



**Board of Commissioners
Agenda Packet**

February 7, 2022

Work Session

5:00 PM Currituck County Sheriff's Office Broadband Retention and Recruitment Program

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Appointment of County Manager by the Board of Commissioners**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 Report****Administrative Reports**

A) **Sheriff's Office Recognition and Presentation of Advanced Law Enforcement Certificates**

Public Hearings

A) **PB 21-27 H2OBX:** Text amendment to allow seasonal employee housing for tourist oriented businesses located on the same principal lot as the business with a minimum lot size of five acres.

B) **PB 16-05 H2OBX LLC:** Amended C-GB zoning request to provide temporary seasonal employee housing units at the waterpark located at 8526 Caratoke Highway, Map 124, Lot 137L, Poplar Branch Township.

C) **PB 21-30 Currituck County:** Request to amend the Unified Development Ordinance definition of public infrastructure to include utilities regulated by the NC Utilities Commission.

D) **PB 21-29 Currituck County:** Request to amend the Unified Development Ordinance to allow new campgrounds through conditional zoning approval in specified zoning districts and to revise existing language regarding use of recreational vehicles.

New Business

A) **Consideration of Amendment to Maple Commerce Park Restrictive Covenants**

B) **Consideration and Approval of Brindley Beach Building Elevation to be Located on Lot 1, Maple Commerce Park**

C) **Consent Agenda**

1. Budget Amendments

2. Project Ordinance-Public Works Maintenance Building
3. Minutes-January 18, 2022

Adjourn

Special Meeting-Tourism Development Authority

TDA Budget Amendment

Adjourn Special Meeting of the TDA



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3330)

Agenda Item Title: 5:00 PM Currituck County Sheriff's Office Broadband Retention and Recruitment Program

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

Sheriff Beickert will present information to Commissioners on the Broadband Retention and Recruitment Program for law enforcement officers.

Potential Budget Affect: TBD

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

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3334)

Agenda Item Title: Sheriff's Office Recognition and Presentation of Advanced Law Enforcement Certificates

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Information

Brief Description of Agenda Item:

The Board of Commissioners and Sheriff Beichert will recognize and present certificates to Deputies Garland Akers and Stephen Gilbert who have earned their Advanced Law Enforcement certification:

An officer can qualify for the Advanced Certificate if he or she:

- meets the requirements for the Intermediate Certificate, and
- has accumulated at least forty-eight (48) education and/or training points and at least twelve (12) years' experience, or
- has accumulated at least sixty (60) education and/or training points and at least nine (9) years' experience, or
- has an Associate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least thirty-six (36) training points and at least nine (9) years' experience, or
- has a Baccalaureate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least twenty-four (24) training points and at least six (6) years' experience, or
- has a Graduate or Professional Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education

Accreditation; has accumulated at least sixteen (16) training points and at least four (4) years' experience.

Potential Budget Affect: N/A

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

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3317

Agenda Item Title: PB 21-27 H2OBX:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Tammy Glave

Board Action: Action

Brief Description of Agenda Item:

Text amendment to allow seasonal employee housing for tourist oriented businesses located on the same principal lot as the business with a minimum lot size of five acres.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Approval with Conditions

TRC Recommendation:



Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232-3026

To: Board of Commissioners
 From: Planning Staff
 Date: January 12, 2022
 Subject: PB 21-27 H2OBX

Request

The request is to amend the Unified Development Ordinance with language to allow seasonal employee housing for tourist-oriented businesses through conditional zoning approval. As drafted, employee housing will be accessory to a tourist-oriented business and located on the same lot as the business with a minimum lot size of five acres. The housing shall only be inhabited during the tourist season for the residential use of unrelated persons employed on site for the duration of the tourist season. The accessory employee housing will only be allowed through a conditional zoning approval (legislative). The use of Class B or C Manufactured Homes, travel trailers, campers, recreational vehicles, or similar vehicles as a seasonal employee housing unit is prohibited.

Background

On May 2, 2016 the BOC approved the Conditional GB Zoning to allow a water park to locate at 8528 Caratoke Highway. That approval included a dormitory type building to house employees of the waterpark. This text amendment is necessary to allow seasonal employee housing (formerly referred to as dormitories) as an allowable use in the GB zoning district. The text amendment applies county wide and is not specific to the waterpark property. This amendment would be applicable to all businesses that meet the criteria set forth in this language.

2006 Land Use Plan

The Land Use Plan (LUP) does not provide detailed policies related particularly to workforce housing; however, the following policies are relevant to general economic development, and do generally support the amendment:

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

POLICY ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to a lesser extent those included in the Limited Service Areas.

POLICY ED3: The County supports COORDINATION OF ECONOMIC DEVELOPMENT ACTIVITIES among various economic development agencies and encourages regional cooperation and interaction among areas with shared economic interests.

Staff commentary: As confirmed by Larry Lombardi, Economic Development Director, one of the biggest tourist industry needs in Currituck County is the ability to house the employees necessary to run those tourist-oriented businesses.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not 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 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 Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

- POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- POLICY ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to a lesser extent those included in the Limited Service Areas.
- POLICY ED3: The County supports COORDINATION OF ECONOMIC DEVELOPMENT ACTIVITIES among various economic development agencies and encourages regional cooperation and interaction among areas with shared economic interests.

The request is reasonable and in the public interest because:

1. It addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

Planning Board Recommendation

On January 11, 2022, the Planning Board recommended approval of this text amendment as presented.

Motion

Mr. Doll motioned to recommend **approval** of **PB 21-27 H2OBX** because the request is consistent with the 2006 Land Use Plan because it allows for housing for the volume of employees necessary to run new and expanding tourist-oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because it addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

Mr. Bass seconded the motion and the motion carried unanimously 5-0.



**PB 21-27 CURRITUCK H2OBX
TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022**

Amendment to the Unified Development Ordinance, Chapter 6. Use Standards

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

Item 1: That Chapter 10 is amended by adding the underlined bold language:

10.4.5. Commercial Use Classification

H. Recreation/Entertainment, Outdoor

(1) Characteristics

The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, **seasonal employee housing**, and maintenance facilities.

Item 2: That Table 4.3.2.E Table of Common Accessory Uses is amended by adding the underlined bold language:

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES P= Permitted by-right Z= Zoning Compliance Permit U= Special Use Permit MP= Allowed with Master Plan blank cell= Prohibited														
ACCESSORY USE TYPE	ZONING DISTRICT													ADDITIONAL REQ. (4.3--)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
<u>Seasonal Employee Housing</u>								<u>CZ</u>						<u>3.AB</u>

Attachment: 1 PB 21-27 H2OBX Seasonal Employee Housing TA (PB 21-27 H2OBX)

Item 3: That Chapter 4 Section 4.3 Accessory Use Standards is amended by adding the underlined language:

4.3.3. Specific Standards for Certain Accessory Uses

4.3.3.AB Seasonal Employee Housing Shall:

1. **Be limited to tourist-oriented businesses;**
2. **Provide annual occupancy dates;**
3. **Be located on the same principle lot as the business with a minimum lot size of five acres;**
4. **Be inhabited only during the tourist season for the residential use of unrelated persons employed on site for the duration of the tourist season; and,**
5. **The use of Class B or Class C manufactured homes, travel trailers, campers, tractor trailers, recreational vehicles, or similar vehicles as a seasonal employee housing unit is prohibited.**

Item 4: That Table 5.1.3.C Minimum Off-Street Parking Standards is amended by adding the underlined language:

GROUP LIVING	Dormitory/ <u>Seasonal Employee Housing</u>	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1+1 per guest bedroom

Item 5: That Section 10.5 Definitions is amended by adding the bold and underlined language:

Seasonal Employee Housing

Property used seasonally for the residential use of unrelated persons employed by the business and located on the same site of the business for the duration of the tourist season.

Tourist-Oriented Business

Business that is usually seasonal in nature catering primarily to tourist. If a business could equally cater to either tourists or local residents, it is included within this definition.

Item 6: Staff recommends approval and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It allows for housing for the volume of employees necessary to run new and expanding tourist-oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because:

- It addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

Item 7: 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 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2022.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....

PLANNING BOARD DATE: January 11, 2022
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 5 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/26/2020 & 2/2/2022
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/7/2022
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

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

Attachment: 1 PB 21-27 H2OBX Seasonal Employee Housing TA (PB 21-27 H2OBX)



Text Amendment Review Process

Contact Information

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

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/planning-community-development

Step 1: Pre-application Conference

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

The applicant shall submit a written description of the nature and purpose of the text amendment to the Planning and Community Development Department during the pre-application conference.

Step 2: Application Submittal and Acceptance

The applicant must submit a complete application pack on or before the application submittal date. Applications may be initiated by the Board of Commissioners, the Planning Boards, the Planning Director, the TRC, or any other interested party. A complete application packet consists of the following:

- Completed Currituck County Text Amendment Application.
- Application Fee (\$300)
- Number of Copies Submitted:
 - ☐ 2 Hard copies of ALL documents
 - ☐ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all documents

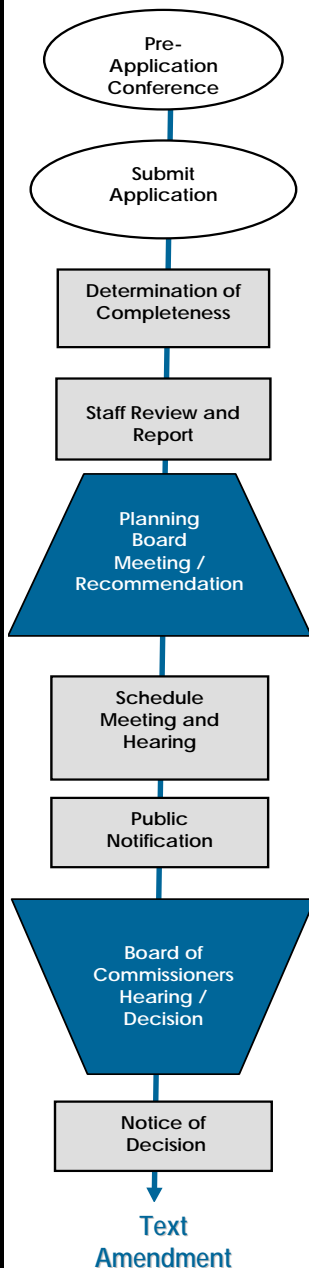
On receiving an application, staff shall determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Incomplete applications will not be processed.

Step 3: Staff Review and Action

After accepting the text amendment application, staff shall review it, prepare a written report, and provide a recommendation on the application. The recommendation may include a second option that will include text to address conflicts with the existing ordinance or adopted plans.

Step 4: Advisory Body Review and Recommendation

After the staff prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It shall then



recommend approval, approval of a modified version, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 5: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

- **Published Notice**

Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.

Step 6: Public Hearing Procedures, and Decision-Making Body Review and Decision

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

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

- Adoption of the text amendment as proposed;
- Adoption of a revised text amendment;
- Denial of the text amendment; or
- Remand of the text amendment application back to the Planning Board for further consideration.

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

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with the purpose and intent of the zoning district in the UDO, or would improve compatibility among uses and ensure efficient development within the county;
- 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;

OFFICIAL USE ONLY:

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

APPLICANT:

Name: _____

Address:

Telephone: _____

E-Mail Address:

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

Amend Chapter(s) _____ Section(s) _____ as follows:

[illegible]

*Request may be attached on separate paper if needed.

James L. S.

Petitioner

Date _____

Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Text Amendment Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Text Amendment Submittal Checklist		
1	Complete Text Amendment application	
2	Application fee (\$300)	
3	2 hard copies of ALL documents	
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

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

Comments



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

November 18, 2021

Ms. Tammy D. Glave, CZO
Currituck County Development Services Department
Planning & Zoning Division
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: Text Amendment Application
Seasonal Employee Housing
Currituck County, North Carolina

Ms. Glave,

On behalf of H2OBX, LLC, Quible & Associates, P.C. hereby submits for your review the following responses to the TRC Comments provided by County staff. For ease of review, the comments are reproduced, and our responses are in red italics.

- A different terminology than “dormitories” should be used. Perhaps the term could be more related to seasonal housing as an accessory to recreation/family entertainment/tourist-oriented uses. Perhaps call the use “Seasonal Housing for Employees of Tourist Oriented Businesses.” I’ve pasted a section of the UDO below where Tourist Oriented Businesses are defined. It is the ‘signs’ chapter, but we could move it to its own definition section in Chapter 10. This definition can be revised accordingly. The use could be added to the accessory use table.
The term seasonal employee housing is used instead of dormitories, and the proposed text amendment has been revised to include seasonal employee housing as an accessory use in the Outdoor Recreation/Entertainment Use Category. A definition for seasonal employee housing has been added to Section 10.5 Definitions along with a definition for tourist-oriented business.
- Perhaps allow this new use through *conditional zoning only* for either temporary or permanent year-round or seasonal employee housing. Not a bad idea. You are proposing this for your project already. This language would require other businesses to following the same path since the text amendment would apply county wide.
The proposed text amendment has been edited to include seasonal employee housing as an allowable use with conditional rezoning in Table 4.3.2 E Table of Common Accessory Uses.
- Perhaps require minimum property size or minimum employees for allowing this use.
The text amendment proposes to include property size minimums of five acres and other specific limitations as listed in Section 4.3.3 AB Seasonal Employee Housing as listed on

Attachment: 3-P15004-Resubmittal-TextAmendment-2021-11-18 (PB 21-27 H2OBX)

*Text Amendment Application
Seasonal Employee Housing*

the attached text amendment. Off street parking standards of 1 space per 3 resident beds are proposed.

- **Limit number of units/density permitted.**

A limitation on the number of units or density are not proposed with the current text amendment. Limitations on density are typically driven by soils, sewer availability and other site constraints. If a limit on number of units or density is required, the applicants are amenable to a discussion on this topic.

The following documents are included and shall be considered part of this re-submittal package:

- One (1) original and One (1) copy of the Complete Text Amendment Application;
- One (1) PDF digital copy of the complete Text Amendment application package.

Please review the enclosed application and do not hesitate to contact us at 252.491.8147 or mstrader@quible.com if you have any questions, concerns, or requests for additional information.

Sincerely,

Quible & Associates, P.C.



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

Encl.: As stated
Cc: H2OBX, LLC
File

Attachment: 3-P15004-Resubmittal-TextAmendment-2021-11-18 (PB 21-27 H2OBX)

Amendment 1

Chapter 10: Definitions and Measurement

SECTION 10.4: USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

Subsection 10.4.5: Commercial Use Classification

H. Recreation/Entertainment, Outdoor

(1) Characteristics

The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, **seasonal employee housing** and maintenance facilities.

Amendment 2

Chapter 4: Use Standards; Section 4.3 Accessory Use Standards; Subsection 4.3.2
General Standards and Limitations

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES P= Permitted by-right Z= Zoning Compliance Permit U= Special Use Permit MP= Allowed with Master Plan blank cell= Prohibited														
ACCESSORY USE TYPE	ZONING DISTRICT													ADDITIONAL REQ. (4.3--)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
<u>Seasonal Employee Housing</u>								<u>CZ</u>						<u>3.AB</u>

Amendment 3

Chapter 4: Use Standards Section 4.3 Accessory Use Standards Subsection 4.3.3: Specific Standards for Certain Accessory Uses

4.3.3.AB Seasonal Employee Housing shall:

- 1. Be limited to tourist oriented businesses;**
- 2. Provide an opening and closing date of the tourist season;**
- 3. Be located on the same principle lot as the business with a minimum lot size of five acres;**
- 4. Be inhabited only during the tourist season for the residential use of unrelated persons employed on site for the duration of the tourist season; and,**
- 5. The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as a seasonal employee housing unit is prohibited.**

Amendment 4

Chapter 5: Development Standards Section 5.1: Off-Street Parking and Loading Subsection
5.1.3: Off Street Parking Standards
Table 5.1.3.C: MINIMUM OFF STREET PARKING STANDARDS

GROUP LIVING	Dormitory	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1 + 1 per guest bedroom

Amendment 5

Chapter 10: Definitions and Measurements
Section 10.5 Definitions

Seasonal Employee Housing

Property used seasonally for the residential use of unrelated persons employed by the business and located on the same site of the business for the duration of the tourist season.

Tourist-Oriented Business

Business that is usually seasonal in nature catering primarily to tourist. If a business could equally cater to either tourists or local residents, it is included within this definition.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3318

Agenda Item Title: PB 16-05 H2OBX LLC:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Tammy Glave

Board Action: Action

Brief Description of Agenda Item:

Amended C-GB zoning request to provide temporary seasonal employee housing units at the waterpark located at 8526 Caratoke Highway, Map 124, Lot 137L, Poplar Branch Township.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Approval with Conditions

TRC Recommendation: Approval with Conditions



STAFF REPORT
PB 16-05 H2OBX LLC
AMENDED CONDITIONAL ZONING
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022

APPLICATION SUMMARY

Property Owner: H2OBX LLC 13 Green Mountain Dr Cohoes NY 12047	Applicant: H2OBX LLC 13 Green Mountain Dr Cohoes NY 12047
Case Number: PB 16-05	Application Type: Amended Conditional Rezoning
Parcel Identification Number: 0124000137L0000	Existing Use: Outdoor Recreation (Waterpark)
Land Use Plan Classification: Full Service	Parcel Size (Acres): 80
Zoning History: HI to C-GB 5/2/2015	Proposed Zoning: C-GB

REQUEST

NARRATIVE

The BOC approved the current C-GB zoning on May 2, 2016 to allow an outdoor recreation facility including a waterpark with associated infrastructure and amenities including restaurants, water slides, restroom facilities, employee housing/dorms, stormwater management, on site sewer treatment and disposal, parking, and all other required features as required by county, state, and federal regulations. While the uses approved by the original C-GB will not change, the applicant is requesting to amend the request to be allowed to provide *temporary* seasonal employee housing units until the end of the tourist season 2025, or until permanent seasonal housing has been constructed. Only employees of the waterpark will be allowed to reside in the seasonal employee housing.

COMMUNITY MEETING

A community meeting was held on October 25, 2021. Approximately seven members of the public attended the meeting. Questions primarily involved site safety during unoccupied times, number of occupants, temporary units becoming permanent units, needing an end date when units would be removed, and access. A complete summary of the community meeting provided by the applicant is available in the supporting documentation attached to the staff report.

SURROUNDING PARCELS

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

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full service within the Point Harbor subarea. The policy emphasis for the Point Harbor subarea is to allow portions of the Point Harbor area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that work to make the area attractive. On May 2, 2015, the BOC found the proposal consistent with the policies of the plan, including:

Policy ED1	It promotes a new and expanding industry that diversifies the local economy, trains and utilizes a more highly skilled labor force, and is compatible with the environmental quality of the county.
Policy ES1	County water is available to the site and the use will help grow the water system. The development will provide its own wastewater treatment plant.
Policy ML4	With limited access from US 158 and a focus on landscaping and appearance standards, the request can have a positive impact on the long-term economic prospects for residents and property owners

TECHNICAL REVIEW COMMITTEE RECOMMENDATION

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. All conditions of the original approval remain valid (see attached conditional zoning approval order).

Agreed upon conditions of approval:

1. All proposed development will be consistent with and currently allowed within GB zoning.
2. Only employees of the waterpark will be allowed to reside in the seasonal employee housing.
3. Temporary seasonal employee housing will only be allowed until the end of the tourist season 2025, or until a permanent seasonal housing has been constructed, *whichever is earlier*.
4. Class B or C Manufactured Homes, travel trailers, campers, recreational vehicles, or similar vehicles as a seasonal employee housing unit is prohibited.
5. That the text amendment to allow seasonal employee housing is adopted by the BOC.

