jarvis said she doesn't believe the Board has all of the information at this time and should not rush a decision. Commissioner J. Owen Etheridge suggested conditions and Adequate Public Facilities can be considered when the applicant returns for a Use Permit. Discussion concluded and the motion carried, 5-1, with Commissioner Mary Etheridge opposed.

Chairman Payment called a brief recess at 8:43 PM. The meeting reconvened at 8:51 PM.

RESULT: APPROVED [5 TO 1]

MOVER: J. Owen Etheridge, Commissioner SECONDER: Kevin E. McCord, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Selina S.

Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White,

Commissioner

NAYS: Mary "Kitty" Etheridge, Commissioner ABSENT: Paul M. Beaumont, Vice Chairman

### C. PB 21-17 Hugh S. Miller, IV:

APPLICATION SUMMARY	
Property Owner:	Applicant:
Hugh S. Miller, IV	Hugh S. Miller, IV
111 Currituck Commercial Drive, Suite B	111 Currituck Commercial Drive, Suite B
Moyock, NC 27958	Moyock, NC 27958
Case Number: PB 21-17	Application Type: Zoning Map Amendment
Parcel Identification Number:	Existing Use: Cultivated farmland
0070-000-0037-0000	
0070-000-0038-0000	

APPLICATION SUMMARY	
0070-000-0039-0000 0070-000-0040-0000	
Land Use Plan Classification: Full Service and Conservation	Parcel Size (Acres): 164.85 +/- (Application)
Land Use Plan Subarea: Barco-Coinjock- Airport	
Current Zoning: Agricultural (AG) and General Business (GB)	<b>Zoning History:</b> A-40 (1974); A and GB (1989); AG and GB (2013)
Request: Request for a conventional (not conditional) rezoning	<b>Proposed Zoning:</b> SFM (162.5 acres with 2.5 acres remaining GB)

#### **Narrative**

The applicant is requesting a conventional rezoning of approximately 165 acres from Agricultural (AG) and General Business (GB) to Single-Family Residential-Mainland with approximately 2.5 acres remaining GB. The applicant is submitting the application to be allowed to develop the property with all uses that are allowed in the SFM and GB zoning districts that would be determined at a later date.

A list of all uses allowed in SFM and GB zoning districts is included at the end of this report for reference.

#### **Community Meeting**

A community meeting was held June 23, 2021, at Currituck BBQ, Coinjock. There were four people in attendance including the applicant and county representative. The attendees discussed that their family had owned these lands for over 200 years and while they were sorry to see it being developed and hoped it would remain farmland, they did understand.

SURROUNDING PARCELS			
	Land Use	Zoning	
North	Cultivated Farmland, Single-Family Dwelling, Middle and High Schools	AG and GB	
South	Cultivated Farmland, Single-Family Dwelling, Sand Mine	AG and GB	
East	Coinjock Bay	Unzoned	
West	Single-family Dwellings, Automobile Repair/Sales	AG and GB	

#### LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service and Conservation within the Barco-Coinjock-Airport subarea. While the Barco-Coinjock-Airport subarea is, at present, quite sparsely developed (approximately 1 unit per acre), it has many of the ingredients in place to become a significant community center for the mainland. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, and fire and rescue facilities. The Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Property management is needed to conserve the natural, cultural, recreational, scenic, or biologically productive values of these areas. The following policy is relevant to the zoning map amendment request:

amenumen	it request.
Policy ES2	NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.
Policy ES3	COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plan and animal species.
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.
Policy HN3	Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS and COMPACT, MIXED-USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES with the objective of avoiding traditional urban sprawl.
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor. For example, the applicant has stated that they will develop approximately 80 lots and will retain the trees in the Conservation/wetland area; however, these items cannot legally be made conditions with the request.