CONSISTENCY AND REASONABLENESS STATEMENT

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

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

- It allows for housing for the volume of employees necessary to run new and expanding tourist-oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because:

- It addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

PLANNING BOARD RECOMMENDATION

On January 11, 2022, the Planning Board recommended approve of the amended C-GB request with the noted conditions and consistency and reasonableness statements.

Motion

Mr. Bass motioned to recommend **approval** of **PB 16-05 H2OBX**, amended Conditional- General Business zoning district, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- o ED1
- o ED2
- o ED3

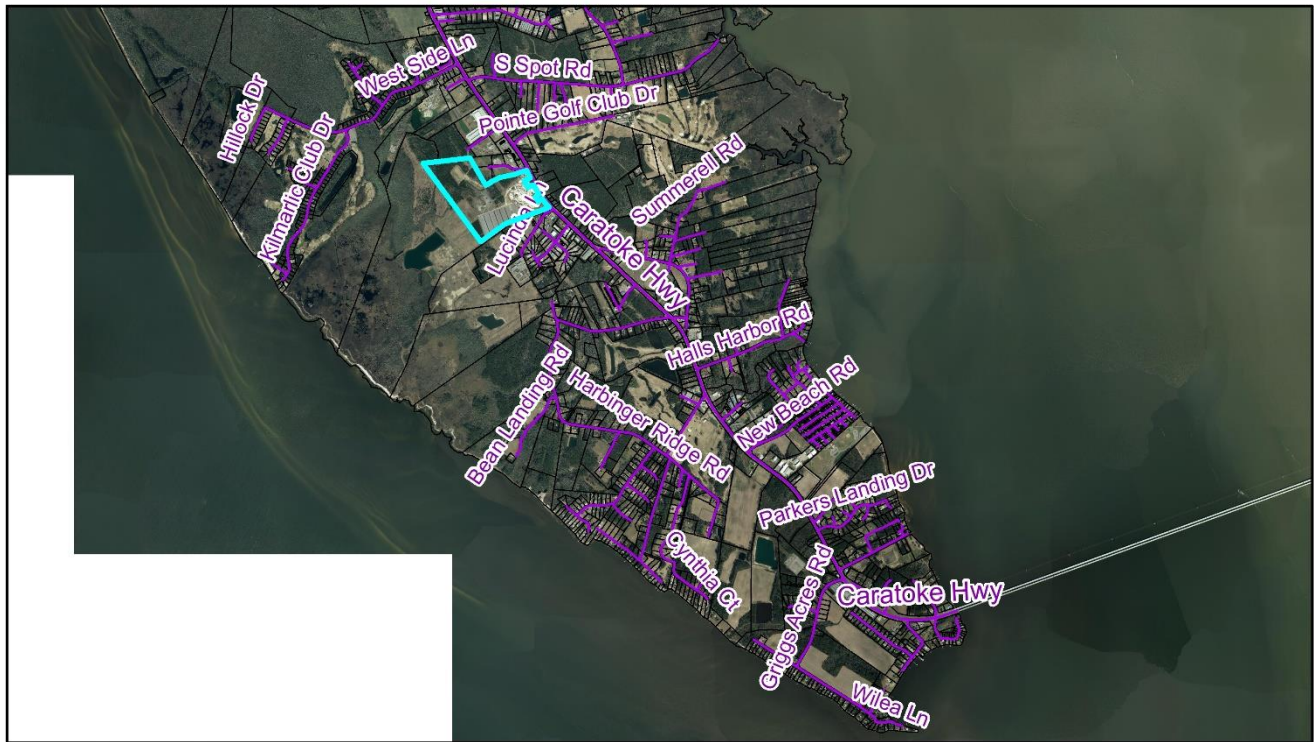
And the request is reasonable and in the public interest because it addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourist and local residents alike.

Ms. Glave asked to interrupt the motion with a question for the applicant. Ms. Glave asked Mr. Strader if the property owners were okay with the conditions set. Mr. Strader said, yes, the property owners agree to the set conditions.

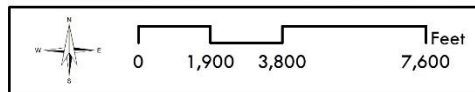
Mr. Doll seconded the motion and the motion carried unanimously 5-0.

Attachment: 1 PB 16-05 H2OBX A C-GB Staff Report PB 1-11-2022 (PB 16-05 H2OBX LLC)

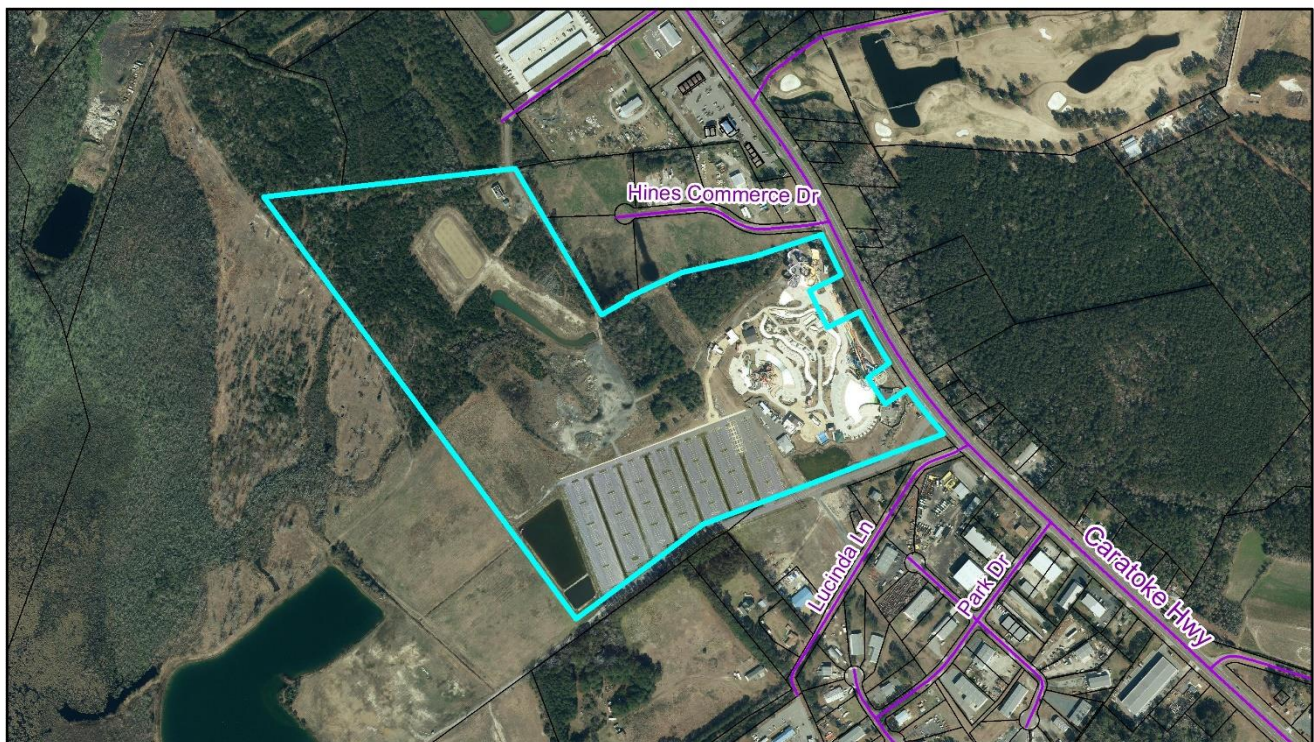
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



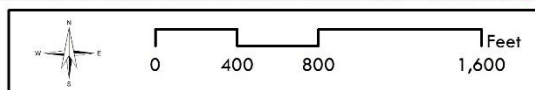
PB 16-05 H2OBX LLC
Amended C-GB
Context Map



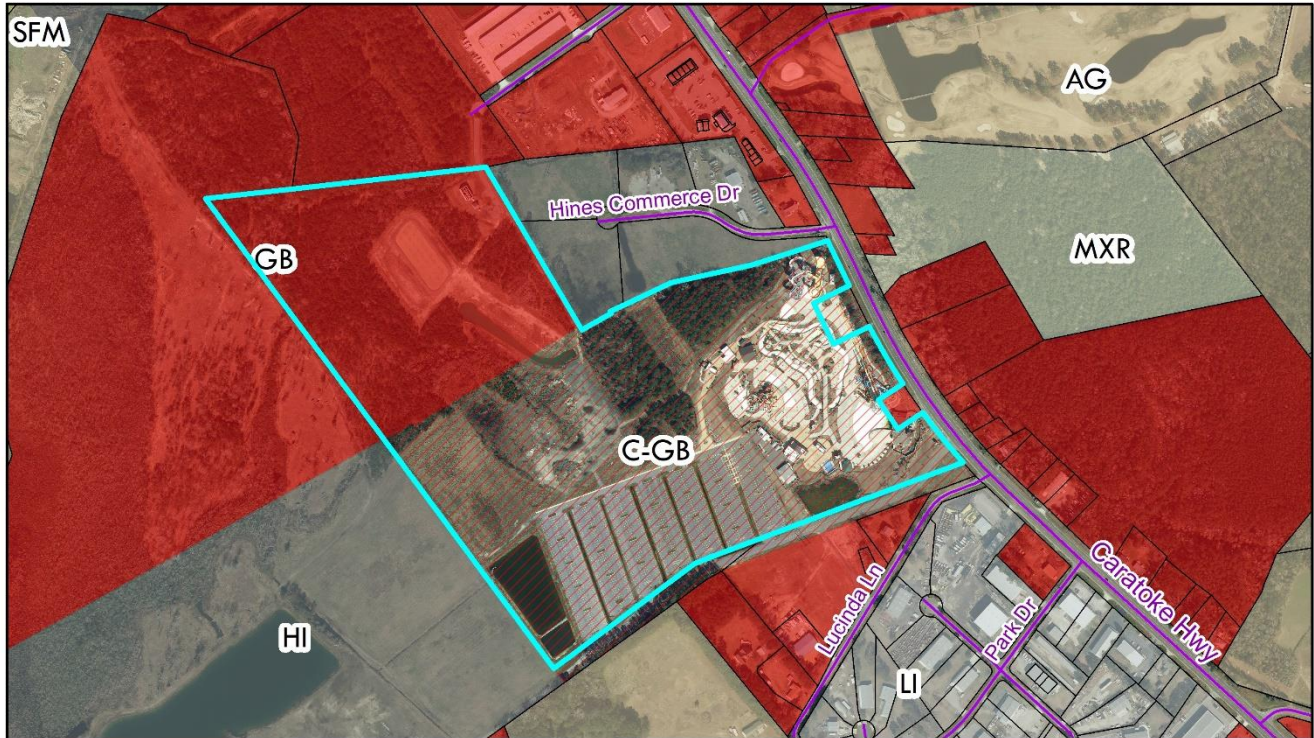
Currituck County
Planning and
Community Development



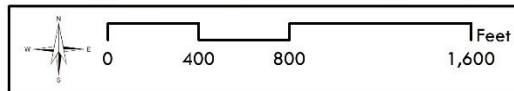
PB 16-05 H2OBX LLC
Amended C-GB
2020 Aerial Photo



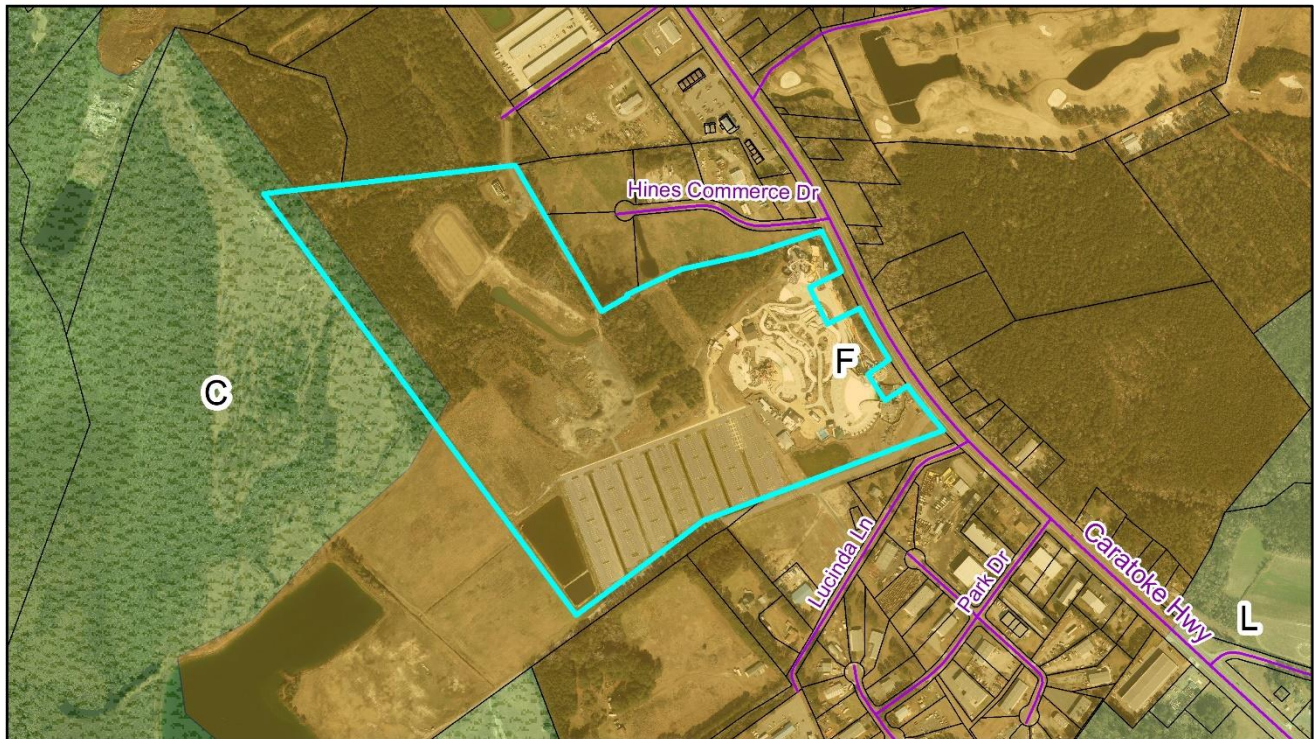
Currituck County
Planning and
Community Development



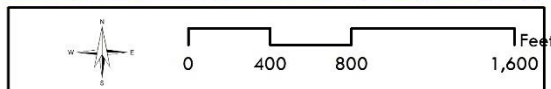
PB 16-05 H2OBX LLC
Amended C-GB
Zoning



Currituck County
Planning and
Community Development



PB 16-05 H2OBX LLC
Amended C-GB
LUP Classification



Currituck County
Planning and
Community Development



NOTE: THIS DOCUMENT IS PRELIMINARY -- NOT FOR CONSTRUCTION, RECORDATION, SALES OR CONVEYANCES -- THIS DOCUMENT IS FOR DISCUSSION PURPOSES ONLY. EXISTING INFORMATION SHOWN ON THIS DOCUMENT DOES NOT REPRESENT A COMPLETE ACCURATE SURVEY AND IS NOT CERTIFIED BY A LICENSED PROFESSIONAL LAND SURVEYOR. ALL INFORMATION SHOWN ON THIS DOCUMENT IS SUBJECT TO ANY REQUIREMENTS BY ANY REGULATORY AGENCY, ENTITY OR AUTHORITY.

QUIBLE & ASSOCIATES, P.C. DOES NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF ANY INFORMATION IN THIS DOCUMENT AND IS NOT RESPONSIBLE FOR ANY ERROR OR OMISSION OR ANY LOSSES OR DAMAGES RESULTING FROM THE USE OF THIS INFORMATION.

- NOTES:
1. OWNER/APPLICANT: H2OBX LLC
13 GREEN MOUNTAIN DR
COCHES, NY 12047
 2. PROPOSED REZONING: CONDITIONAL GENERAL BUSINESS (C-GB) TO ALLOW FOR TEMPORARY MODULAR DORMITORIES.
 3. TOTAL PROJECT AREA = 4,215,494 SF / 96.77 AC
PARCEL 137L = 3,484,800.00 SF / 80.00 AC
PARCEL 137E = 34,948.87 SF / 0.80 AC
PARCEL 137 = 19,979.92 SF / 0.46 AC
PARCEL 68J = 675,767.98 SF / 15.51 AC
 4. PIN#PID# 9837-54-8094 / 0124000137L0000
SITE ADDRESS: 8526 CARATOKE HWY
DB 1512, PG 459
PIN#PID# 9837-74-0821 / 0124000137E0000
SITE ADDRESS: 8504 CARATOKE HWY
DB 1512, PG 459
PIN#PID# 9837-74-2398 / 012400012700000
SITE ADDRESS: 8524 CARATOKE HWY
DB 1512, PG 459
PIN#PID# 9837-45-9881 / 0124000068J0000
SITE ADDRESS: BALLAST ROCK RD
DB 1512, PG 459
 5. OVERALL BOUNDARY INFORMATION SHOWN BASED ON A SURVEY BY QUIBLE & ASSOCIATES, PC ENTITLED "AS-BUILT SURVEY", DATED 6/28/17. THIS IS NOT A BOUNDARY SURVEY.
 6. CONCEPTUAL RENDERING SHOWN BASED ON IMAGE PROVIDED BY ADG DATED 10/17/21.
 7. PROPERTY IS LOCATED IN NFIP FLOOD ZONES AS SHOWN AND SUBJECT TO CHANGES. BASED ON COMMUNITY CID NO. 370078; PANEL 9837; SUFFIX J. (MAP NUMBER 3720983700J) EFFECTIVE DATE: 12/16/2005
 8. THIS EXHIBIT SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.

Quible & Associates, P.C.
SINCE 1959
ENGINEERING & SURVEYING
ENVIRONMENTAL SCIENCES & SURVEYING
8446 CARATOKE HWY
POWELL'S POINT, NC 27986
Phone: (252) 891-8427
Fax: (252) 891-8428
www.quibleandassociates.com

NC License# C-0208

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

CERTIFICATION

NO. DATE

REVISIONS

CONDITIONAL REZONING EXHIBIT

H2OBX WATERPARK

80 ACRE PARCEL

POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PROJECT NO. P15004

DESIGNED BY WDE

DRAWN BY OTHERS

CHECKED BY WDE

ISSUE DATE 10/22/21

SHEET NO. 1

OF 1 SHEETS



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 Strader, PE, Quible & Assoc
 H2OBX LLC

From: Planning Staff

Date: November 10, 2021

Re: PB 16-05 H2OBX (formerly Aquatic Development Group) Amended C-GB

The following comments have been received for the November 10, 2021 TRC meeting. In order to be scheduled for the January 12, 2022 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on November 18, 2022. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comments:

1. Staff understands the need for the temporary dormitories and supports the request; however, more specific conditions of approval are recommended so that staff can support the amended plan:
 - a. Place a time limit on the length of time the temporary units will be on-site. I believe at the community meeting, it was mentioned that 2025 would be a satisfactory end date.
 - b. While staff understands the purpose of the dormitory is for employees of the business only, perhaps clarify the fact that only employees of the business will be allowed to live in the units.

Currituck County Building Inspector/Fire Official (Rick Godsey, 252-232-6020)

Reviewed with comment:

1. Fire flow calculations for dorms, hydrant locations, sprinkled buildings? Dorms are R-2 Occupancy classifications.

Currituck County Economic Development (Larry Lombardi, 252-232-6015)

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed without comment.

Attachment: 3 PB 16-05 H2OBX Amended C-GB TRC Comments 11-10-2021 (PB 16-05 H2OBX LLC)

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

Reviewed without comment.

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

Approved with comments:

1. Please identify which stormwater BMPs are existing vs which ones are proposed, if any new ponds or conveyances are being proposed at all.
2. What do the purple squares next to the smaller dorms represent?

Currituck County Utilities Director (Will Rumsey, 252-232-2769)/Water Department – Distribution Supervisor (Dave Spence, 252-232-2769)

Reviewed without comment.

Currituck County Public Utilities/Backflow (Chas Sawyer, 252-232-6060 ext. 4221)

Reviewed without comment.

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

Reviewed with comment:

1. CONSULT WITH KEVIN CARVER RS CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED TEMPORARY HOUSING AT EXISTING WATER PARK.

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

Reviewed without comment.

Comments not received from:

NC Department of Transportation – District Engineer (David Otts, 252-331-4860)

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

The following items are necessary for resubmittal:

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

Attachment: 3 PB 16-05 H2OBX Amended C-GB TRC Comments 11-10-2021 (PB 16-05 H2OBX LLC)

A 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

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite, you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

About Mediacom Communications

Mediacom Communications Corporation is the 5th largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at www.mediacomcable.com.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Kim Mason

Operations Director, North Carolina

Attachment: 3 PB 16-05 H2OBX Amended C-GB TRC Comments 11-10-2021 (PB 16-05 H2OBX LLC)



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

October 27, 2021

Ms. Tammy Glave
Currituck County Planning and Community Development
153 Courthouse Rd., Suite 110
Currituck, NC 27929

RE: **Community Meeting Report**
Conditional Rezoning Application for H2OBX Waterpark
Parcel ID No. 0124000137L0000
Powells Point, Currituck County, NC

Ms. Glave,

A community meeting for the proposed Conditional Rezoning Application of the above referenced parcel within H2OBX was held on Monday, October 25, 2021 at 4:00 p.m. at Quible & Associates, P.C. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of H2OBX, LLC, with representatives from H2OBX, LLC, Currituck County, and members of the local community in attendance.

Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcel of the intent to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories which will serve as employee housing at H2OBX Water Park. It was explained that the previously approved C-GB zoned 80 acre parcel's uses would be expanded to allow for temporary modular dormitories in addition to the previously approved waterpark (outdoor recreation facility), WWTF, permanent dormitories, and associated site and utility improvements.

Meeting synopsis

The community meeting presentation documents were set up within the meeting area of Quible & Associates P.C. by 3:30pm. The office of Quible & Associates P.C. 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 conditional rezoning exhibit, along with the existing zoning exhibit, Conditional Rezoning Application, surrounding property owner notification letters, County Conditional Rezoning Review Process and Procedures, County Application Submittal Schedule, and copies of the previously approved Conditional Rezoning Exhibits were available to the public. The conditional rezoning exhibit and existing zoning exhibit were mounted on poster boards 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 & Associates, P.C. either by email or telephone.

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

At 4:00 pm a presentation of the proposed conditional rezoning and use of temporary modular dormitories within H2OBX was provided by Quible & Associates, P.C. 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.) 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 conditional rezoning and the proposed temporary modular dormitories were described and identified on the exhibits. The proposed conditional rezoning exhibit and Conditional Rezoning application were described as in compliance with the current Currituck County UDO requirements and in keeping with the surrounding neighborhoods and County Land Use Plan. It was reiterated that the permanent dormitories not yet constructed are already included within the previous approvals, and that the reason for the current application was for the purposed temporary modular dormitories. The need for providing adequate housing for seasonal employees was expressed. It is important for the operations of the waterpark to have seasonal employees for the duration of the season, and the primary mechanism of assurance is providing accommodations, and to do so prior to the next upcoming season.

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 concern was raised about the proposed dormitories sitting vacant for 9 months without any security on site during off-seasons. It was explained that H2OBX does have year-round staff that work during off-seasons to ensure the safety and security of H2OBX.
2. A question was raised about the number of desired employees within the proposed temporary dormitories. It was recommended to Quible to propose the maximum number of dormitories to be built on the site. It was explained that each modular unit would likely have 3 to 4 bedrooms and 10 modular units were anticipated. H2OBX anticipates 40 employees, but if a maximum number of employees was required a total of 50 should be budgeted.
3. Another concern was voiced regarding the possibility of the temporary dormitories turning into permanent year-round housing. It was recommended to Quible to add the condition of no year-round housing to ensure this does not occur. H2OBX explained that the intent was to house international students and only actual employees of the waterpark; no other family members.
4. A note was made that the Board may want to be informed of a proposed end-date for the temporary modular dormitories. H2OBX explained that the temporary modular units are desperately needed for the upcoming season but that design for the permanent dormitories would commence with the hope that permanent dormitories may be available for the 2023 season (at no guarantee). If an end date were needed, H2OBX would offer 2025.
5. A question was raised asking how the dormitories would be accessed. It was described that the temporary modular dormitories would be accessed from the main waterpark

Community Meeting Report
Conditional Rezoning Application for H2OBX
Parcel ID No. 0124000137L0000
October 27, 2021

entrance off US Hwy 158. It was further explained that the permanent dormitories would be accessed from Ballast Rock Road.

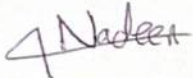
6. Members of the community present at the meeting all expressed their support of the subject application, some offering the best of support. One member provided documentation of their support in writing on the provided comment forms, others asked when documentation of their support may be needed. It was explained that if the application review process goes as planned, that there would be a public hearing at the February 7, 2022 Board of Commissioners meeting.

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 or Michael W. Strader, Jr., P.E., at (252) 491-8147 or mstrader@quible.com should you have any questions and/or concerns.

Sincerely,
Quible & Associates, P.C.



Nadeen Dashti, E. I.

cc: file
H2OBX, LLC

COMMUNITY MEETING EXHIBITS

EXHIBIT 1 : Meeting Agenda

EXHIBIT 2 : Presentation Posters – Conditional Rezoning Exhibit, Existing Base Districts Zoning Exhibit, Draft Conditional Rezoning Review Process and Application, previously approved Conditional Rezoning Exhibit dated 5/2/2016, previously approved Conditional Rezoning Exhibit dated 11/7/2016, Draft Text Amendment Review Process and Application, copy of County Application Submittal Schedule

EXHIBIT 3 : Attendance Sign-In Sheet

EXHIBIT 4 : Attendee Comment Sheet

EXHIBIT 5 : Letters to Property Owners

EXHIBIT 1 : Meeting Agenda



Community Meeting for the Conditional Zoning – H2OBX Water Park

Powells Point, Currituck County, NC

October 25, 2021

AGENDA

1. General Introduction

- a. Quible & Associates, P.C.
- b. H2OBX
- c. Currituck County

2. Property Location & Zoning

- a. PIN 0124000137L0000
- b. Parcel area: 80 Acres (H2OBX also owns 0124000137E0000 @ 0.80 ac, 012400001270000 @ 0.46 ac, and 0124000068J0000 @ 15.51 ac; for total of 96.77 ac)
- c. Current Land Use: C-GB—Site of Water Park (outdoor recreation facility), WWTF, and associated site and utility improvements.
- d. Approved Land Use: C-GB—Water Park (outdoor recreation facility), WWTF, Dormitories, and associated site and utility improvements.
- e. Site Zoning: C-GB
 - i. Subject parcel already zoned C-GB

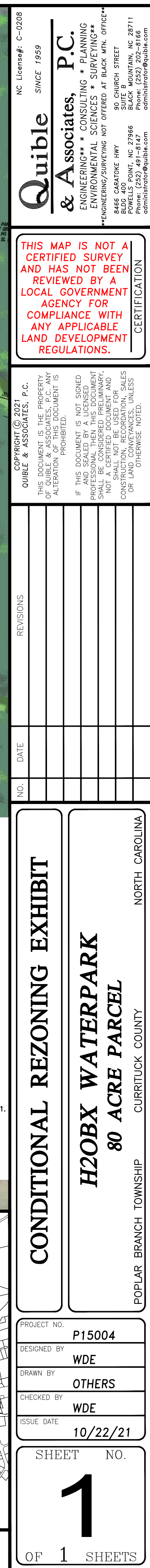
3. Development Proposal

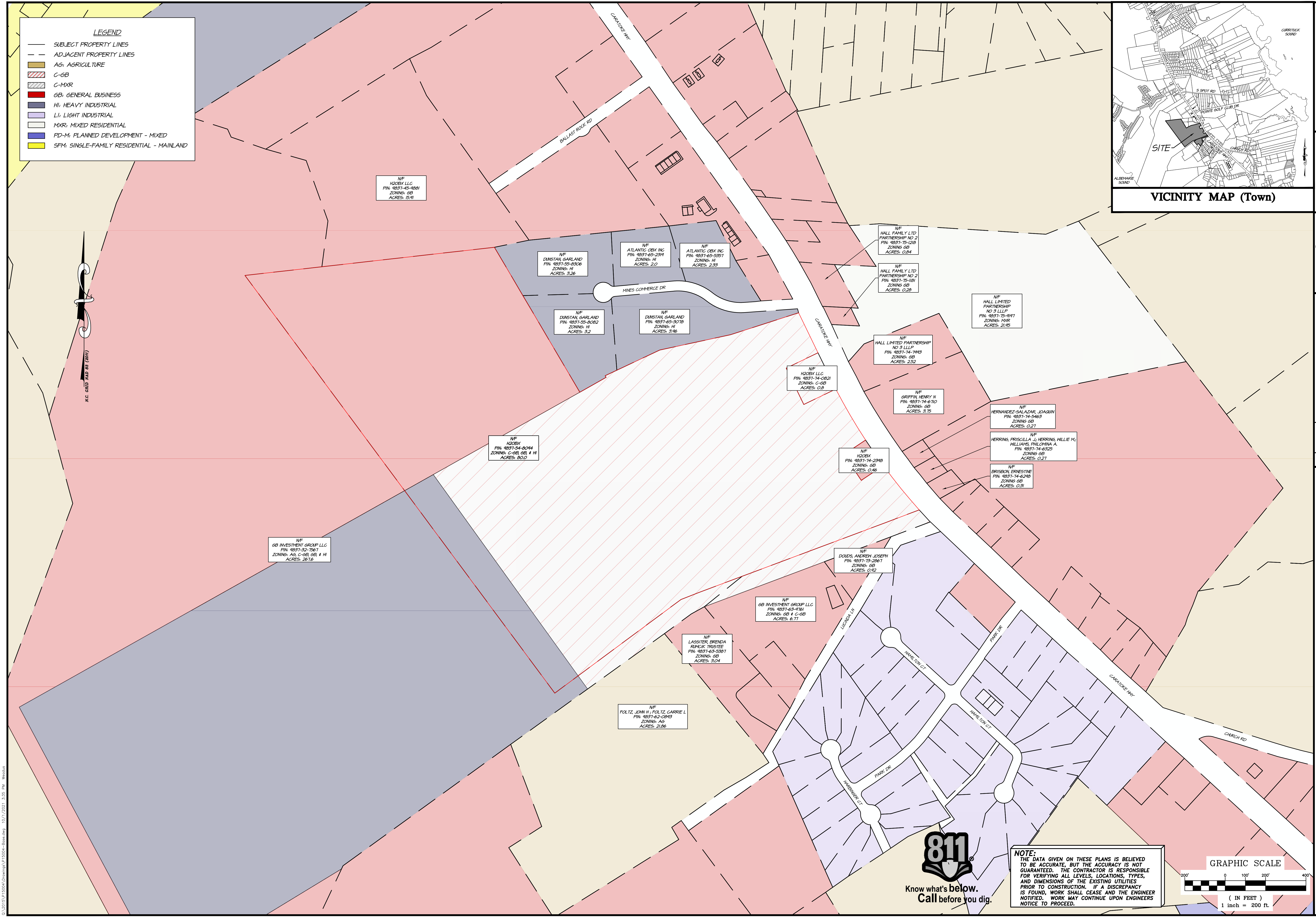
- a. C-GB to allow for temporary modular dormitories for water park use.
 - i. Please acknowledge that **Dormitories** are already included within the approved C-GB of the subject parcel. This request covers **temporary, modular dormitory units**.
 - ii. Please further acknowledge that a separate proposed text amendment application is being submitted by the Applicant requesting that the definition of **Dormitories** be expanded to allow dormitories to provide employee housing.

4. Questions & Comments

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

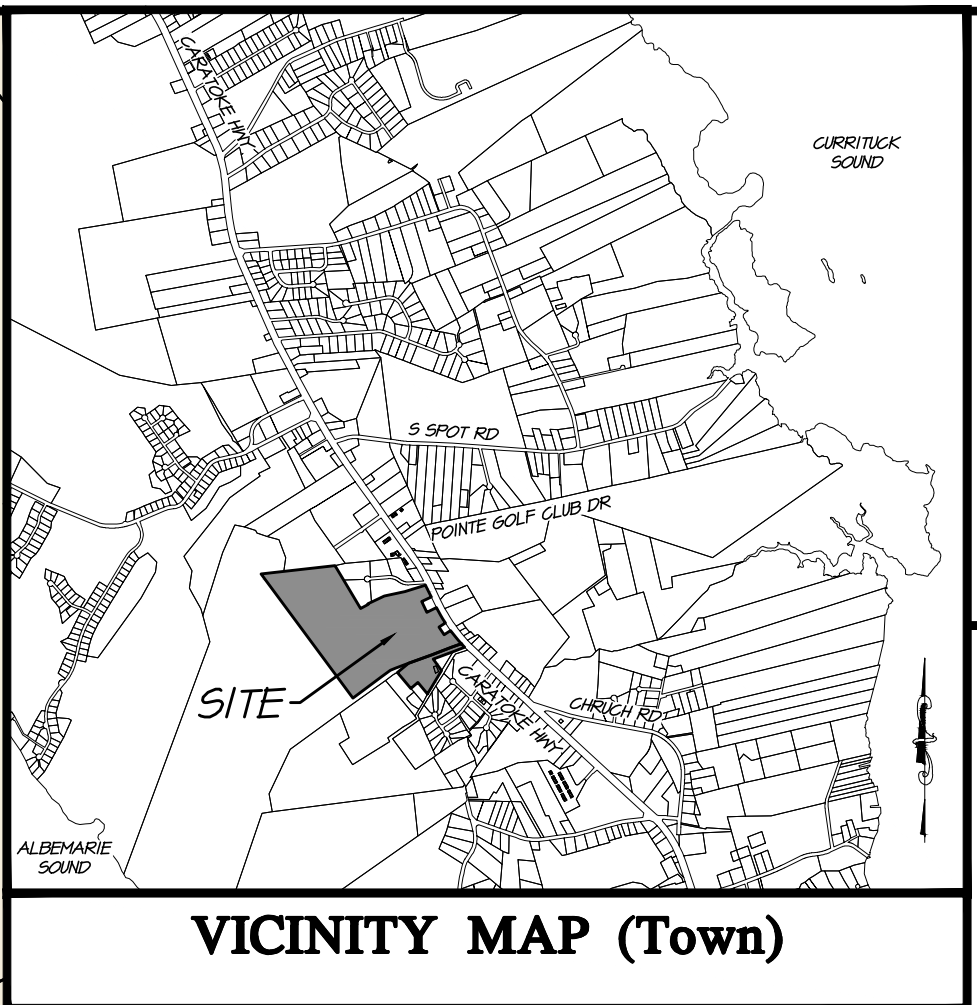
EXHIBIT 2 : Presentation Posters





LEGEND

- SUBJECT PROPERTY LINES
- ADJACENT PROPERTY LINES
- AG: AGRICULTURE
- C-GB
- C-MXR
- GB: GENERAL BUSINESS
- HI: HEAVY INDUSTRIAL
- LI: LIGHT INDUSTRIAL
- MXR: MIXED RESIDENTIAL
- PD-M: PLANNED DEVELOPMENT - MIXED
- SFM: SINGLE-FAMILY RESIDENTIAL - MAINLAND



Quible & Associates, P.C.
SINCE 1959
ENGINEERING & SURVEYING
ENVIRONMENTAL SCIENCES & SURVEYING
ENGINEERING/SURVEYING NOT OFFERED AT BLACK MTN. OFFICE
8486 CARATOKE HWY
POWELL POINT, NC 27966
Phone: (252) 891-8127 Fax: (252) 892-8686
WWW.QUIBLEANDASSOCIATES.COM

CERTIFICATION
I, **DAVID MICHAEL STUBBS JR.**, being duly sworn, certify that I am a duly Licensed Professional Engineer in the State of North Carolina, License No. 10000, and I am the author of the above-entitled plan.

REVISIONS

NO.	DATE	DESCRIPTION

EXISTING BASE DISTRICTS ZONING

H2OBX LLC

8526 CARATOKE HIGHWAY

POPLAR BRANCH ML TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PROJECT NO. **P15004**

DESIGNED BY **WDE**

DRAWN BY **QAT**

CHECKED BY **WDE**

ISSUE DATE **09/16/21**

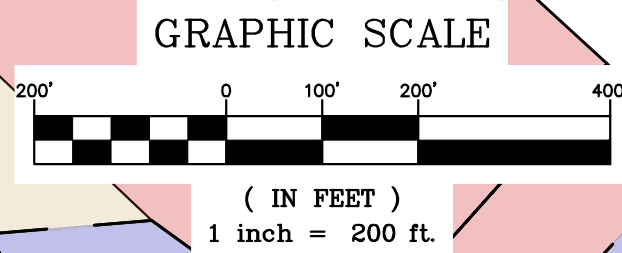
SHEET NO. **1**

OF 1 SHEETS

811

Know what's below.
Call before you dig.

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





Conditional Rezoning Review Process

Contact Information

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

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/departments/planning-community-development

Step 1: Pre-application Conference

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

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

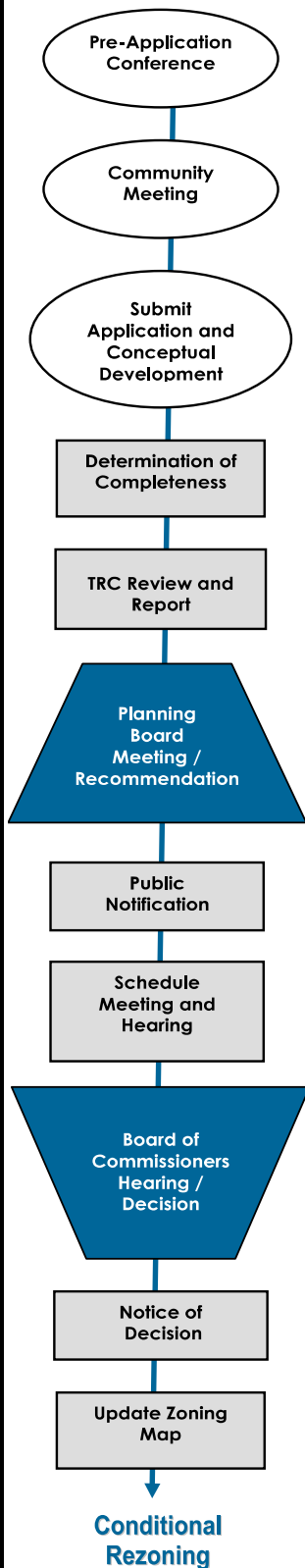
Step 2: Community Meeting

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

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

The community meeting shall comply with the following procedures:

- **Time and Place**
 - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed conditional rezoning.
- **Notification**
 - Mailed Notice
 - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and to:
 - i. All owners of the land subject to the application;
 - ii. All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.