For reference, Section 2.4.3.C of the UDO advises that an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
- 2. Is in conflict with any provision of this Ordinance, or the County Code of Ordinances;
- 3. Is required by changed conditions:
- 4. Addresses a demonstrated community need;
- 5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- 6. Adversely impacts nearby lands;

- 7. Would result in a logical and orderly development pattern;
- 8. Would result in significant adverse impacts on the natural environment— including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- 9. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- 10. Would not result in significantly adverse impacts on the land values in the surrounding area: and.
- 11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

#### **RECOMMENDATION**

#### **PLANNING STAFF**

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan) including LUP Policy HN1, HN 3, ES2, ES3, CD1, CD4, and CD5. This request does not allow for conditions to be placed that would ensure that the result of development of these parcels will be compatible development.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the Single-Family Residential-Mainland (SFM) zoning district is to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from Caratoke Highway, or place undue stress on the county's education infrastructure. The General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. Without conditions, potential conflicts may occur with uses permitted in the GB and SFM zoning districts (as shown on the list at the end of this report). Possible examples of this include: parking lot; bar, night club, and lounge; pawn shop in the GB district and silviculture/clear-cutting in the SFM area. The USACE Clean Water Act does not prohibit the cutting of vegetation/trees above the ground surface. There is significant tree cover in the Conservation area.

The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district, properties that contain bifurcated districts, and one property adjoining the same district on all sides.

This conventional rezoning request results in a substantial density increase for the property. Assumptions for below approximate maximum lot count comparison calculation:

- 159.85 acres (estimate only GIS used to simplify measurements)
- 10% acreage reduction to account for infrastructure (15.985 ac)
- No dwellings in GB (approx. 5 acres)

- Potential wetlands are not factored into these estimates other than the assumption that delineated wetlands will be placed in open space.
- Suitable soils for septic systems
- NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing)	52 lots 62 lots	
Conservation Subdivision	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
Required	50% open space (79.92 ac)	60% open space (95.91 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM	98 Traditional Subdivision	104 Conservation
(Requested)	lots	Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	30% open space (47.96 40% open space (63.94 acres)	
	Max Density: n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

Without a master plan, as required with a conditional zoning request, it is not possible to verify 2006 Land Use Plan consistency for the following:

- LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
- POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

The LUP further describes highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4 and CD5). The request does not provide assurances that all the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located near single-family dwellings and Currituck High and Middle Schools.

Without a master plan, it is not possible to verify consistency with the zoning map amendment review standards of the UDO. For example:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
- Is in conflict with any provision of the UDO or the County Code of Ordinances;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Would result in a logical and orderly development pattern; and.

 Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

There are also school capacity concerns since the May 2021 report shows that Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity. Pending verification from the school system, it is staff's understanding that school enrollment for the 2021-2022 school year is higher than projection in some of these schools.

To provide assurances that address the 2006 LUP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

Also, the Board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and compatibility can adequately be addressed through the site plan and subdivision review process and requirements of the UDO.

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

#### RECOMMENDATION

#### **PLANNING BOARD**

On September 14, 2021 the Planning Board recommended approval (5-1) of the conventional rezoning request as presented.

#### STAFF NOTES AFTER PLANNING BOARD MEETING

At the Planning Board meeting, staff was asked what type of conditions the BOC could place on the development if this was a conditional rezoning request. Without seeing a conceptual plan of the subdivision, it is not possible to determine conditions necessary for compatibility with the neighborhood, Land Use Plan, and other officially adopted plans, but below are examples of conditions that the Board would typically find relevant in reviewing an application of this type:

- Require a Conservation Subdivision and preservation the wetland area (LUP Policies ES2, ES3)
- Provide water access to all lots in the development (LUP Policies PA1, PA2)
- No clear-cutting of the stand of trees located at the rear of the property in wetlands (LUP Policies ES2, ES3)
- Remove the allowance for potentially incompatible uses in the GB zone (i.e. parking lot; bar, night club, and lounge; pawn shop) (UDO Section 1.3 General Purpose and Intent; Section 3.4.1.F Residential Base Zoning Districts, General Purposes; LUP – Purpose of the Plan)
- Increase landscaping buffers to mitigate the impacts of the development on surrounding properties or Caratoke Highway.
- Set a minimum lot size that is more compatible with surrounding lots (LUP Policies HN1, HN 3)
- Set the maximum number of lots appropriate for the location (LUP Policies HN1, HN3)

Establish a phasing plan based on milestones for competition of County facilities. (SF4, PP2)