- Posted Notice
 - The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.
- Notice Content
 - The notice shall state the time and place of the meeting and general nature of the conditional rezoning.
- **Conduct of Meeting**

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**

County staff shall attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- **Written Summary of Community Meeting**

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

Step 3: Application Submittal and Acceptance

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

- Completed Currituck County Conditional Rezoning Application.
- Application Fee (\$200 plus \$5 for each acre)
- Written Summary of Community Meeting.
- A conceptual development plan drawn to scale. The plan shall include the items listed in the conceptual plan design standards checklist.
- Architectural drawings and/or sketches illustrating the design and character of the proposed structures.
- Number of Copies Submitted:
 - 2 Copies of conceptual site plans
 - 2 Hard copies of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

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

Step 4: Staff Review and Action

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

Step 5: Advisory Body Review and Recommendation

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

Step 6: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

- **Published Notice**
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
 - ☐ All owners of the land subject to the application;
 - ☐ The applicant, if different from the land owner;
 - ☐ All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - ☐ Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

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

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

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

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

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

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



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

PROPERTY OWNER:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same

Property Information

Physical Street Address: 8526 Caratoke Highway
 Location: Powells Point
 Parcel Identification Number(s): 0124000137L0000
 Total Parcel(s) Acreage: 80
 Existing Land Use of Property: Water park, including associated site improvements & WWTF & undeveloped land

Request

Current Zoning of Property: C-GB Proposed Zoning District: C-GB

Community Meeting

Date Meeting Held: 10/25/2021 @ 4pm Meeting Location: Quible & Associates, PC

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

Development of an outdoor water park with ability to add additional outdoor and indoor entertainment features (adventure course etc.), associated infrastructure and amenities to include restaurants, water slides, climbing towers, employee housing/dormitories, the addition of temporary modular dormitories, and all associated stormwater, wastewater treatment and disposal, parking and any other site elements as required by County, State and Federal regulations.

Proposed Zoning Condition(s):

All proposed development will be consistent with and currently allowed within GB zoning.

Upon completion of permanent dormitory/housing, temporary, modular dormitory units shall be phased out of commission.

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

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

Property Owner (s)

Date

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

Conditional Rezoning Design Standards Checklist

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

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

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

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Conditional Rezoning Submittal Checklist

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

Conditional Rezoning Submittal Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning application	✓
2	Application fee (\$200 plus \$5 for each acre or part thereof)	✓
3	Community meeting written summary	✓
4	Conceptual development plan	✓
5	Architectural drawings and/or sketches of the proposed structures.	✓
6	2 copies of plans	✓
7	2 hard copies of ALL documents	✓
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

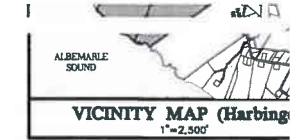
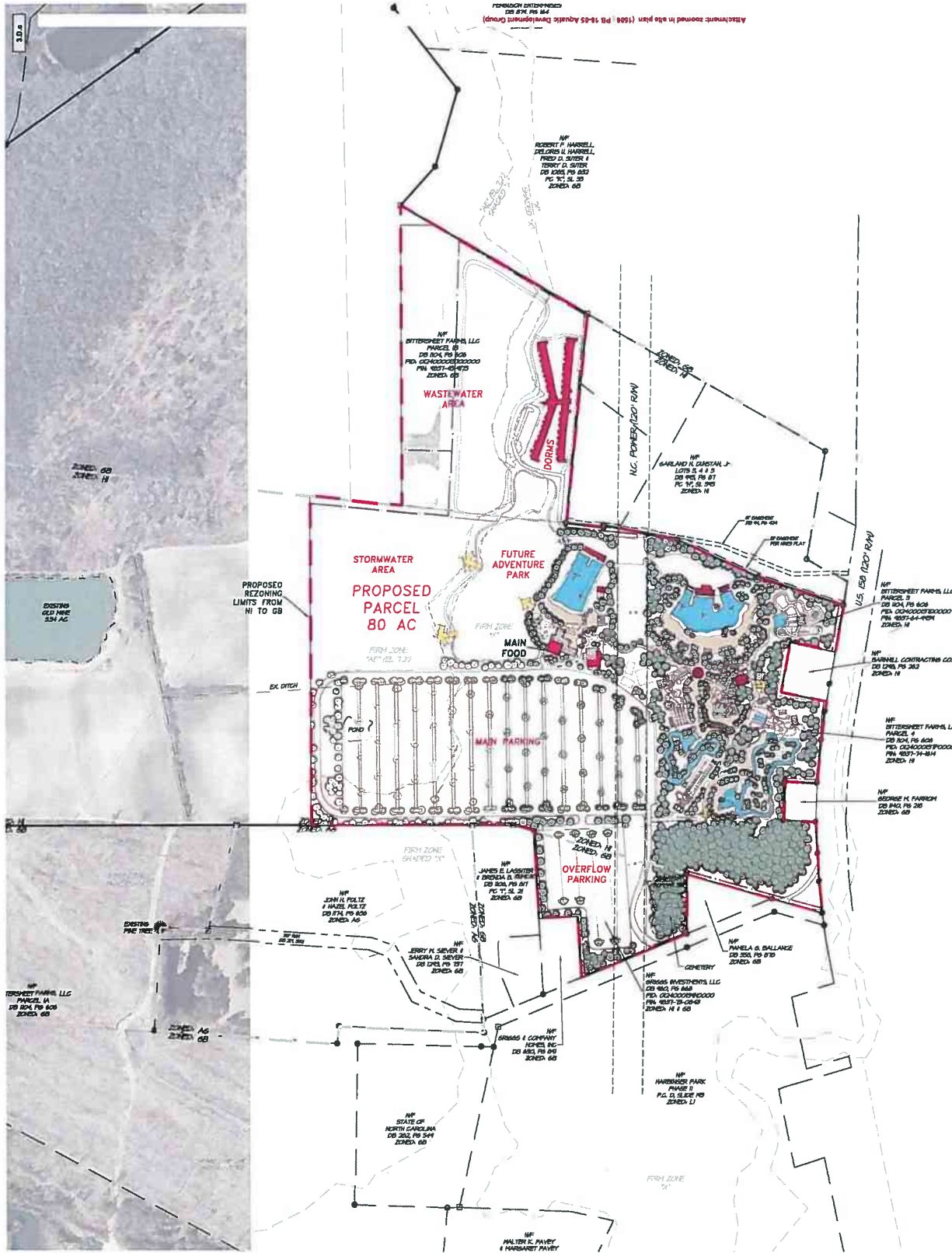
For Staff Only

Pre-application Conference

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

Comments

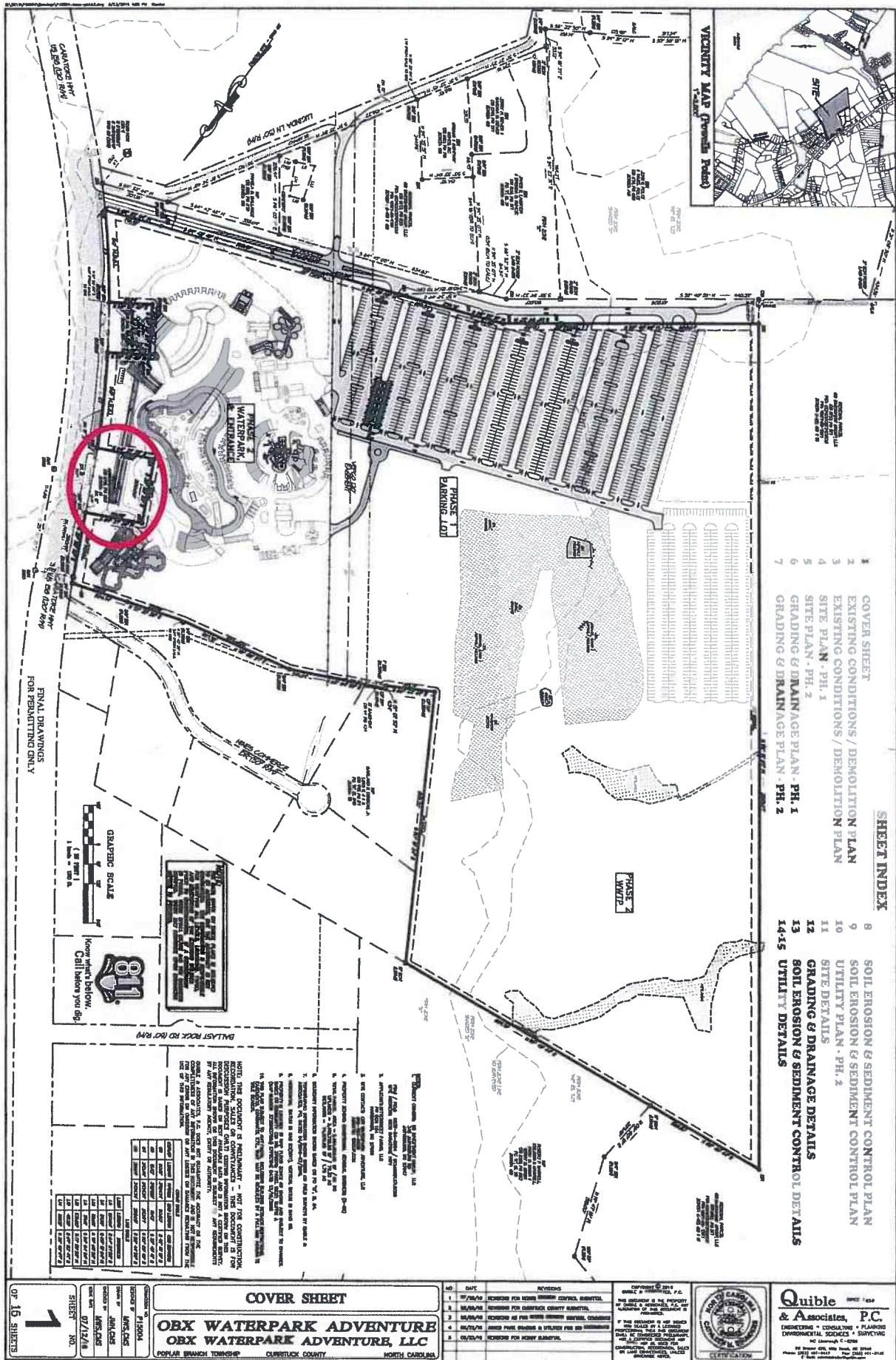
Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



1. CURRENT OWNERS: BITTERSWEET FARMS, LLC & GROSS INVESTMENTS, LLC
PO BOX 100
HARRISBURG, NC 27941
2. APPLICANT/AQUATIC DEVELOPMENT GROUP
PO BOX 846
CHURCH, NY 12847
818-723-0028
AQUATIC GROUP.COM
3. PROPOSED REZONING: HEAVY INDUSTRIAL (H4) TO GENERAL BUSINESS (GB)
4. PROPOSED DEVELOPMENT AREA: 80 AC
5. OVERALL BOUNDARY INFORMATION SHOWN BASED ON A SURVEY BY HYMA
ENTITLED "BOUNDARY SURVEY FOR WILBUR GROSS", DATED 11/16/09.
6. EXISTING PROPERTY LINES ARE FOR RECORD INFORMATION & CURRENT
USE INFORMATION AND ARE APPROXIMATE. THIS IS NOT A BOUNDARY SURVEY.
7. AERIAL PHOTOGRAPHY SHOWN IS A 2012 IMAGE.
8. PROPERTY IS LOCATED IN WFP FLOOD ZONES AS SHOWN AND SUBJECT TO
BASED ON COMMUNITY CD NO. 370016, PARCEL 3037, SECTION 4
(MAP NUMBER 37001627000) EFFECTIVE DATE: 11/16/2005
9. THIS DRAFT SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK, REE
EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND
TITLE SEARCH.

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

9/10/2015





Text Amendment Review Process

Contact Information

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

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/planning-community-development

Step 1: Pre-application Conference

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

The applicant shall submit a written description of the nature and purpose of the text amendment to the Planning and Community Development Department during the pre-application conference.

Step 2: Application Submittal and Acceptance

The applicant must submit a complete application pack on or before the application submittal date. Applications may be initiated by the Board of Commissioners, the Planning Boards, the Planning Director, the TRC, or any other interested party. A complete application packet consists of the following:

- Completed Currituck County Text Amendment Application.
- Application Fee (\$300)
- Number of Copies Submitted:
 - ☐ 2 Hard copies of ALL documents
 - ☐ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all documents

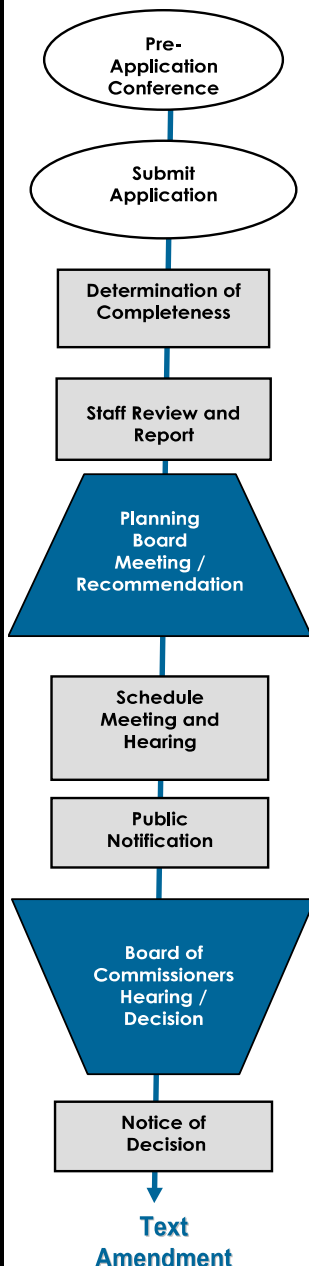
On receiving an application, staff shall determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Incomplete applications will not be processed.

Step 3: Staff Review and Action

After accepting the text amendment application, staff shall review it, prepare a written report, and provide a recommendation on the application. The recommendation may include a second option that will include text to address conflicts with the existing ordinance or adopted plans.

Step 4: Advisory Body Review and Recommendation

After the staff prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It shall then



recommend approval, approval of a modified version, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 5: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

- **Published Notice**

Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.

Step 6: Public Hearing Procedures, and Decision-Making Body Review and Decision

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

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

- Adoption of the text amendment as proposed;
- Adoption of a revised text amendment;
- Denial of the text amendment; or
- Remand of the text amendment application back to the Planning Board for further consideration.

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

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with the purpose and intent of the zoning district in the UDO, or would improve compatibility among uses and ensure efficient development within the county;
- 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;



Text Amendment Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: H2OBX LLC
 Address: 13 Green Mountain Drive
Cohoes, NY 12047
 Telephone: (518) 783-0038
 E-Mail Address: KenE@aquaticdevelopmentgroup.com

Request

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

Amend Chapter(s) 4 and 10.5 Section(s) 4.2.2.B Group Living (1) and 10.5 Definitions as follows:

4.2.2. B Group Living

(1) Dormitories

~~All~~ Dormitories shall be accessory to an educational facility located on the same site

or campus, and house only persons who are students at the educational facility.

Dormitories that provide employee housing shall be located on the same principal lot as the

business and only house those persons who are employees of that business.

10.5 Definitions- Dormitory

~~A~~ Buildings used principally to provide rooms for sleeping accommodations at an educational, public, private business

or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

*Request may be attached on separate paper if needed.

 Petitioner

 Date

Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Text Amendment Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Text Amendment Submittal Checklist		
1	Complete Text Amendment application	
2	Application fee (\$300)	
3	2 hard copies of ALL documents	
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

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

Comments



Currituck County Planning & Zoning Application Submittal Schedule

PLANNING & ZONING – APPLICATION SUBMITTAL SCHEDULE							
RECOMMENDED PRE-APPLICATION MEETING WEEK	APPLICATION SUBMITTAL DATE	TRC MEETING	TRC COMMENTS TO APPLICANT	TRC REVISIONS DEADLINE	PLANNING BOARD MEETING	BOC MEETING 4:00 PM Preliminary Plat/Use Permit	BOC MEETING 5:00 PM Rezoning/Text Amendment
November 18, 2020	November 25, 2020	December 9, 2020	December 10, 2020	December 21, 2020	January 12, 2021	January 19, 2021	February 1, 2021
December 10, 2020	December 17, 2020	January 13, 2021	January 14, 2021	January 25, 2021	February 9, 2021	February 15, 2021	March 1, 2021
January 21, 2021	January 28, 2021	February 10, 2021	February 11, 2021	February 22, 2021	March 9, 2021	March 15, 2021	April 5, 2021
February 18, 2021	February 25, 2021	March 10, 2021	March 11, 2021	March 22, 2021	April 13, 2021	April 19, 2021	May 3, 2021
March 18, 2021	March 25, 2021	April 14, 2021	April 15, 2021	April 26, 2021	May 11, 2021	May 17, 2021	June 7, 2021
April 5, 2021	April 22, 2021	May 12, 2021	May 13, 2021	May 27, 2021	July 13, 2021	July 19, 2021	August 2, 2021
May 10, 2021	May 27, 2021	June 9, 2021	June 10, 2021	June 24, 2021	August 10, 2021	August 16, 2021	September 7, 2021
June 7, 2021	June 24, 2021	July 14, 2021	July 15, 2021	July 22, 2021	September 14, 2021	September 20, 2021	October 4, 2021
July 5, 2021	July 22, 2021	August 11, 2021	August 12, 2021	August 26, 2021	October 12, 2021	October 18, 2021	November 1, 2021
August 9, 2021	August 26, 2021	September 8, 2021	September 9, 2021	September 23, 2021	November 9, 2021	November 15, 2021	December 6, 2021
September 6, 2021	September 23, 2021	October 18, 2021	October 18, 2021	October 28, 2021	December 14, 2021	December 20, 2021	January 3, 2022
October 11, 2021	October 28, 2021	November 10, 2021	November 12, 2021	November 18, 2021	January 11, 2022	January 17, 2022	February 7, 2022
November 8, 2021	November 18, 2021	December 8, 2021	December 8, 2021	December 16, 2021	February 8, 2022	February 21, 2022	March 7, 2022
December 6, 2021	December 16, 2021	January 12, 2022	January 13, 2022	January 27, 2022	March 8, 2022	March 21, 2022	April 4, 2022

Applications to be reviewed by the Technical Review Committee (TRC), Planning Board (PB), or Board of Commissioners (BOC), must follow the specified submittal schedule. Submittal deadlines are firm and shall not be waived. To avoid late or incomplete submissions, it is recommended that an applicant submit all required materials in advance of the scheduled deadline. An appointment with the Planning Department, 252-232-3055, is necessary for all application submittals with an appointment deadline of 2:30 PM.

EXHIBIT 3 : Attendance Sign-In Sheet



Conditional Rezoning H2OBX Community Meeting
Powells Point, Currituck County, North Carolina
Quible & Associates Project No. 15004
The Following Persons Were in Attendance of the Community Meeting on October 25, 2021

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	Michael Strader	Quible & Associates, P.C.	(252) 491-8147	(252) 491-8146	mstrader@quible.com
2.	Dominic Dondoro	H2OBX	252-488-8402		ddondoro@h2obx.net
3.	Lyn Swan	SMALL GROUP PADD	252-256-3016		LYN@LSIMAPINEOBX.COM
4.	Tammy Glave	Plus Staff			
5.	Kimberly Carroll	State Farm - Kimberly Carroll Agency	252-491-2727		kimberly@kimcarrollagency.com
6.	Brad Griggs	Griggs & Co.	252-202-8005		Brad@Griggsandco.com
7.	Ken Griggs	Griggs & Co.			
8.	Nadeen Dashti	Quible & Associates, P.C.			Ndashti@quible.com
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
6.					
7.					
8.					

8.B.d

EXHIBIT 4 : Attendee Comment Sheet

Community Meeting for Conditional Zoning – H2OBX Water Park

8526 Caratoke Highway-PIN# 0124000137L0000

Powells Point, Currituck County, NC

Comments: AS AN ADJACENT P.D., I SUPPORT THIS CONDITIONAL
ZONING APPLICATION

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Contact Information: LYN SMITH 252-256-3016

EXHIBIT 5 : Letters to Property Owners

8556 E CARATOKE HWY LLC	8556 CARATOKE HWY	POWELLS POINT	NC	27966
ARF HOLDINGS LLC	PO BOX 252	KITTY HAWK	NC	27949
ATLANTIC OBX INC	PO BOX 2560	KITTY HAWK	NC	27949
BAY DISPOSAL PROPERTY HOLDINGS LLC	3 WATERWAY SQUARE PLACE, STE 110	SPRING	TX	77380
BRISBON, ERNESTINE	8537 CARATOKE HWY	POWELLS POINT	NC	27966
CK CARROLL LLC	8474 CARATOKE HWY, UNIT 202	POWELLS POINT	NC	27966
CURRITUCK COUNTY	153 COURTHOUSE ROAD, SUITE 110	CURRITUCK	NC	27929
DOUDS, ANDREW JOSEPH	122 LUCINDA LN	POWELLS POINT	NC	27966
DUNSTAN, GARLAND H. JR.	PO BOX 402	KITTY HAWK	NC	27949
FOLTZ, JOHN H	158 LUCINDA DR	POWELLS POINT	NC	27966
GB INVESTMENT GROUP LLC	345 JARVISBURG RD	JARVISBURG	NC	27947
GRIFFIN, HENRY N	223 SCUPPERNONG RD	MANTEO	NC	27954
GRIGGS & COMPANY HOMES INC	PO BOX 125	POINT HARBOR	NC	27964
GRIGGS, MINNIE S ESTATE	PO BOX 154	HARBINGER	NC	27941
H2OBX LLC	13 GREEN MOUNTAIN DR	COHOES	NY	12047
HALL LIMITED PARTNERSHIP NO 3 LLP	PO BOX 130	PORTSMOUTH	VA	23705
HERNANDEZ-SALAZAR, JOAQUIN	PO BOX 854	CARRBORO	NC	27510
HERRING, PRISCILLA J	245 FERNWOOD FARMS RD	CHESAPEAKE	VA	23320
JONES, JAMES H JR	945 LEGACY LNDG APT 211	VIRGINIA BEACH	VA	23464
KITTY HAWK IRON AND STEEL	PO BOX 40	HARBINGER	NC	27941
LASSITER, BRENDA RUMCIK TRUSTEE	PO BOX 93	HARBINGER	NC	27941
NORRIS, HERSEY B	PO BOX 217	HARBINGER	NC	27941
OUTER BANKS BREWING LLC	PO BOX 2584	KILL DEVIL HILLS	NC	27948
PATTON, FLOYD JACKSON IV	849 SEAHAWK CIR	VIRGINIA BEACH	VA	23451
PINEY GROVE CHURCH	8482 CARATOKE HWY	POWELLS POINT	NC	27966
RAVA DEVELOPMENTS LLC	PO BOX 3009	KITTY HAWK	NC	27949
SAMPAT BLDG #200 OWNERS ASSOC	8443-F CARATOKE HWY	POWELLS POINT	NC	27966
SIEVER, JERRY W	154 LUCINDA LANE	POWELLS POINT	NC	27966
SMALL GROUP PROPERTIES LLC	113 BALLAST ROCK DRIVE	POWELLS POINT	NC	27966
SPENCER, MATTHEW J	5012 RADCLIFF CT	KITTY HAWK	NC	27949
THE LAMPE RESERVES INC	618 N BOYLAN AVE, SUITE 1024	RALEIGH	NC	27603



Quible & Associates, P.C.

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

October 11th, 2021

8556 E CARATOKE HWY LLC
8556 CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

Please be advised that Quible & Associates, P.C. and H2OBX, LLC (Applicant) will conduct a community meeting on October 25th, 2021 at 4:00 p.m. at the offices of Quible & Associates, P.C. located at 8466 Caratoke Highway Suite 400 Powells Point (building behind the blue roofed ReMax building) within Sampat Professional Center.

The purpose of the meeting is to inform the community of H2OBX, LLC's intention to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories at H2OBX Water Park. The subject parcel is identified as Parcel Number 0124000137L0000 and is located on Highway 158 at 8526 Caratoke Highway in Powells Point, Currituck County.

The Applicant proposes to construct temporary modular dormitories which will serve as employee housing.

All persons having an interest in this matter are invited to attend the informational meeting. We appreciate attendees honoring the CDC guidance that is in place at the time of the meeting. Further information regarding the proposed Conditional Rezoning may be obtained by contacting Michael Strader of Quible & Associates, P.C. by phone at 252-491-8147 or by email at mstrader@quible.com.

Sincerely,
Quible & Associates, P.C.

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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

ARF HOLDINGS LLC
PO BOX 252
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

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Quible & Associates, P.C.

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

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H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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

October 11th, 2021

ATLANTIC OBX INC
PO BOX 2560
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Sincerely,
Quible & Associates, P.C.

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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

October 11th, 2021

BAY DISPOSAL PROPERTY HOLDINGS LLC
3 WATERWAY SQUARE PLACE, STE 110
SPRING, TX 77380

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Sincerely,
Quible & Associates, P.C.



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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Quible & Associates, P.C.

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

October 11th, 2021

BRISBON, ERNESTINE
8537 CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



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

October 11th, 2021

CK CARROLL LLC
8474 CARATOKE HWY, UNIT 202
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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

October 11th, 2021

CURRITUCK COUNTY
153 COURTHOUSE ROAD, SUITE 110
CURRITUCK, NC 27929

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

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Sincerely,
Quible & Associates, P.C.

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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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Fax: 252-491-8146
web: quible.com

October 11th, 2021

DOUDS, ANDREW JOSEPH
122 LUCINDA LN
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

October 11th, 2021

DUNSTAN, GARLAND H. JR.
PO BOX 402
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Sincerely,
Quible & Associates, P.C.



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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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

October 11th, 2021

FOLTZ, JOHN H
158 LUCINDA DR
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

October 11th, 2021

GB INVESTMENT GROUP LLC
345 JARVISBURG RD
JARVISBURG, NC 27947

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Sincerely,
Quible & Associates, P.C.



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cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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

October 11th, 2021

GRIFFIN, HENRY N
223 SCUPPERNONG RD
MANTEO, NC 27954

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

GRIGGS & COMPANY HOMES INC
PO BOX 125
POINT HARBOR, NC 27964

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

GRIGGS, MINNIE S ESTATE
PO BOX 154
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

H2OBX LLC
13 GREEN MOUNTAIN DR
COHOES, NY 12047

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

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October 11th, 2021

HALL LIMITED PARTNERSHIP NO 3 LLLP
PO BOX 130
PORTSMOUTH, VA 23705

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

Please be advised that Quible & Associates, P.C. and H2OBX, LLC (Applicant) will conduct a community meeting on October 25th, 2021 at 4:00 p.m. at the offices of Quible & Associates, P.C. located at 8466 Caratoke Highway Suite 400 Powells Point (building behind the blue roofed ReMax building) within Sampat Professional Center.

The purpose of the meeting is to inform the community of H2OBX, LLC's intention to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories at H2OBX Water Park. The subject parcel is identified as Parcel Number 0124000137L0000 and is located on Highway 158 at 8526 Caratoke Highway in Powells Point, Currituck County.

The Applicant proposes to construct temporary modular dormitories which will serve as employee housing.

All persons having an interest in this matter are invited to attend the informational meeting. We appreciate attendees honoring the CDC guidance that is in place at the time of the meeting. Further information regarding the proposed Conditional Rezoning may be obtained by contacting Michael Strader of Quible & Associates, P.C. by phone at 252-491-8147 or by email at mstrader@quible.com.

Sincerely,
Quible & Associates, P.C.



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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave



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

October 11th, 2021

HERNANDEZ-SALAZAR, JOAQUIN
PO BOX 854
CARRBORO, NC 27510

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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

October 11th, 2021

HERRING, PRISCILLA J
245 FERNWOOD FARMS RD
CHESAPEAKE, VA 23320

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Powells Point, Currituck County, NC

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Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



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SINCE 1959

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

October 11th, 2021

JONES, JAMES H JR
945 LEGACY LNDG APT 211
VIRGINIA BEACH, VA 23464

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

KITTY HAWK IRON AND STEEL
PO BOX 40
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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

October 11th, 2021

LASSITER, BRENDA RUMCIK TRUSTEE
PO BOX 93
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

NORRIS, HERSEY B
PO BOX 217
HARBINGER, NC 27941

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

OUTER BANKS BREWING LLC
PO BOX 2584
KILL DEVIL HILLS, NC 27948

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

PATTON, FLOYD JACKSON IV
849 SEAHAWK CIR
VIRGINIA BEACH, VA 23451

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Powells Point, Currituck County, NC

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

October 11th, 2021

PINEY GROVE CHURCH
8482 CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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

October 11th, 2021

RAVA DEVELOPMENTS LLC
PO BOX 3009
KITTY HAWK, NC 27949

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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

October 11th, 2021

SAMPAT BLDG #200 OWNERS ASSOC
8443-F CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
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Powells Point, Currituck County, NC

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SINCE 1959

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

October 11th, 2021

SIEVER, JERRY W
154 LUCINDA LANE
POWELLS POINT, NC 27966

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Quible & Associates, P.C.

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

October 11th, 2021

SMALL GROUP PROPERTIES LLC
113 BALLAST ROCK DRIVE
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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SINCE 1959

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

October 11th, 2021

SPENCER, MATTHEW J
5012 RADCLIFF CT
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Quible & Associates, P.C.

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SINCE 1959

P.O. Drawer 87
Kitty Hawk, NC 2794
Phone: 252-491-814
Fax: 252-491-814
web: quible.com

October 11th, 2021

THE LAMPE RESERVES INC
618 N BOYLAN AVE, SUITE 1024
RALEIGH, NC 27603

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Please be advised that Quible & Associates, P.C. and H2OBX, LLC (Applicant) will conduct a community meeting on October 25th, 2021 at 4:00 p.m. at the offices of Quible & Associates, P.C. located at 8466 Caratoke Highway Suite 400 Powells Point (building behind the blue roofed ReMax building) within Sampat Professional Center.

The purpose of the meeting is to inform the community of H2OBX, LLC's intention to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories at H2OBX Water Park. The subject parcel is identified as Parcel Number 0124000137L0000 and is located on Highway 158 at 8526 Caratoke Highway in Powells Point, Currituck County.

The Applicant proposes to construct temporary modular dormitories which will serve as employee housing.

All persons having an interest in this matter are invited to attend the informational meeting. We appreciate attendees honoring the CDC guidance that is in place at the time of the meeting. Further information regarding the proposed Conditional Rezoning may be obtained by contacting Michael Strader of Quible & Associates, P.C. by phone at 252-491-8147 or by email at mstrader@quible.com.

Sincerely,
Quible & Associates, P.C.

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

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

PROPERTY OWNER:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same

Property Information

Physical Street Address: 8526 Caratoke Highway
 Location: Powells Point
 Parcel Identification Number(s): 0124000137L0000
 Total Parcel(s) Acreage: 80
 Existing Land Use of Property: Water park, including associated site improvements & WWTF & undeveloped land

Request

Current Zoning of Property: C-GB Proposed Zoning District: C-GB

Community Meeting

Date Meeting Held: 10/25/2021 @ 4pm Meeting Location: Quible & Associates, PC

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

Development of an outdoor water park with ability to add additional outdoor and indoor entertainment features (adventure course etc.), associated infrastructure and amenities to include restaurants, water slides, climbing towers, employee housing/dormitories, the addition of temporary modular dormitories, and all associated stormwater, wastewater treatment and disposal, parking and any other site elements as required by County, State and Federal regulations.

Proposed Zoning Condition(s):

All proposed development will be consistent with and currently allowed within GB zoning.

Upon completion of permanent dormitory/housing, temporary, modular dormitory units shall be phased out of commission.

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

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


Property Owner (s)

10/28/21
Date

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

Conditional Rezoning Design Standards Checklist

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

Conditional Rezoning Conceptual Development Plan Design Standards Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

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

Conditional Rezoning Submittal Checklist

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

Conditional Rezoning Submittal Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning application	✓
2	Application fee (\$200 plus \$5 for each acre or part thereof)	✓
3	Community meeting written summary	✓
4	Conceptual development plan	✓
5	Architectural drawings and/or sketches of the proposed structures.	✓
6	2 copies of plans	✓
7	2 hard copies of ALL documents	✓
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

For Staff Only

Pre-application Conference

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

Comments

This drawing is the property of Aquatic Development Group (ADG), Inc., Cohoes, N.Y. The use of this document is restricted to the conveyance of information to customers or vendors of ADG, Inc., which reserves all proprietary rights hereto. No other use, duplication or reproduction in whole or in part may be made of this document except upon the written consent of ADG, Inc. The information conveyed herein is intended exclusively for the project identified by the title block and receipt by the owner, architect, engineer or contractor on this project is evidence of their acceptance to these conditions of restricted use.

PLANNING/DESIGN
ENGINEERING
MANUFACTURING
CONSTRUCTION

DATE
APRIL 11, 2016

SHEET
SITE PLAN

SCALE
1" = 100'



Attachment: 6 Approved Site Plan (PB 16-05 H2OBX LLC)





COUNTY OF CURRITUCK

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 Telephone (252) 232-3055 / Fax (252) 232-3026

May 3, 2016

Bitter Sweet Farms, LLC
 PO Box 154
 Harbinger, NC 27941

Griggs Investments, LLC
 PO Box 125
 Point Harbor, NC 27964

RE: PB 16-05 Aquatic Development Group – Conditional Rezoning

Dear Owner/Applicant:

At its May 2, 2016 meeting, the Currituck County Board of Commissioners approved the request for conditional rezoning of approximately 52 acres from Heavy Industrial (HI) to Conditional General Business (C-GB) to allow a water park located at 8528 Caratoke Highway in Powells Point, Poplar Branch Township, Tax Map 124, Parcels 130, 137J, 137D, 137F, and 139N with the following conditions:

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

If you have any questions, please call me at 252-232-6029.

Sincerely,

Ben E. Woody, AICP
 Planning and CD Director

BEW/st

Cc: Harry Lee, Currituck County
 Tracy Sample, Currituck County

Attachment: 7 BOC A Ltr 5.2.16 (PB 16-05 H2OBX LLC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3314

Agenda Item Title: PB 21-30 Currituck County:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Kevin Kemp

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance definition of public infrastructure to include utilities regulated by the NC Utilities Commission.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation: Application Reviewed


Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: January 27, 2022

Subject: PB 21-30 Currituck County Text Amendment
 Amend Definition of "Public Infrastructure"

Background

The enclosed text amendment submitted by staff is intended to revise Chapter 10 of the Unified Development Ordinance (UDO) as it relates to the inclusion of privately-owned utilities regulated by the NC Utilities Commission into the definition of "Public Infrastructure."

Definition: ***Public Infrastructure-*** *Aspects of the public realm owned and maintained by the county or the state, or a utility regulated under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way of public easement.*

Based on direction given by the Board of Commissioners at the September 20, 2021 work session, staff has evaluated the definition of "public infrastructure" and found that it is logical and reasonable to include privately-owned utilities that are regulated by the state in this definition. Currently, unless a utility is owned and maintained by the county or state a performance guarantee cannot be considered. The issue of handling public and privately-owned utilities differently was recently discussed due to the inability of a residential development to provide a performance guarantee because their wastewater system connects to a private wastewater system, rather than the County's. Despite being a privately-owned and operated utility, it is still evaluated and regulated by the State's Utility Commission and Department of Water Resources.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not 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 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

Though private utilities are not owned and maintained by the county or state, as the current definition identifies, they are still regulated and held to standards by the same state agencies that regulate public utilities (NC Utilities Commission and Department of Environmental Quality.) This text amendment provides for equity between public and private utilities so long as they are regulated by the same state agencies. The amendment also provides for the possibility of creative options regarding utility service and providers which is critical given the growth that the county is experiencing.

Staff recommends approval of this request and suggests the following Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan including:

POLICY WS1: Currituck County shall support a variety of means of obtaining potable water for the county, thereby keeping open MULTIPLE OPTIONS FOR FUTURE WATER SUPPLIES. These options may include ground water from shallow and deep aquifers, surface water sources (if available), and cooperative arrangements with other public and private sources. Treatment may be conventional, reverse osmosis or other innovative methods.

POLICY WS 3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the norther beaches of the Outer Banks.

POLICY WS7: Currituck County allows for the appropriate use of PACKAGE SEWAGE TREATMENT PLANTS as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance, and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a centralized system at a future date.

Planning Board Recommendation

On January 11, 2022, the Planning Board recommended approval of PB 21-30 Currituck County Public Infrastructure Text Amendment.

Motion

Mr. Bass motioned to approve PB 21-30 Currituck County text amendment to change the definition of public infrastructure because the request is consistent with the 2006 Land Use Plan because it allows for flexibility and creativity for infrastructure within the County. (Policies WS-1, WS-3, W-7).

The request is reasonable and in the public interest because it addresses a need for infrastructure solutions that will help accommodate the growth within the County in efficient and responsible methods.

Mr. Hurley seconded the motion and the motion carried unanimously 6-0.



**PB 21-30 CURRITUCK COUNTY
TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 10 Definitions and Measurement, Section 10.5 Definitions to amend the definition of Public Infrastructure to include utilities regulated under the jurisdiction of the NC Utilities Commission.

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

Item 1: That Chapter 10 is amended by deleting the following underlined strikethrough language and adding the underlined language in Section 10.5:

PUBLIC INFRASTRUCTURE

Aspects of the public realm owned and maintained by the county, ~~or the state,~~ or a utility regulated under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.

Item 2: Staff suggested Statement of Consistency:

The requested text amendment is consistent with the 2006 Land Use Plan Policies WS-1, WS-3, and WS-7.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2022.

Attachment: PB 21-30 Currituck County - Definition of Public Infrastructure (PB 21-30 Currituck County)

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....

PLANNING BOARD DATE: 1/11/2022
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 6AYES 0NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/26/2022 & 2/2/2022
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/7/2022
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: PB 21-30 Currituck County - Definition of Public Infrastructure (PB 21-30 Currituck County)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

 PB 21-30
 10/28/21
 C.E.
 \$0

Contact Information

APPLICANT:

Name: Currituck County Development Services Department

Address: 153 Courthouse Drive, Suite 110

Currituck, NC 27929

Telephone: (252) 232-3026

E-Mail Address: kevin.kemp@currituckcountync.gov

Request

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

Amend Chapter(s) 10 Section(s) 10.5 as follows:

At the direction of the Board of Commissioners from their September 20th workshop,

amend Section 10.5 of the Unified Development Ordinance to include

"state regulated private utilities" into the definition for "Public Infrastructure."