Also, the developer stated that he did not want to conditionally zone the property because of concern that small changes to the plan would result in 'having to go back through the process,' meaning requiring the Board to approve minor modifications to the conditions or the approved plan. There were discrepancies presented as to what a minor change is. UDO Section 2.4.4.I, Minor Modifications from Approved Conceptual Development Plan, calls out what a minor modification is that can be approved by the Director. It is a change that does not materially affect the basic configuration of the approved conceptual development plan. "Subsequent plans and permits for development within a conditional zoning district may include minor modifications from the approved conceptual development plan, provided such modifications are limited to changes addressing technical consideration that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. Changes in the following shall constitute minor modifications that may be approved by the Director:

- Driveway locations
- Structure floor plan revisions
- Minor shifts in building size or location
- Facility design modifications for amenities and the like."

It is important to note that the above list is not an exclusive list of what constitutes a minor modification, but rather examples of minor modifications. Each modification would be reviewed on a case-by-case basis by the Director to determine if it fits the definition of a minor change. The developer offered examples of changes that forced him to go back an amend plans on projects. Particularly correcting a ROW mapping error for the Sound Woods subdivision. In fact, this was not a conditional zoning issue, as correcting the mapping error changed the shape of lots and the plat had to be accurate for the lots to be legally sellable. The lots had to be mapped as they existed for the deeds to be accurately prepared.

The developer also pointed out very specific items that would require him to go back through the process, such as relocating where a water line comes into the property. That level of detail is not generally provided on a conceptual plan provided as part of a conditional zoning request, and if it was, that most likely does not materially affect the basic configuration of the approved conceptual development plan and could be approved as a minor modification by the Director. The same logic applies to the example of reshaping a drainage pond.

	USE COMPARISON
Uses Allowed in SFM	Uses Allowed in GB
Agriculture/Horticulture; Equestrian Facility; Silviculture; Dwelling (manufactured, single-family detached, duplex) Family care home; Community center/ cultural facility; Library; Museum; Child care center; Elementary and middle school; Government office; Religious	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house
institution; Arboretum or botanical garden; Community garden, Park, public or private; Law enforcement, fire, or EMS facility; Telecommunications antenna	Community Services Day Care Educational Facilities Government Facilities Health Care Facilities

#### **USE COMPARISON**

collection on tower or building; Minor utility;

Athletic facility; Bed and breakfast inn;

Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution

Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility

Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation)

Telecommunications antenna and tower (u); Utility, minor/ major (u):

Animal Care

Eating Establishments

Offices
Parking lot

Recreational/Entertainment, Indoor

Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation

Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery

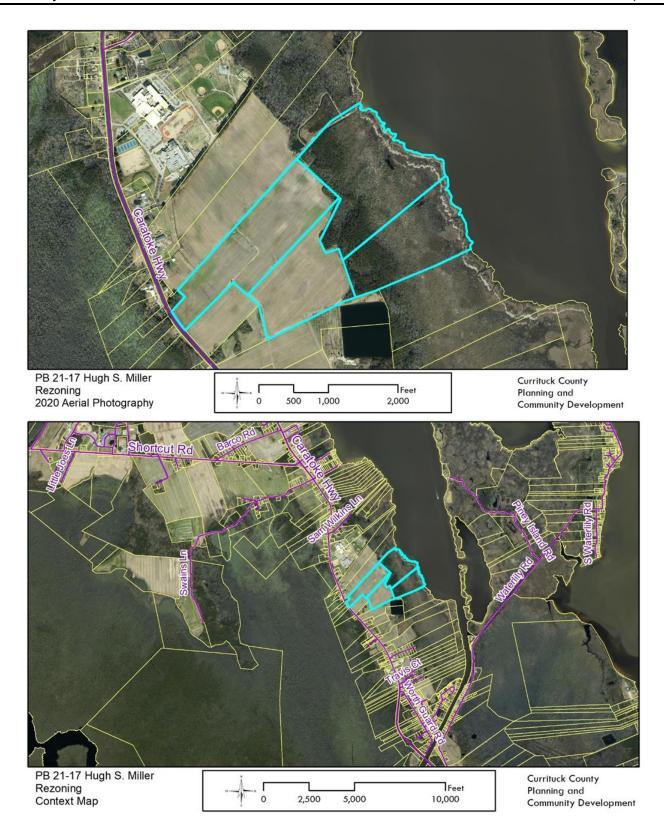
Boat and marine rental, sales, and service

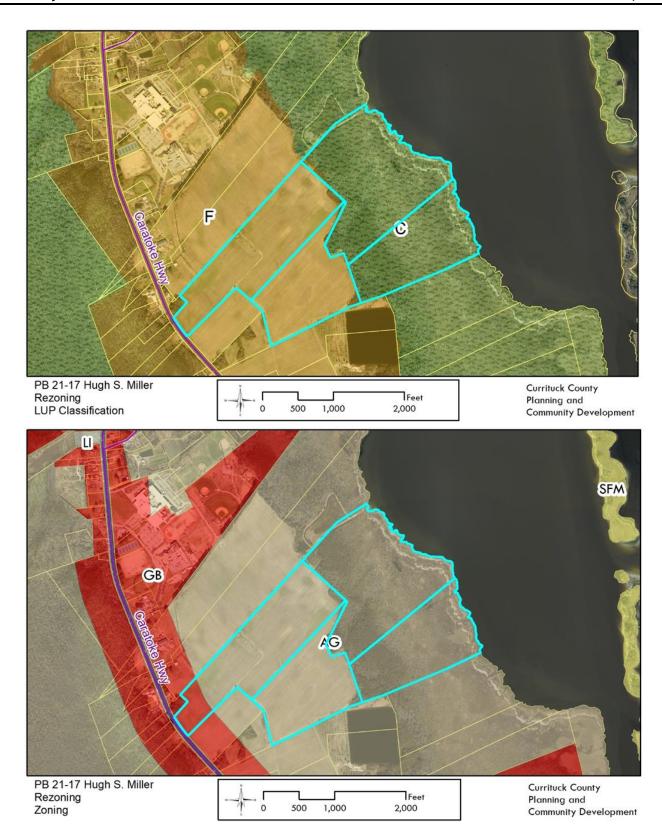
Vehicle sales and service, light

Visitor Accommodations

Contractor service

Crabshedding; Research and development Public convenience center/transfer station (u)





To correct an error in the agenda packet, Senior Planner, Tammy Glave, explained Mr. Miller has a contract to purchase the property but doesn't own the property at this time. Ms. Glave used the overhead to review the site location, surrounding parcels and zoning, Land

Use Plan designations and wetland delineation. Areas to be rezoned were highlighted on the map. Ms. Glave presented the straight rezoning request which would allow all of the uses permitted in the single-family mainland. The density comparison was reviewed to show how the property could be developed without the rezoning approval. Concerns presented by Ms. Glave included school capacities and the possible uses allowed on the property. Staff recommended the applicant resubmit for conditional zoning. Planning Board recommended approval, 5-1, and Planning Board discussion was summarized.

Applicant, Sam Miller, addressed the Board and presented reasons for requesting a straight rezoning rather than conditional. He said straight General Business exists up and down the corridor, and he is asking for a reduction in the General Business that currently exists. He addressed existing wetlands on the property and their ability to be used for stormwater management. He said density calculations netted approximately 80 lots on the site. He said no concerns have been raised by the community, and the land is very suitable for the proposed use. Mr. Miller said there is no need for Conditional zoning, which can add four months to the development process.

Chairman Payment asked what the benefit of conventional rezoning is versus conditional, and Mr. Miller said a straight rezoning saves both time and money.

Commissioner Jarvis addressed buffering, and noted it can protect property values in the future for all concerned even though adjacent parcels are currently vacant.

Uses on the site were clarified and the number of housing units that would be able to be built for Agricultural zoning versus Single Family Mainland were presented. Mr. Miller provided a copy of the wetlands delineation letter for Board review. Ms. Glave said minimum standards of the Unified Development Ordinance would have to be met for a conventional rezoning. Mr. Miller said the Laurel Woods subdivision he developed was a straight rezoning. Ms. Glave explained the straight rezoning was the only option at that time, as conditional rezoning was not part of the UDO in 2006.