This amendment will allow for the opportunity to place a performance guarantee

for state regulated private utilities, where the existing UDO requirements limit

performance guarantees to infrastructure that is owned and maintained by the

state or county.

*Request may be attached on separate paper if needed.

A handwritten signature in blue ink, appearing to read "Kevin Kemp".

Petitioner

 10/27/2021
 Date

Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Text Amendment Submittal Checklist

Date Received: 10/27/2021

Project Name: Performance Guarantee

Applicant/Property Owner: Currituck County Development Services Department

Text Amendment Submittal Checklist

1	Complete Text Amendment application	✓
2	Application fee (\$300)	
3	2 hard copies of ALL documents	✓
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	✓

For Staff Only**Pre-application Conference**

Pre-application Conference was held on September 20, 2021 and the following people were present:
Board of Commissioners, County Manager/Attorney, Clerk of the Board,
Development Services Director, and Justin Old.

Comments

Attachment: Application (PB 21-30 Currituck County)

DRAFT TEXT AMENDMENT – PERFORMANCE GUARANTEES**10.5. DEFINITIONS****PUBLIC INFRASTRUCTURE**

Aspects of the public realm owned and maintained by the county or the state or a regulated public utility under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3316

Agenda Item Title: PB 21-29 Currituck County:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance to allow new campgrounds through conditional zoning approval in specified zoning districts and to revise existing language regarding use of recreational vehicles.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation: Application Reviewed



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: January 27, 2022

Subject: PB 21-29 Currituck County Text Amendment
 Campgrounds

The enclosed text amendment, submitted by the Currituck County Board of Commissioners, will allow **NEW** campgrounds through conditional zoning approval in specified zoning districts.

- Item 1 Revise terminology from "travel trailer" to "recreational vehicle" in Section 4.1.1. Prohibited Uses and remove "private campgrounds" as a prohibited use. Amend Summary Use Table 4.1.1.A to allow campgrounds with conditional zoning approval in Agriculture (AG), Single Family Mainland (SFM), Single Family Isolated (SFI – Knotts Island) and General Business (GB)
- Item 2 Provide Use Specific Standards for new campgrounds. (4.2.4.J)
- Item 3 Provide parking standards for campgrounds. (Table 5.1)
- Item 4 Add private campgrounds to "Visitor Accommodations" Use Category (10.4.5) and amend definitions to clarify campground terminology (10.5).

BACKGROUND

The 1982 Currituck County Zoning Ordinance did allow campgrounds but did not permit the expansion of the district which allowed the use.

The 1989 Unified Development Ordinance did not allow for the expansion of the zoning district that allowed campgrounds (RR). This restriction did not permit campgrounds created on property not zoned RR.

In 1992, a text amendment was approved that allowed the expansion of the RR zoning district when a property contained two zoning districts one of which was RR with a maximum overall density of 4.5 units per acre. The density was later increased to 5.5 units per acre.

In early 2011, a request was submitted to the county to allow new RR zoning districts to be created and was later withdrawn.

In 2013, the UDO specified campgrounds were nonconforming uses and could no longer be expanded.

In 2016, Blue Water Development Corp. submitted a request to allow private campgrounds in the Single Family Residential-Mainland (SFM) zoning district. After meeting with staff, the applicant

modified the request to only allow the expansion of existing campgrounds subject to specific standards. The Planning Board recommended denial of the request at the March 14, 2017 meeting. The request was withdrawn by the applicant and was not heard by the Board of Commissioners.

In 2020, planning staff and the county attorney brought forward language to address concerns over existing, non-conforming campgrounds. After public input in June 2020, the Board gave staff direction to consider language to allow for new campgrounds. Several work sessions were held over 2021 with the Board. The attached language is the consensus of the Board to allow NEW campgrounds. At the direction of the Board, existing, non-conforming campgrounds are **not** addressed in this amendment.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not 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 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

Economic Development Director Larry Lombardi submitted input regarding the 5-mile distance between campgrounds. Mr. Lombardi recommends removing the 5-mile distance between new campgrounds. His email, along with the supporting documents noted in the email, are enclosed.

Planning staff recommends approval of the request as submitted and suggests the following statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

Land Use and Development Goal # 10 To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.

Policy ED 1: NEW AND EXPANIDNG INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor

force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

The request is reasonable and in the public interest by providing language to allow for a greater variety of tourist-oriented businesses and visitor accommodations to locate within the county.

Planning Board Recommendation

On January 11th, 2022, the Planning Board recommended approval of PB 21-29 Currituck County Campgrounds Text Amendment with the following changes:

1. Remove the 5 miles distance between campgrounds
2. Minimum parcel size reduced from 50 acres to 15 acres
3. No limit on percent of cabins
4. Increase closing period from 30 days to 60 days
5. Reduce maximum number of campsites from 500 to 250

Motion

Mr. Hurley motioned to approve PB 21-29 *with the following recommended changes*:

1. Remove the 5 miles distance between campgrounds
2. Minimum parcel size reduced from 50 acres to 15 acres
3. No limit on percent of cabins
4. Increase closing period from 30 days to 60 days
5. Reduce maximum number of campsites from 500 to 250

Because the request is consistent with Land Use and Development Goal #10 and Policy ED1 of the 2006 Land Use Plan.

The request is reasonable and in the public interest by providing language to allow for a greater variety of tourist-oriented businesses and visitor accommodations to locate



**STAFF REPORT
PB21-29 CURRITUCK COUNTY
CAMPGROUNDS
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurements, to add private campgrounds as an allowable use.

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

Item 1: That Chapter 4 is amended by deleting the following struck-through language and adding the underlined language:

4.1.1 Explanation of Use Table Structure

G. Prohibited Uses

- (2) The following activities or use types are not identified in Table 4.1.1.A. and Table 4.1.1B but are prohibited in all zoning districts in the county.
 - (a) Use of a parked motor vehicle to buy, sell, or store goods or services, except as allowed in Section 4.3 Accessory Use Standards or Section 4.4 Temporary Use Standards.
 - (b) Use of a boat, houseboat, or other floating structure as a temporary permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters;
 - (c) Use of a ~~travel-trailer~~ recreational vehicle as a permanent residence or use of a ~~travel-trailer~~ recreational vehicle as a temporary residence outside of approved campgrounds;
 - (d) The operation of a principal (non-accessory) commercial use located solely on the beach strand (uses simply transporting customers to the beach from an approved off beach location are exempted); and
 - (e) Manufactured home parks ~~or private campgrounds~~ as a principal use.

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI
COMMERCIAL USE CLASSIFICATION															
Visitor Accommodations	<u>Private Campgrounds</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>		<u>CZ</u>					<u>4.J.3</u>	

Item 2: That Chapter 4, Section 4.2.4.J. is amended by adding the following underlined language and numbering accordingly:

(3) **Private Campgrounds**

Private campgrounds shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a) Camping is an allowed use of land only in campgrounds and camper subdivisions.
- (b) All land used for the campground must be one parcel and under the same ownership.
- (c) Campgrounds shall be accessed from a major arterial street.
- (d) The minimum parcel size for a campground shall be 50 acres.
- (e) No campground shall be located within 5 miles from another campground as measured from exterior property lines of the campgrounds.
- (f) The maximum number of campsites permitted for a campground shall be 500 and a campsite density not exceeding 12 campsites per acre of land, whichever is less. CAMA and 404 wetland areas shall not be included in the density calculation.
- (g) The application shall include a conceptual development plan. The conceptual development plan shall be in accordance with Section 3.6.5 and shall also include the following:
 - (i) Campsites, amenities, recreation areas and facilities, associated with campground use.
 - (ii) General location and total square feet of storage areas for recreational vehicles, boats, watercraft, and all associated trailers only.

- (A) Storage areas shall be used only by the owner of the facility, full-time employees, seasonal guests, or short-term guests.
- (B) The storage areas shall not exceed five acres or 10 percent of the total area of the campground. CAMA and 404 Wetlands shall not be included in the calculation.
- (C) All storage areas facing interior to the campground shall be screened by a minimum Type "B" buffer. Storage areas shall be screened from off-site views in accordance with Table 4.3.3.S, Outdoor Storage Screening.
- (iii) General location of all required and proposed infrastructure.
- (iv) All campsites, amenities, restroom, kitchen and laundry facilities, food service areas, recreation areas, camp stores, welcome centers, offices, and infrastructure facilities shall be setback 100 feet from all property lines of the campground. The setback may be reduced by up to fifty feet from a property line, provided a Type "D" buffer is installed and maintained along all property lines where the setback is less than 100 feet.
- (v) A Type "C" buffer shall be provided as a perimeter landscape buffer between campground projects and all adjacent properties, not separated from the property by a right-of-way greater than 20 feet in width, except as provided for in Section 4.2.4.J(10)(h)(iv).
- (vi) Only recreational vehicles, camping cabins, alternative camping units or tents shall be allowed in campgrounds.
- (vii) Total number of campsites and the type of camp site shall be designated:
 - 1. Recreational Vehicle
 - 2. Tent
 - 3. Camping cabins
 - 4. Alternative camping units
- (viii) No more than 20 percent of the total number of campsites may contain camping cabins or alternative camping units.
- (ix) Campsites shall be designated as seasonal or short-term. No more than 20 percent of the total campsites may be seasonal.

- (x) Only one residential dwelling unit may be in the campground. The residential dwelling unit may only be occupied by the campground owner and/or full-time employees and members of their families.
- (h) After conditional zoning approval, the applicant shall submit an operational plan with the Major Site Plan application. The operational plan shall include the following:
 - (i) Designation of a 30 day period between November first and March first of each year when the campground is closed. An opening and closing date shall be designated.
 - (ii) The total number of employees and any related persons residing at the campground during seasonal operation.
 - (iii) The number of employees and any related persons residing at the campground as full-time residents during the time of closure.
- (i) Full-time residents at the campground, other than the campground owner and their family and full-time employees and their families, as specified in this ordinance, are not permitted at the campground.
- (j) Amendments to the operational plan may be approved by the Director if all standards of this ordinance are met. Minor modifications to the conceptual design plan in accordance with Section 2.4.4.I may be approved by the Director.
- (k) Inspection for compliance with the approved conditional zoning and operational plan shall be required prior to obtaining licensure from the County. It shall be the responsibility of the campground operator to apply for renewal of the license and schedule the inspection with county staff prior to designated opening date.

Item 3: That Chapter 5 is amended by adding the underlined language:

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
COMMERCIAL USE CLASSIFICATION		
Visitor Accommodations	Bed and breakfast inn	2 spaces + 1 per guest bedroom
	Hotel or motel	1 per every guest room + 75% of spaces required for on-site accessory uses
	Hunting Lodge	1 per bedroom + 2
	<u>Private Campgrounds</u>	<u>1 per campsite + 1 visitor space for each 10 camp sites</u>

Item 4: That Chapter 10 is amended by adding the following underlined language and deleting the struck-through language and renumbering accordingly:

10.4.5. Commercial Use Classification

L. Visitor Accommodations

(1) Characteristics

The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.

(2) Examples

Example use types include hotels or motels, bed and breakfast inns, private campgrounds, and hunting lodges.

(3) Exceptions

Rooming houses are classified as Group Living.

10.5 DEFINITIONS

ALTERNATIVE CAMPING UNIT

A camping unit constructed of canvas or other similar materials, not to exceed 400 square feet in area, to intended to locate in a campground and used as temporary quarters for shelter during period of recreation, vacation, leisure time of travel and shall not be used for permanent living quarters. Alternative camping units shall be constructed for

compliance with the applicable North Carolina Building Code and Section 7.4 of this ordinance. The unit may or may not include kitchen and restroom facilities. The term alternative camping unit includes terms such as yurts, eco-tents, safari tents or other similar names.

CAMPER

See "Recreational Vehicle". A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.

CAMPGROUND

Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground includes but not limited to, a travel camp, recreational camp, family campground, camping resort, recreational vehicles park and camping community. Campground does not include a summer camp, migrant labor camp or park for manufactured homes, or a construction camp, or storage area for unoccupied camping units.

CAMPING CABIN

A structure located in a campground, not exceeding 400 square feet and constructed to the North Carolina Building Code. Camping cabins may or may not include restroom and kitchen facilities. Such cabins shall be compliant with Section 7.4 of this ordinance.

CAMPSITE

A designated space designed for parking a recreational vehicle or for the location of a camper cabin, alternative camping unit or a tent along with picnic tables, infrastructure hook-ups pedestal, fire rings and constructed platforms.

RECREATIONAL VEHICLE

A vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable; designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use; fully licensed and ready for highway use; that does not exceed 8.5 feet in width in the transport mode; and of a size and weight that does not require a special highway movement permit when towed by a motorized vehicle. Recreational vehicles shall not have any permanent (hard) wiring, plumbing, or mechanical connections. The term "recreational vehicle" does not include a "manufactured home".

~~For the purposes of Section 7.4., Flood Damage Prevention, a vehicle, which is:~~

- ~~a. — built on a single chassis;~~
- ~~b. — 400 square feet or less when measured at the largest horizontal projection;~~

- c. ~~designed to be self-propelled or permanently towable by a light duty truck;~~
- d. ~~designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and,~~
- e. ~~is fully licensed and ready for highway use.~~

SEASONAL CAMPSITE

A campsite designated for use by a campground guest for a period exceeding thirty consecutive days.

SHORT TERM CAMPSITE

A campsite designated for use by a campground guest for a period of less than thirty days.

TRAVEL TRAILER

See "Recreational Vehicle". A structure that is:

- a. ~~Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and~~
- b. ~~Is for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.~~

Item 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 6: This ordinance amendment shall be in effect from and after the _____ day of _____, 2022.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
 MOTION TO ADOPT BY COMMISSIONER: _____
 SECONDED BY COMMISSIONER: _____
 VOTE: _____AYES _____NAYS

PLANNING BOARD DATE: 1/11/2022
 PLANNING BOARD RECOMMENDATION: Approved with Recommended Changes
 VOTE: 5AYES 0NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 1/26/2022 & 2/2/2022
 BOARD OF COMMISSIONERS PUBLIC HEARING: 2/7/2022
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-29
 Date Filed: 10/28/2021
 Gate Keeper: ST
 Amount Paid: JD

Contact Information
APPLICANT:

Name: County of Currituck
 Address: 153 Courthouse Road Suite 204
Currituck, NC 27929
 Telephone: 252-232-2075
 E-Mail Address: leeann.walton@currituckcountync.gov

Request

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

Amend Chapter(s) 4, 5, 10 Section(s) 4.1.1, 4.1.2, 4.2.4, 5.1, 10.4, 10.5 as follows:

Remove private campgrounds as a prohibited use.

Allow private campgrounds through conditional rezoning in AG, SFM, SFI & GB Zoning
Districts subject to specific standards.

Add parking standards for private campgrounds.

Add private campgrounds to Visitor Accommodations use category.

Add definitions and modify existing definitions related to campgrounds

*Request may be attached on separate paper if needed.

M. A. Payment
 Petitioner

10/28/21

Date

Attachment: Application (PB 21-29 Currituck County)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-29
 Date Filed: 10/28/21
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Currituck County Board of Commissioners
 Address: 153 Courthouse Road, Suite 206
Currituck, NC 27929
 Telephone: (252) 232-2075
 E-Mail Address: leeann.walton@currituckcountync.gov

Request

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

Amend Chapter(s) 4, 8, and 10 Section(s) 4.2.4.J, 8.2.6, 10.5 as follows:

This text amendment will amend the existing regulations for non-conforming
 camgrounds, establish regulations for new camgrounds, and update the applicable
 definitions to reflect the amendments. Detailed description listed below:

- 1) Section 4.2.4.J.(3) is created to permit private camgrounds and establish the requirements for approval, rules and regulations governing them.
- 2) Section 8.2.6 "Nonconforming Campgrounds" is amended to reflect the updated definition of a recreational vehicle, to require exiting camgrounds to require registers, to require designation of camping sites, and to prohibit storage areas.
- 3) Chapter 10.4.5.L. is amended to include "private camgrounds". Chapter 10.5, definition section is amended to reflect changes in the UDO.

*Request may be attached on separate paper if needed.

Walter A. Payment
 Petitioner

10/20/2021

Date

Attachment: Application (PB 21-29 Currituck County)

Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Text Amendment Submittal Checklist

Date Received: 10/21/2021

Project Name: Campground Text Amendment

Applicant/Property Owner: Currituck County Board of Commissioners

Text Amendment Submittal Checklist

1	Complete Text Amendment application	✓
2	Application fee (\$300)	
3	2 hard copies of ALL documents	✓
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	✓

For Staff Only**Pre-application Conference**

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

Several Board of Commissioner workshops were held to discuss this matter at length.

Comments

From: [Larry Lombardi](#)
To: [Laurie LoCicero](#); [Kevin Kemp](#)
Subject: Text Amendment(draft) for Campgrounds
Date: Thursday, November 18, 2021 12:42:54 PM
Attachments: [2021_10_04- draft Campground Text Amendment.docx](#)
[50 Acre Tracts November 2021.xlsx](#)
[Parcels Greater Than 50 Acres November 2021.pdf](#)

Hello Laurie,

Per your request, below are my comments regarding the proposed Campground Text Amendment that I would like to be on the record. Thank you...

Comment: Chapter 3 Paragraph E (page 2 of 9): *"no campground shall be located within 5-mile radius from another campground"* is restrictive and it should be eliminated because this should be determined by the market as to how far a campground should be located from another campground.

My 3 data points below provide as to why the 5-mile radius restriction is not necessary and only hinders economic development for new Campgrounds in the County. Based on the language in the Campground Text Amendment, the visitors to these campgrounds would be no different than the visitors who rent homes in the Currituck Outer Banks. In other words, the visitors stay and spend their money with our local merchants and then leave to go home. Hence, very little impact to the County infrastructure, i.e. schools.

1. Currently there are 38 parcels starting from the Aydlett area down to Point Harbor, which would meet the 50-acre minimum (see Excel spreadsheet), and more in likely sites (not all the parcels) can be or want to be developed as potential new campgrounds.
2. Looking at the parcel map, the most likely site for the initial new campground would be the H2OBX site area. If the 5-mile radius was enacted, there couldn't be any new campgrounds south to the Wright Memorial Bridge. Looking to the north using the 5-mile radius from the H2OBX site area, the next new campground site would be around the Jarvisburg area. Heading north from Jarvisburg and using the 5-mile radius once again, then the next area for new campgrounds would be in the Aydlett area.
3. Bottom line: if the 5-mile radius is implemented and the H2OBX waterpark area is the first submittal to be approved under the new Campground Text Amendment, there will be only three (3) new campgrounds allowed south of the Coinjock Canal.

Best regards,
Larry

Larry J. Lombardi
 Economic Development Director
 County of Currituck
 153 Courthouse Road
 Currituck, NC 27929

Attachment: Larry Lombardi Email and documents (PB 21-29 Currituck County)

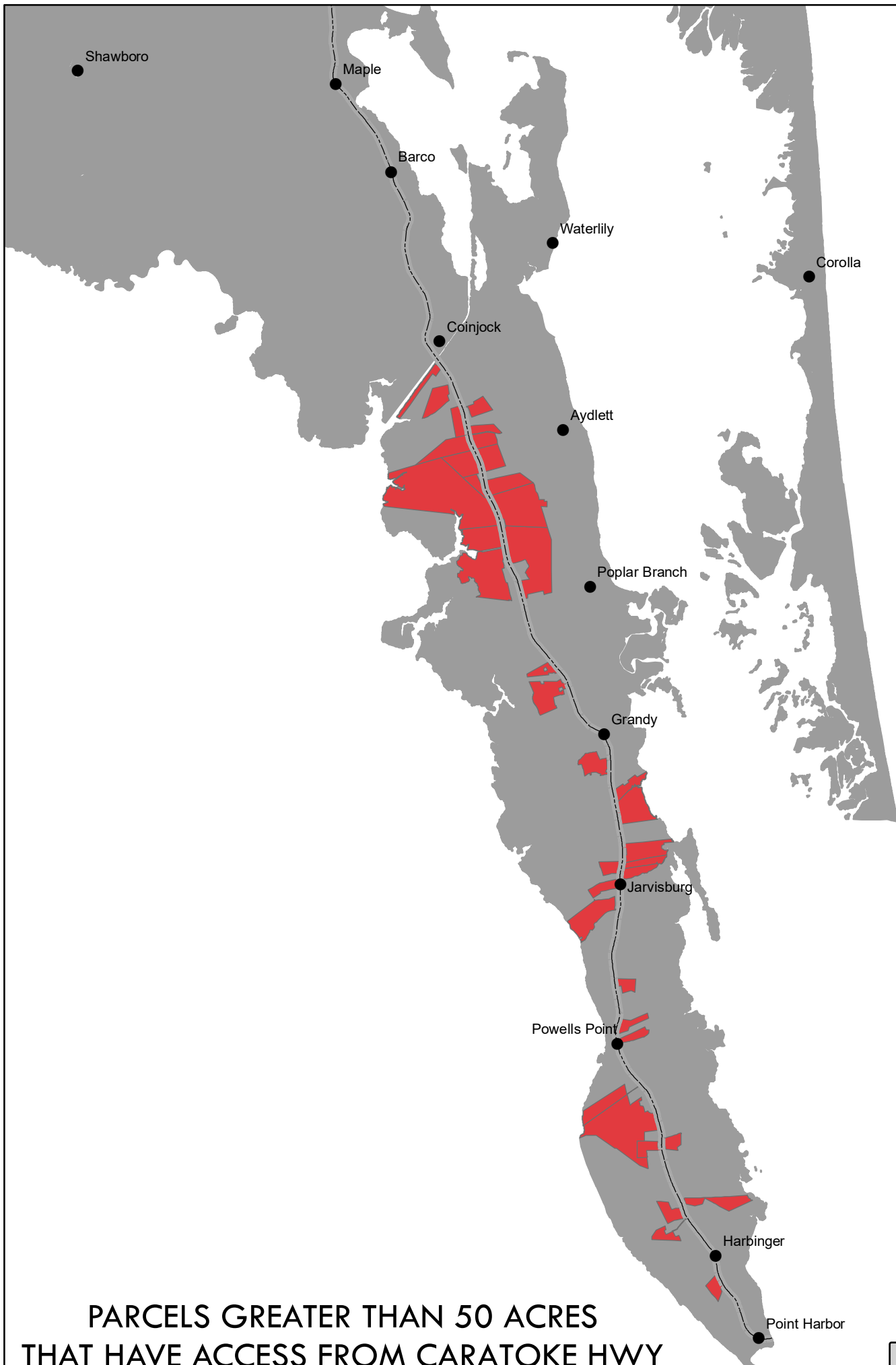
252-232-6015 (O)

301-237-8951 (M)

Email: Larry.Lombardi@CurrituckCountyNC.gov

Website: www.thinkcurrituck.com

PARCEL_ID	ESTIMATED ACREAGE
0084000030A0000	444.86
007100000810000	69.87
007100000800000	115.77
0082000059F0000	69.46
0083000007B0000	51.16
0084000001B0000	602.97
0084000030A0000	208.9
0094000084A0000	57.41
0108000062R0000	80.58
010800000270000	230.04
010800000390000	173.34
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0132000017A0000	58.21
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0083000009A0000	423.47
0108000095H0000	118.02
0124000137L0000	80



PARCELS GREATER THAN 50 ACRES
THAT HAVE ACCESS FROM CARATOKE HWY

Attachment: Larry Lombardi Email and documents (PB 21-29 Currituck County)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3333)

Agenda Item Title: Consideration of Amendment to Maple Commerce Park Restrictive Covenants

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Consideration of amendment to covenants to provide for modifications to permitted building elevations.

Potential Budget Affect: N/A

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

Manager Recommendation:

Space Above This Line For Recording Data

AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS

Prepared by and return to Donald I. McRee, Jr., County Attorney
153 Courthouse Road, Suite 210, Currituck North Carolina 27959

NORTH CAROLINA
CURRITUCK COUNTY

THIS AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS is made this the 7th day of February, 2022 by COUNTY OF CURRITUCK, a body corporate and politic existing under the laws of the State of North Carolina, ("County"), and JDLOVE, LLC, a North Carolina limited liability corporation, ("Property Owner");

WITNESSETH:

WHEREAS, the County and Property Owner own all the lots within that development known as MAPLE COMMERCE PARK as more particularly shown and described on that map or plat entitled "Final Plat, Maple Commerce Park, Crawford Township, Currituck County, North Carolina", prepared by Hyman & Robey, P.C. dated July 25, 2013 and recorded in Plat Cabinet N, Slide 2 of the Currituck County Registry; and

WHEREAS, the County, as developer, previously established restrictive covenants for Maple Commerce Park by Declaration of record in Book 1272, Page 542 of the Currituck County Registry, ("Declaration"); and

WHEREAS, Article VI of the Declaration provides that so long as the County as Declarant owns any interest in Maple Commerce Park or amend the provisions of Article III of the Declaration which shall be effective after thirty days' notice to

owners of property and a proper instrument in writing has been executed, acknowledged and recorded; and

WHEREAS, the County and Property Owner, as owners of the lots in Maple Commerce Park now deem it desirable to amend the Declaration in the manner set forth in this instrument.

NOW, THEREFORE, the County and Property Owner hereby modifies and amends the Declaration of Restrictive Covenants of record in Book 1272, Page 542 of the Currituck County Registry as follows: Association does hereby designate, declare, make known and publish the following amendments to the Pine Island Subdivision Declaration of Covenants, Conditions and Restrictions:

Article III, Section 3.2, Basis for Approval, is amended to read as follows:

3.2 Basis for Approval. Approval shall be based, among other things, upon compliance with the Design Guidelines prepared for the subject property, including adequacy of site dimensions, adequacy of structural design, conformity and harmony of external design with neighboring structures, effect of location and use of proposed improvements upon neighboring lots, proper facing of main elevation with respect to nearby streets, adequacy of screening of mechanical, air-conditioning, or other roof-top installations, and conformity of the plans and specifications to the purpose and general plan and intent to this Declaration. No plans will be approved that do not provide for the underground installation of power, electrical, telephone, and other utility lines from the property line to buildings.

Declarant shall not arbitrarily or unreasonably withhold its approval of any plans and specifications. Except as otherwise provided in this Declaration, Declarant shall have the right to disapprove any plans and specifications submitted hereunder on any reasonable grounds including, but not limited to, the following:

- (a) Failure to comply with any of the restrictions set forth in this Declaration;
- (b) Failure to include information in such plans and specifications as may have been reasonably requested by Declarant;
- (c) Objection to the exterior design, the appearance of materials, or materials employed in any proposed structure;
- (d) Objection on the ground of incompatibility of any proposed structure or use with existing structures or uses upon other lots, or other property in the vicinity of the subject property;

- (e) Objection to the location of any proposed structure with reference to other lots, or other property in the vicinity;
- (f) Objection to the grading or landscaping plan for any lot;
- (g) Objection to the color scheme, finish, proportions, style of architecture, height, bulk, or appropriateness of any structure;
- (h) Objection to the number or size of parking spaces, or to the design of the parking area;
- (i) Any other matter that, in the judgment of the Declarant, would render the proposed improvements or use inharmonious with the general plan for improvement of the subject property or with improvements located upon other lots or other property in the vicinity.

IN WITNESS WHEREOF, the County of Currituck has caused this instrument to be signed in its corporate name by its duly authorized chairman and its seal to be hereunto affixed by authority of its Board of Commissioners.

[SIGNATURE PAGES FOLLOW]

COUNTY OF CURRITUCK

BY: _____
 Michael H. Payment, Chairman
 Board of Commissioners

ATTEST:

 Leeann Walton
 Clerk to the Board of Commissioners

(COUNTY SEAL)

STATE OF NORTH CAROLINA
 COUNTY OF CURRITUCK

I, _____, a Notary Public for the county and state aforesaid, hereby certify that Leeann Walton personally appeared before me this day and acknowledged that se is Clerk to the Board of Commissioners of Currituck County, a body corporate and politic existing under the laws of the State of North Carolina, and that by authority duly given, ad as the act of the county, the foregoing instrument was signed in its name by its Chairman and attested by her as its Clerk, all by authority of the Board of County Commissioners of Currituck County.

Witness my hand and notarial seal, this the ____ day of February, 2022.

 Notary Public

 Printed Name

My Commission Expires: _____

(NOTARY SEAL)

IN WITNESS WHEREOF, JDLOVE, LLC has caused this instrument to be signed this _____ day of February, 2022.

JDLOVE, LLC

By: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally appeared before me this day and acknowledged that he/she is _____ of JDLOVE, LLC and that he/she as _____, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and notarial seal, this the _____ day of February, 2022.

Notary Public

Printed Name

My Commission expires: _____

(NOTARY SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3321)

Agenda Item Title: Consideration and Approval of Brindley Beach Building Elevation to be Located on Lot 1, Maple Commerce Park

Submitted By: Samantha Evans – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

For this item, the Board of Commissioners is sitting as the Declarant, or developer, of Maple Commerce Park. JDLove, LLC as property owner seeks approval of the proposed building and building elevations for a laundry facility proposed for Lot 1, Maple Commerce Park. Under Articles III and IV of the Declaration of Restrictive Covenants for Maple Commerce Park, the lot owner must receive approval from the Declarant for the building and other items set out in Article IV of the Declaration. Of particular relevance to this application is Section 3.2 of the Declaration which provides: "Plans that provide for metal-clad buildings will be approved only on the conditions that such buildings are constructed so as not to have the appearance of a pre-engineered metal building, are designed by an architect, and are specifically approve in writing by the Declarant." A copy of the Declaration of Restrictive Covenants is attached

Is this item regulated by plan, regulation or statute?

Manager Recommendation:

GENERAL NOTES

1. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY ERROR, OMISSION, DEFECT OR DEFICIENCY IN THE CONTRACT DOCUMENTS ("ERROR") PREPARED BY THE ENGINEER OR ITS CONSULTANTS WHICH IN ANY WAY IMPACTS THE SCHEDULE OF THE PROJECT, RESULT IN A LACK OF COORDINATION AMONG THE CONTRACT DOCUMENTS, DELAYS THE COMPLETION OF THE PROJECT OR RESULTS IN ANY OTHER HARM TO ANY OTHER PARTY TO THE PROJECT, INCLUDING THE OWNER, CONTRACTOR, SUBCONTRACTORS, OR ANY OTHER ENTITY INVOLVED IN THE PROJECT UNLESS:

(A) THE ENGINEER IS PROMPTLY NOTIFIED OF SUCH ERROR, IN ANY EVENT WITHIN 14 DAYS OF THE DATE SUCH ERROR WAS DISCOVERED OR COULD REASONABLY HAVE BEEN DISCOVERED;

(B) THE ENGINEER IS GIVEN OPPORTUNITY AT THE TIME OF DISCOVERY TO ADDRESS SUCH ERROR, AND IF APPROPRIATE, TAKE SUCH STEPS AS ARE NECESSARY TO CORRECT AND RESOLVE IT, FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL CONSTITUTE A BREACH OF THE CONTRACT, OR A RIGHT TO OFFSET, AGAINST THE ENGINEER BY OWNER, CONTRACTOR OR OTHERS AND SHALL IN NO EVENT CAUSE OR ALLOW A REDUCTION IN THE FEES OTHERWISE DUE THE ENGINEER FOR SERVICES PROVIDED ON THE PROJECT.

2. THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGES CAUSED BY OMISSIONS OR INACCURACIES OF SITE INFORMATION, INCLUDING BUT NOT LIMITED TO EASEMENTS, SETBACKS, METES AND BOUNDS, TITLE OWNERSHIP, FLOOD ZONES DESIGNATIONS AND CEMA REQUIREMENTS, PROVIDED BY THE CLIENT, TAX MAPS AND SURVEYORS.

3.11 IT IS THE CONTRACTOR'S RESPONSIBILITY AND CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTES PRIOR TO STARTING CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER. AS PART OF THE DUTIES OF THE CONTRACT FOR THIS JOB

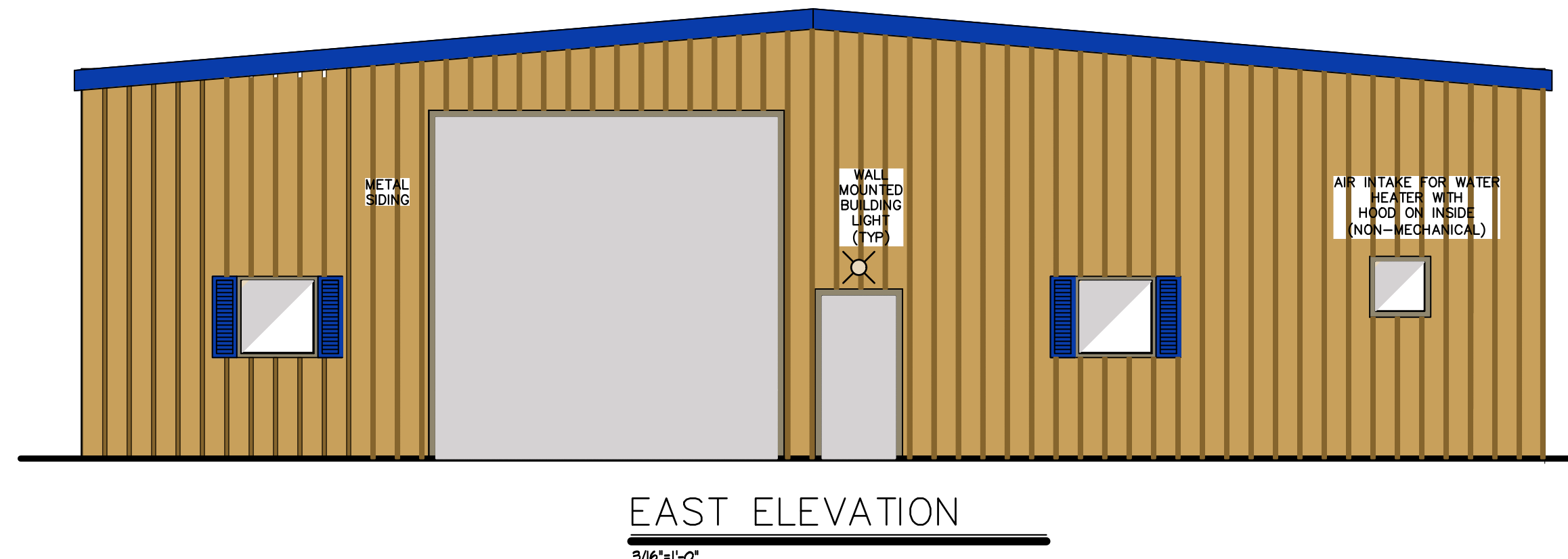
4. ALL OTHER CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH ALL STATE AND LOCAL BUILDING AND HEALTH CODES.

LIST OF DRAWINGS


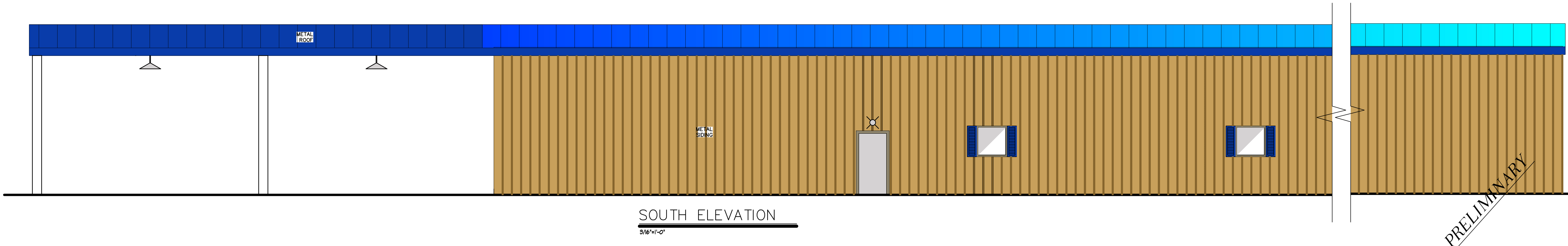
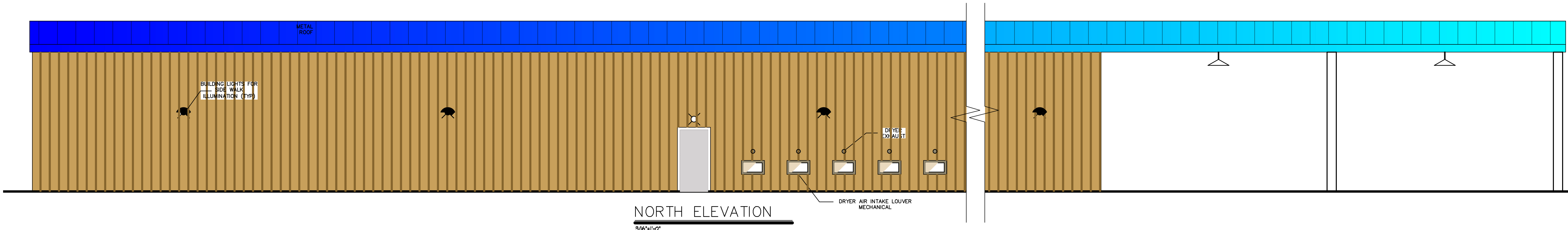
D1 ELEVATIONS
D2 FLOOR PLAN
D3 BATHROOM LAYOUT AND DETAILS
PM1 PLUMBING AND MECHANICAL FLOOR PLANS
EI ELECTRICAL AND LIGHTING FLOOR PLANS

AREA

	AREA:
FLOOR PLAN	9,000 s.f
MEZZANINE	1,180 s.f



PRELIMINARY



Coastal
SURVEYING & ENGINEERING

P.O. Box 1129
4425 N. CROATAN HWY.
Kitty Hawk, N.C. 27949
(252) 261-1451
(252) 261-1933
C-0836