Commissioner J. Owen Etheridge said conditional zoning was added to address General Business, and Ms. Glave recollected Residential was also to be addressed. Commissioner Jarvis discussed protections offered by Conditional Zoning for adjoining parcels and potential buyers in the subdivision. Interim County Manager/County Attorney, Ike McRee, reviewed some of the allowable conditions that can be considered for a straight rezoning at Use Permit.

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

Chairman Payment moved to deny PB 21-17: Hugh S. Miller IV Rezoning, because the application is inconsistent with the following policies of the Land Use Plan:

- LUP Policy HN1
- Policy HN3
- Policy CD4

The request is not reasonable and not in the public interest because without a master plan as submitted with a conditional rezoning request, it is not possible to verify consistency with zoning map amendment review standards of the UDO, including:

- Is consistent with the goals, objectives and policies of the LUP, other applicable county-adopted plans, and the purposes of this UDO;
- Is in conflict with any provision of the UDO or the County Code of Ordinances;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Would result in a logical and orderly development pattern; and,
- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- There are school capacity concerns with Moyock/Shawboro/Central Elementary schools at 122% Committed Capacity;
- Conditions should be agreed upon to protect and conserve the wetlands for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff;
- Without conditions, potential conflics may occur with uses permitted in the GB and SFM zoning districts. Possible examples of this include: Parking lot, bar, nightclub and lounge, pawn shop in the GB district and Silviculture/clear-cutting in the SFM area. The USACE Clean Water Act does not prohibit the cutting of vegetation/trees above the ground surface. There is significant tree cover in the Conservation area.
- The conventional rezoning request results in a substantial density increase for the property, above which is allowed in the current AG zoning district, in a sparsely developed area (approximately one unit per acre) of the County.

Commissioner Mary Etheridge seconded the motion. The motion carried, 4-2, with Commissioners J. Owen Etheridge and McCord opposed.

RESULT: MOTION PASSED-ITEM DENIED [4 TO 2]

MOVER: Michael H. Payment, Chairman
SECONDER: Mary "Kitty" Etheridge, Commissioner

AYES: Michael H. Payment, Chairman, Mary "Kitty" Etheridge, Commissioner, Selina

S. Jarvis, Commissioner, Bob White, Commissioner

NAYS: J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner

**ABSENT:** Paul M. Beaumont, Vice Chairman

#### D. PB 21-16 Currituck County Housekeeping Text Amendment:

To: Board of Commissioners

From: Planning Staff

Date: September 20, 2021

Subject: PB 21-16 Currituck County – Housekeeping Amendment

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

Item 1 Corrects a UDO Section reference related to review of Minor Subdivisions.

<u>Item 2</u> Corrects "use permit" to "special use permit" for consistency with G.S. 160D update.

<u>Item 3</u> Corrects G.S. reference for consistency with G.S. 160D update.

#### **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 <u>may</u> 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;
- 2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
- 3. Is required by changed conditions;
- Addresses a demonstrated community need;
- 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
- 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.

#### **Staff Recommendation**

Staff recommends approval of the request as submitted and suggests the following Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan including:

**POLICY HN8:** To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

and it is required by the changes to G.S. 160-D, the modernization of the entire body of state laws on local planning and development regulation.

#### **Planning Board Recommendation**

On September 14, 2021, the Planning Board recommended approval of the requested text amendment with a 6-0 vote.

#### **Motion**

Mr. Doll moved to approve PB 21-16 because the request is consistent with POLICY HN8 of the 2006 Land Use Plan.

And it is required by the recent changes to G.S. 160-D.

Vice-Chairman Owens seconded the motion and the motion carried unanimously 6-0.



# PB 21-16 CURRITUCK COUNTY TEXT AMENDMENT PLANNING BOARD SEPTEMBER 14, 2021

Amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 4. Use Standards and Chapter 6. Subdivision and Infrastructure Standards.

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

**Item 1:** That Chapter 2, Section 2.4.8.D. is amended by removing the following strike-through language and adding the underlined language:

Minor	Subdivision
(1)	Procedure
(a)	Pre-Application Conference
	Not applicable.
(b)	Community Meeting
	Not Applicable.
(c)	Application Submittal and Acceptance
	Applicable (see Section 2.3.4). Applications shall include a final
	plat prepared in accordance with the <u>applicable</u>
	standards in Section 2.4.8.E. <u>8</u> . <del>5.b</del> , Final Plat Review Standards.
	Applications for a family subdivision shall include an
	attestation that the purpose for the subdivision is
	solely for the conveyance of lots to family members,
	and that conveyance of a lot in a family subdivision to
	a non-family member is a violation of this Ordinance.
(d)	Staff Review and Action
	Applicable (see Section 2.3.5). The Director shall decide an
	application for a minor subdivision in accordance with Section
	2.3.5.D, Applications Subject to Decision by Director or
	Technical Review Committee, and Section 2.4.8.D.2, Minor
(a)	Subdivision Review Standards.
(e)	Public Hearing Scheduling and Public Notification
(f)	Not applicable.  Public Hearing Procedures
(1)	Not applicable.
(g)	Advisory Body Review and Recommendation
167	Not applicable.
(h)	Decision-Making Body Review and Decision
	Not applicable.
	(2) Minor Subdivision Review Standards
(a)	General Standards
	A minor subdivision shall be approved on a finding that:

It complies with all applicable standards in Chapter 6:
Subdivision and Infrastructure Standards, the
applicable standards for a final plat in Section 2.4.8.E.8
.5.B; and all other applicable standards in this
Ordinance;

**Item 2:** That Chapter 4, Section 4.2.3.D. is amended by adding the following underlined language: **Religious Institutions** 

Religious institutions shall comply with the following standards:
Religious institutions in the SFM, SFO, and SFI districts that include a school or sanctuary with a capacity of 800 persons or more shall obtain a <a href="mailto:special">special</a> use permit in accordance with Section 2.4.6, Special Use Permit.

**Item 3:** That Chapter 6, Section 6.2.5. is amended by removing the following strike-through language and adding the underlined language:

#### **Use of Funds**

Payments-in-lieu received in accordance with this subsection shall be used for transportation construction consistent with the requirements of the North Carolina General Statutes Section 160D-804 153A-331.

#### Item 3: Statement of Consistency

**Item 4:** 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 5:	This ordinance amendment shall be in effect from and after the	day of
, 20	021.	

Jennie Turner, Senior Planner, reviewed the text amendment for Commissioners which will make corrections to the minor subdivisions and 160D reference language. Review standards and consistency statements were reviewed and both staff and Planning Board recommended approval of the request.

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

Commissioner Jarvis moved to approve PB 21-16, Currituck County Housekeeping Text Amendment, because the request is consistent with Policy HN8 of the 2006 Land Use Plan, and it is required by the recent changes to G.S. 160-D. Commissioner White seconded the motion. The motion carried, 6-0.

RESULT: APPROVED [UNANIMOUS]

MOVER: Selina S. Jarvis, Commissioner

SECONDER: Bob White, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty"

Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner, Bob White, Commissioner

ABSENT: Paul M. Beaumont, Vice Chairman

#### **NEW BUSINESS**

#### A) Consent Agenda

Commissioner Mary Etheridge moved for approval of the Consent Agenda. Commissioner White seconded the motion. The motion carried, 6-0, and the Consent Agenda was approved.

RESULT: APPROVED [UNANIMOUS]

MOVER: Mary "Kitty" Etheridge, Commissioner

**SECONDER:** Bob White, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty"

Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner, Bob White, Commissioner

ABSENT: Paul M. Beaumont, Vice Chairman

#### 1. Budget Amendments

		D	ebit	(	Credit
Account Number	Account Description		Revenue or Expense		e Revenue or se Expense
220548-590000	Capital Outlay	\$	16,295		
220548-540000	Worker's Comp			\$	415
220548-506000	Health Insurance Expense			\$	8,700
220548-502000	Salaries			\$	7,180
		\$	16,295	\$	16,295
Explanation:	Knotts Island Fire District (2205	,			repairs to
	the fires suppression and water	tank at the knotts	Island Fire De	partment.	
Net Budget Effec	t: Knotts Island Fire District Fu	und (220) - No chan	ge.		

		Debit		Credit
		Decrease Revenue	or Incre	ease Revenue o
Account Number	Account Description	Increase Expense	e Dec	crease Expense
10796-532001	Educational Supplies		\$	250
10796-536000	Uniforms	\$ 25	50	
		\$ 29	50 \$	250
	-	nter (10796) - Transfer budge	etea iunas io	ilicieaseu
	uniform costs.		erea iunas io	i ilicieaseu
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Net Budget Effec	uniform costs.  ct: Operating Fund (10) - N  Account Description	lo change.  Debit  Decrease Revenue  Increase Expense	or Incr	Credit rease Revenue d crease Expense
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Net Budget Effect  Account Number  10511-554000	uniform costs.  Ct: Operating Fund (10) - N  Account Description  Insurance & Bonds  Health Insurance	Debit  Decrease Revenue  Increase Expense	or Incre De 85 \$	Credit rease Revenue d crease Expense 88

			Debit		redit
		Decreas	e Revenue or	Increase	Revenue or
Account Number	Account Description	Increas	se Expense	Decreas	se Expense
10750-511010	Data Transmission			\$	3,650
10750-516000	Repairs & Maintenance	\$	3,650		
		\$	3,650	\$	3,650
Explanation:	Social Services Administration budget to cover cost of office s drywall patch/repair, flooring replans for computerized tablets NCFAST implementation. The work.	space improvent eplacement, rer will not be nee	nents to include p moval of cabinets, eded until FY 202	olumbing e /countertor 3 due to po	ncasement, b. The data ostponing

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

Communication: Minutes from 10-04-2021 (Approval Of Minutes-October 4, 2021)	
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	-	_		rease Revenue or			Revenue or
Account Number	<u>[</u>	Account Description	Inc	rease Expense		Decreas	e Expense
10660-532000		Supplies	\$	4,900			
10460-592000		Courthouse Projects		·		\$	4,900
	-		\$	4,900		\$	4,900
Explanation:	Co Pla	ommunity Development - Plannir ourthouse Projects that was orige anning Offices to Supplies to pure anning department to better utilizers.	inally rchase	budgeted for a parti e office furnishings.	tion	in one of	the
	ļ. '	arring department to better dama	20 0111	oo opaoo.			
Net Budget Effe	ct:	Operating Fund (10) - No chang	ge.				
				Debit		C	Credit
				Decrease Revenue or		Increase	Revenue or
Account Number	<u> </u>	Account Description	-	Increase Expense		Decrea	se Expense
67878-553000		DUES & SUBSCRIPTIONS		\$ 15,000			
67878-590000	C	CAPITAL OUTLAY		\$ 154,539			
67878-502000	S	SALARIES				\$	5,000
67878-506000	H	HEALTH INSURANCE				\$	2,500
67878-514000	Т	RAVEL				\$	2,500
67878-514500	Т	RAINING & EDUCATION				\$	2,500
67878-540000	٧	VORKERS COMPENSATION				\$	67
67390-499900	A	APPROPRIATED FUND BALANCE				\$	156,972
				\$ 169,539		\$	169,539
		nland Sewer (67878) - To carry-forws and subscriptions for the Mainland			sfer	funds for	increased
						1	

2. Consideration of a Resolution Authorizing Design-Build Construction Delivery Method for New Elementary School in Moyock Township

# **COUNTY OF CURRITUCK**

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING DESIGN-BUILD CONSTRUCTION DELIVERY METHOD FOR THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL IN MOYOCK TOWNSHIP

WHEREAS, pursuant to N.C. Gen. Stat. § 143A-128.1A, a county may

utilize the design-build delivery method for construction contracts; and,

WHEREAS, in order to utilize the design-build delivery method, the governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for this project; and,

**WHEREAS**, the criteria proposed and its application to the construction of a new elementary school on Tulls Creek Road in Moyock Township is the following:

Criteria 1 - The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder. Through the Engineering Department and Legal Department, the County has professional personnel with the experience and qualifications needed to thoroughly define the project requirements prior to issuance of a Request for Qualifications for design-builders.

Criteria 2 - The time constraints for the delivery of the project. Due to rapid population growth in the Moyock area and the requirement to provide adequate public facilities, the need for additional student capacity within Currituck County Schools' Moyock attendance zone is urgent. The Board of Commissioners has resolved that this project should be completed in the most time-effective and efficient manner available. The design-build delivery method will allow for the project to be completed expeditiously.

Criteria 3 - The ability to ensure that a quality project can be delivered. Within the Engineering Department, the County has adequate professional and experienced personnel to ensure that the Design-Build firm will provide a quality project within budget constraints established by the Board.

Criteria 4 - The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. Within the Engineering Department and Legal Department, the County has professional and experienced personnel that are knowledgeable of design-build projects. Criteria 5 - A good-faith effort to comply with N.C. Gen. Stat. § 143-128.2, N.C. Gen. Stat. § 143-128.4, and to recruit and select small business entities. The County complies with N.C. Gen. Stat. § 143- 128.2 and N.C. Gen. Stat. § 143- 128.4. The County will require contractors to comply with the Historically Underutilized Businesses (HUB) goals set by the Board of Commissioners.

Criteria 6 - The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified. The design-build delivery method provides a one team approach, which leads to lower costs and shorter project timeline. Project time constraints and the opportunity for the general contractor to provide valuable project cost feedback to the designer during the design process

make the design-build option more appealing than the traditional construction delivery methods.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners adopt these written criteria and determine that the design-build delivery method is approved for utilization for the construction of a new elementary school on Tulls Creek Road in Moyock Township. Further, this Resolution shall be effective on and after the 4<sup>th</sup> day of October 2021.

#### ADOPTED this, the 4th day October 2021.

- 3. Job Description Revisions-Airport, Public Works
- 4. Consideration of Support for Albemarle Regional Broadband Expansion Project
- 5) Approval Of Minutes-September 20, 2021
  - 1. Minutes for September 20, 2021

#### **ADJOURN**

#### Motion to Adjourn Meeting

There was no further business and Commissioner Jarvis moved to adjourn. Commissioner McCord seconded the motion. The motion carried, 6-0, and the meeting of the Board of Commissioners adjourned at 9:59 PM.

RESULT: APPROVED [UNANIMOUS]

MOVER: Selina S. Jarvis, Commissioner

SECONDER: Kevin E. McCord, Commissioner

AYES: Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty"

Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord,

Commissioner, Bob White, Commissioner

ABSENT: Paul M. Beaumont, Vice Chairman



# Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3255)

**Agenda Item Title:** TDA Budget Amendments

**Submitted By:** Leeann Walton – County Manager

Presenter of Item:

**Board Action:** Action

**Brief Description of Agenda Item:** 

Budget amendments to include funds to cover flood insurance for Maritime Museum, Corolla.

Potential Budget Affect: See individual amendments for net effects.

Is this item regulated by plan, regulation or statute? No

**Manager Recommendation:** 

Number TDA2022006

# **BUDGET AMENDMENT**

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 18th day of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

3	, ,	Ĺ	Debit	Cı	edit
Account Number	Account Description	Decrease Revenue or Increase Expense			Revenue or e Expense
15447-545002 15447-516000	Historic Preservation Repairs & Maintenance	\$	\$ 300		300
		\$	300	\$	300
=	Tourism Related Expenditures (1 Notice for the Historic Jail.	om, nane	ior baagotoa iamab		auon
Net Budget Effect	:: Occupancy Tax Fund (15) - N	lo change.			
Minute Book #	, Page #	<del></del>			
Journal #		Clerk to th	ne Board		

Number TDA2022007

# **BUDGET AMENDMENT**

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 18th day of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

			Debit	Credit Increase Revenue or Decrease Expense	
Account Number	Account Description	Decrease Revenue or Increase Expense			
15448-554000 15448-503500	Insurance Temporary Services	\$	9,080	\$	9,080
		\$	9,080	\$	9,080
Net Budget Effect	:: Occupancy Tax Fund (15) -	- No change			
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Number TDA2022008

# **BUDGET AMENDMENT**

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 18th day of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

			Denit	•	Jieuii	
Account Number	Account Description		e Revenue or se Expense		Increase Revenue or Decrease Expense	
15442-557100 15442-506000	Software License Fee Insurance Expense	\$	2,000	\$	2,000	
		\$	2,000	\$	2,000	
Net Budget Effect	: Occupancy Tax Fund (15) -	No change.				
Minute Book #	, Page#					
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