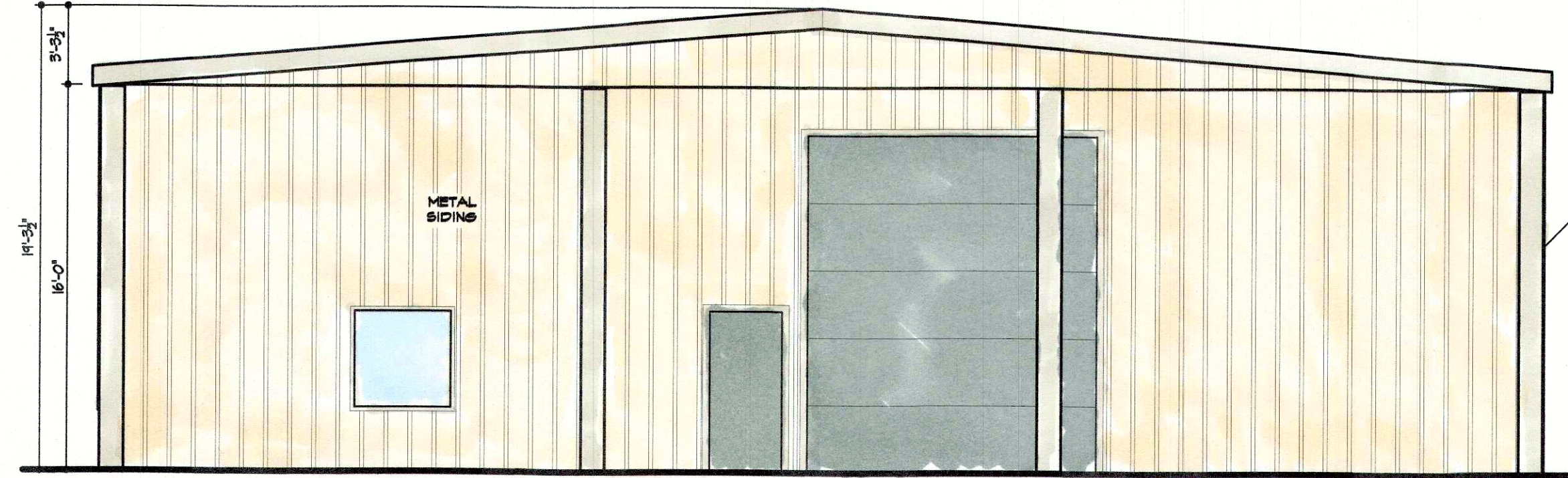
Civil - Structural
Site Development

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 WILL CONSTITUTE VIOLATION OF

O.	DATE	DESCRIPTION	BY
1	1/1/71	BLOCK/VELOCATIONS	BA
2	01/06	AS PER OWNER	BA

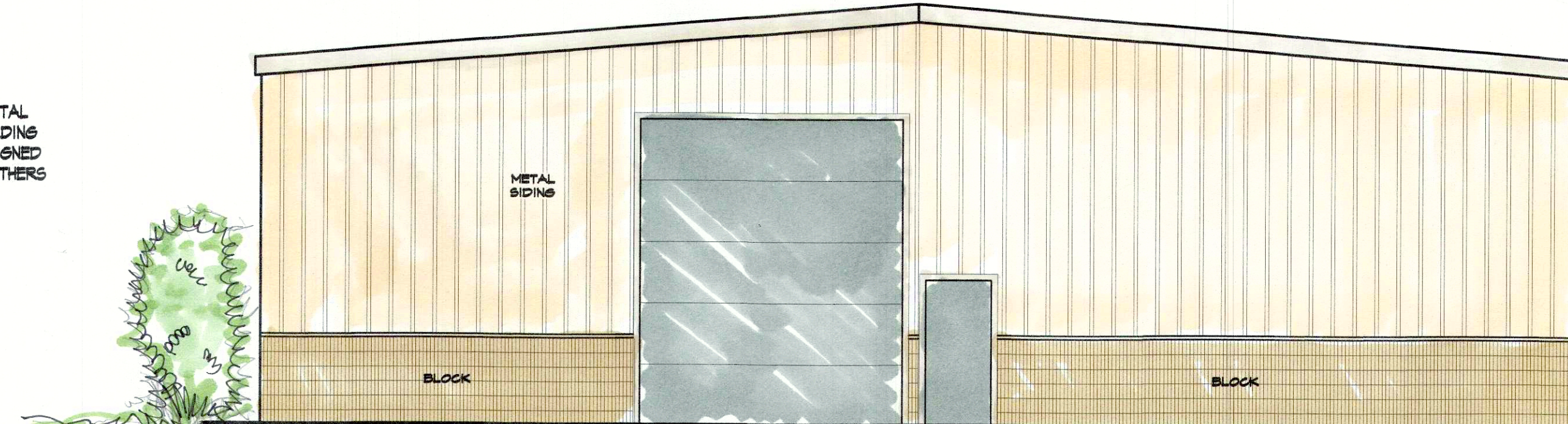
BRINDLEY BEACH
LAUNDRY SERVICE
LOT 1, MAPLE COMMERCE PARK
NORTH CAROLINA

DATE: 5/27/21	SCALE: 3/16"=1'-0"
CHECKED: CG	DRAWN: BW
PROJECT NO: P726.20	
CAD FILE: P726.20	
SHEET: D1 D3	



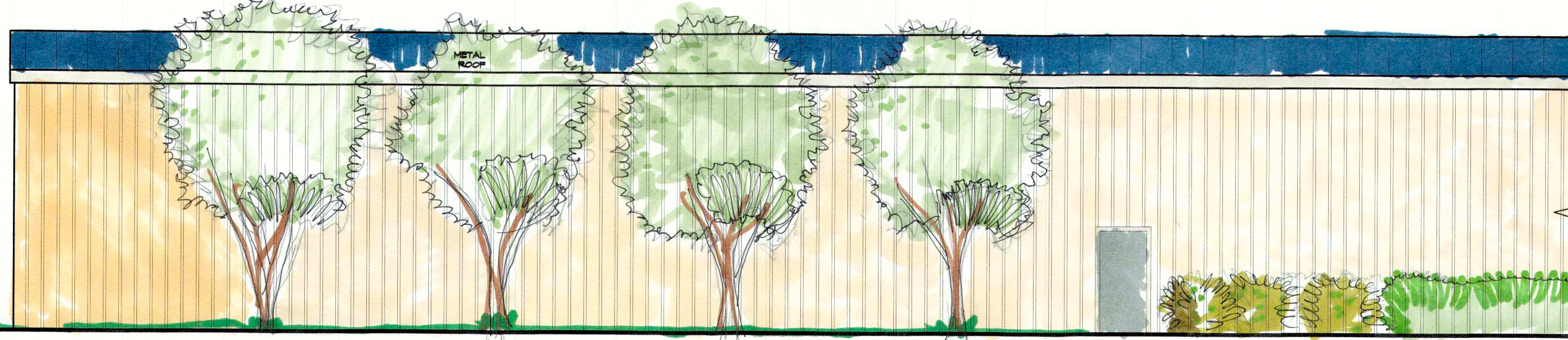
WEST ELEVATION
3/16"=1'-0"

METAL BUILDING DESIGNED BY OTHERS



EAST ELEVATION
3/16"=1'-0"

PRELIMINARY



NORTH ELEVATION
3/16"=1'-0"



SOUTH ELEVATION
3/16"=1'-0"

PRELIMINARY

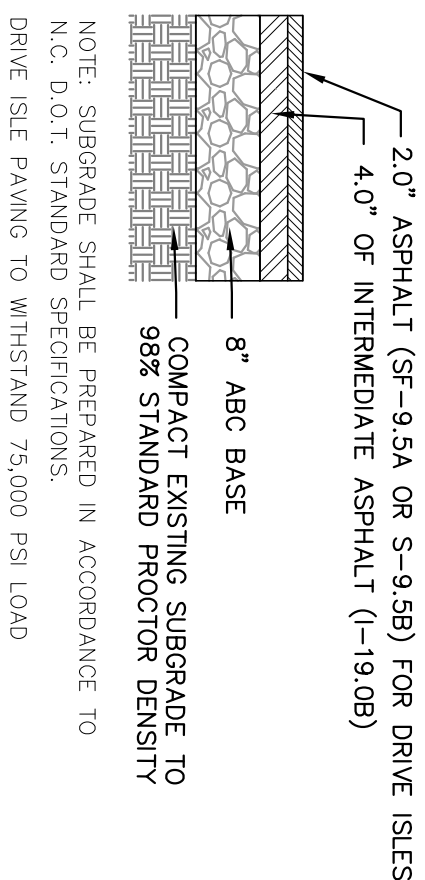
REVISIONS			BY
NO.	DATE	DESCRIPTION	PK

ISO FIREFLOW CALCULATIONS:

- | | |
|---|--------|
| TOTAL AREA OF ENTIRE BUILDING, 12,000 SQ'FT | |
| CONSTRUCTION TYPE FOUND IN SPEC. NON-COMBUSTIBLE | |
| C VALUE = SQUAREROOT OF THE AREA, $F \times 8$ | |
| C VALUE = 1500 | |
| OCCUPANCY FACTOR (O) FOR LAUNDRY FACILITY = 1.0 | |
| AREA $X \times D = 1500 \times 1.0 = 1500$ SQ'FT | |
| EXPOSURE FACTOR (N) IS NOT APPLICABLE, THEREFORE $N = 1.0$ | |
| BUILDING WILL NOT HAVE A SPRINKLER SYSTEM, THEREFORE NO CREDIT SHALL BE USED | |
| DETERMINE THEOR. FOR 12,000 SQ'FT LAUNDRY FACILITY = 1500 SQ'FT | |
| DATA FROM APPROPRIATE FLOW TESTS OF HOBIPANT LOCATED AT 165. AVALITION PARKWAY: | |
| STATIC PRESSURE (PSI) | = 55 |
| HOBIPANT RESIDUAL PRESSURE (PSI) | = 37 |
| HOBIPANT FLOW (GPM) | = 1061 |
| AVAILABLE FLOW AT 20 PSI | = 1482 |

1. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL VALVE BOXES, INLET TUBS, MANHOLES, RIMS, AND OTHER APPURTENANCES LOCATED WITHIN THE LIMITS OF DISTURBANCE. ALL STRUCTURES SHALL MATCH FINISHED GRADES UNLESS OTHERWISE NOTED.
2. ALL UNDESIRABLE MATERIAL EXCAVATED DURING SITE CONSTRUCTION SHOULD BE REMOVED FROM THE PROJECT AREA.
3. ALL CURB AND DRAIN INLETS SHALL BE NOTED STANDARD INLETS OR APPROVED EQUIVALENT.
4. ALL PAVEMENT SLOPES SHALL BE 20% MINIMUM AND LONGITUDINAL SLOPES SHALL BE 0.35% MINIMUM.

1. ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM WITH CURRENTLY COUNTY AND STATE STANDARDS AND SPECIFICATIONS.
2. ALL UTILITIES SHALL BE IDENTIFIED WITH PROPER UTILITY PROVIDER SERVICE AND NOT CALL ONE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONNECTIONS TO EXISTING UTILITIES INCLUDING FEES AND PERMITS.
4. ALL EXISTING LIVING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
5. ALL SANITARY SEWER PIPES SHALL BE SCHED 40 AT A MINIMUM SIZE OF 0.4% TYPING.
6. ALL EXISTING WATER MAINS SHALL BE SCHED 40 AT A MINIMUM SIZE OF 0.4% TYPING.
7. ALL EXISTING WATER MAINS SHALL BE SCHED 40 AT A MINIMUM SIZE OF 0.4% TYPING.
8. ALL EXISTING WATER MAINS SHALL BE SCHED 40 AT A MINIMUM SIZE OF 0.4% TYPING.
9. ALL EXISTING WATER MAINS SHALL BE SCHED 40 AT A MINIMUM SIZE OF 0.4% TYPING.



ASPHALT SECTION FOR DRIVE ISLE

NTS

BEFORE YOU DIG

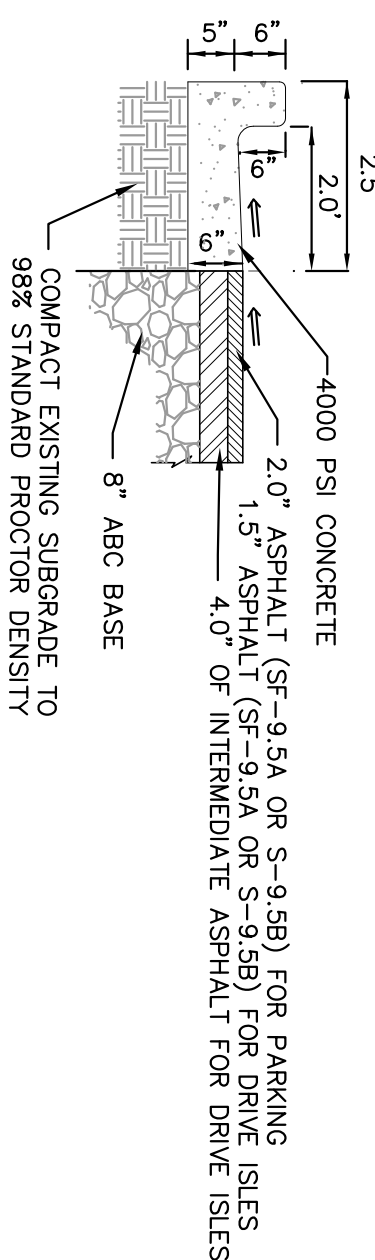
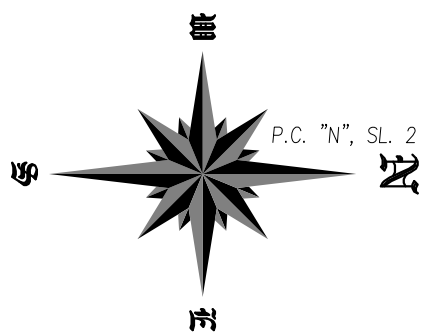
CALL TOLL FREE

1-800-632-4949

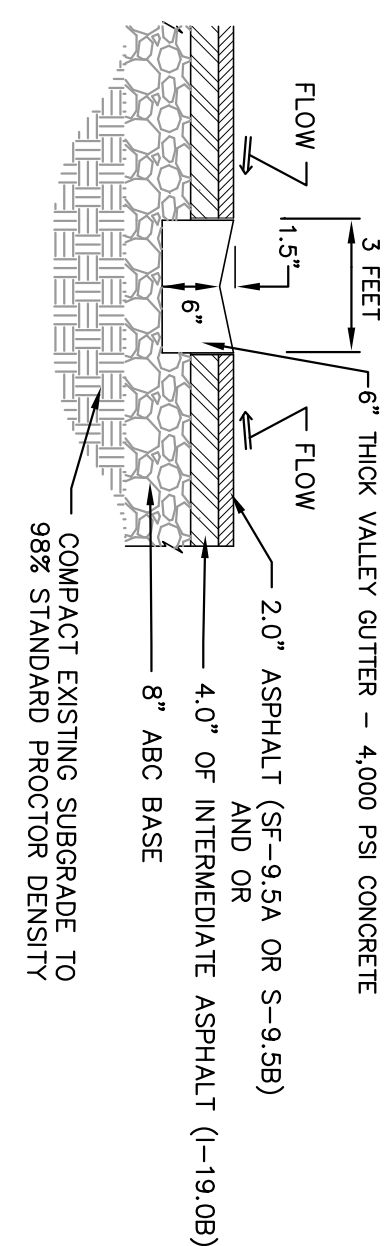
NORTH CAROLINA

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CONVENTIONAL CURB AND GUTTER DETAIL



VALLEY GUTTER DETAIL

[illegible]

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Civil - Structural
Site Development

PLANTING LEGEND	SCIENTIFIC NAME	SIZE	QUANTITY	COMMENTS
SYMBOL	COMMON NAME			

	ACER TRUNCATUM X PLATANUS SM JFS (W/87' PPM2754) URBAN SUNSET MAPLE	2" CAL & 8' HT.	3	MATCHED SINGLE TRUNK
--	---	-----------------	---	-------------------------

EXISTING CANOPY TREES - SEE SHEET C401-C402 FOR ADDITIONAL INFORMATION

TOTAL 3 - EXISTING

PROPOSED UNDERSTORY TREES

CM	LAGERSTROMIA INDICA DATAMBA	1.5" CAL & 8' HT.	4	MATCHED
CM	BETULA ALBA TRIPLE HEAT	1.5" CAL & 8' HT.	4	MATCHED
RB	DURA HEAT RIVER BIRCH		4	MULTI TRUNKED

EXISTING UNDERSTORY TREES - SEE SHEET C401-C402 FOR ADDITIONAL INFORMATION

TOTAL 8

SHRUBS

LG	LIGULASTRA ALONCUM	70 & 3' HEIGHT MINIMUM	5	MATCHED
CG	LEIA X MESERVEAE MESOG	>18" & 7'0	19	EVERGREEN
CG	CHINA SHI HOLLY	>18" & 7'0	4	EVERGREEN
CB	CHINA BOY HOLLY	>18" & 3'0	18	EVERGREEN
LL	NANDINA DOMESTICA LEMON LINE	>18" & 3'0	24	MATCHED
DY	LEI YOMITORIA NANA SHILLINGS	>18" & 3'0	24	EVERGREEN

PERENNIALS AND GRASSES

ML	MISCANTHUS SP.	3'0	6	MATCHED
NP	NEPETA X FAASSENII NOVEMBER JULY (PP4 20074)	1'0	14	MATCHED

GROUNDCOVERS

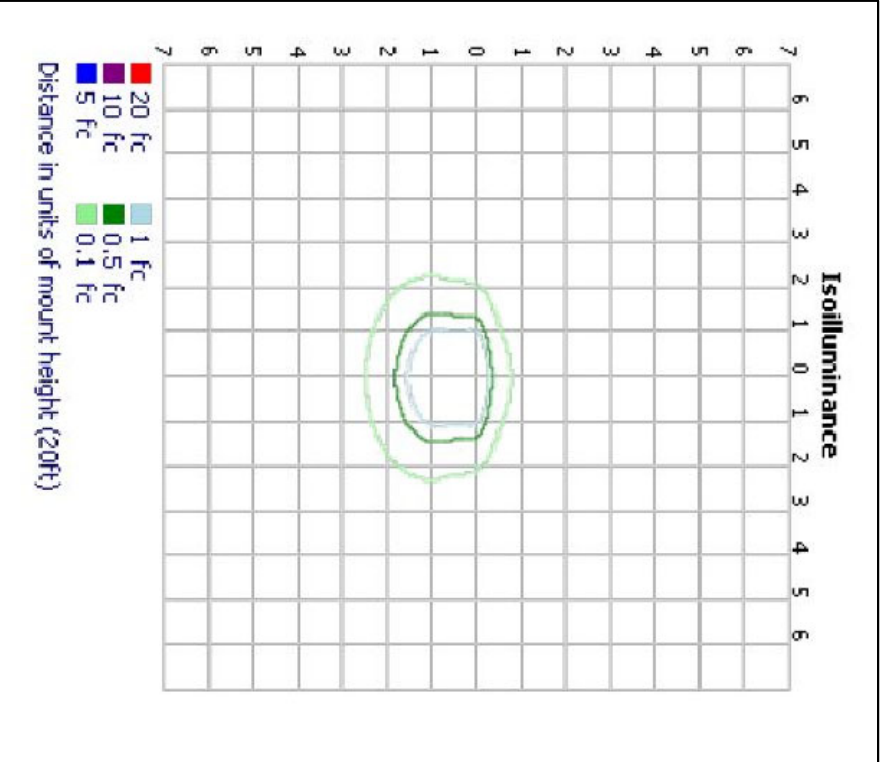
	AREA TO REMAIN NATURAL	
	AREA TO REMAIN NATURAL - CLEAR UNDERBUSH POTENTIALLY ADD FINE STRAW	
	AREA TO REMAIN NATURAL - SOD	
	3/8" LIGHT TAN / RIVER ROCK	
	6/8" SIF PLAN TRIPLE SHREDED HARDWOOD MULCH - SEE PLAN FOR LOCATIONS	
	1.20 SF	

NOTE: SEE SHEETS C401-C402 FOR ADDITIONAL LANDSCAPE INFORMATION

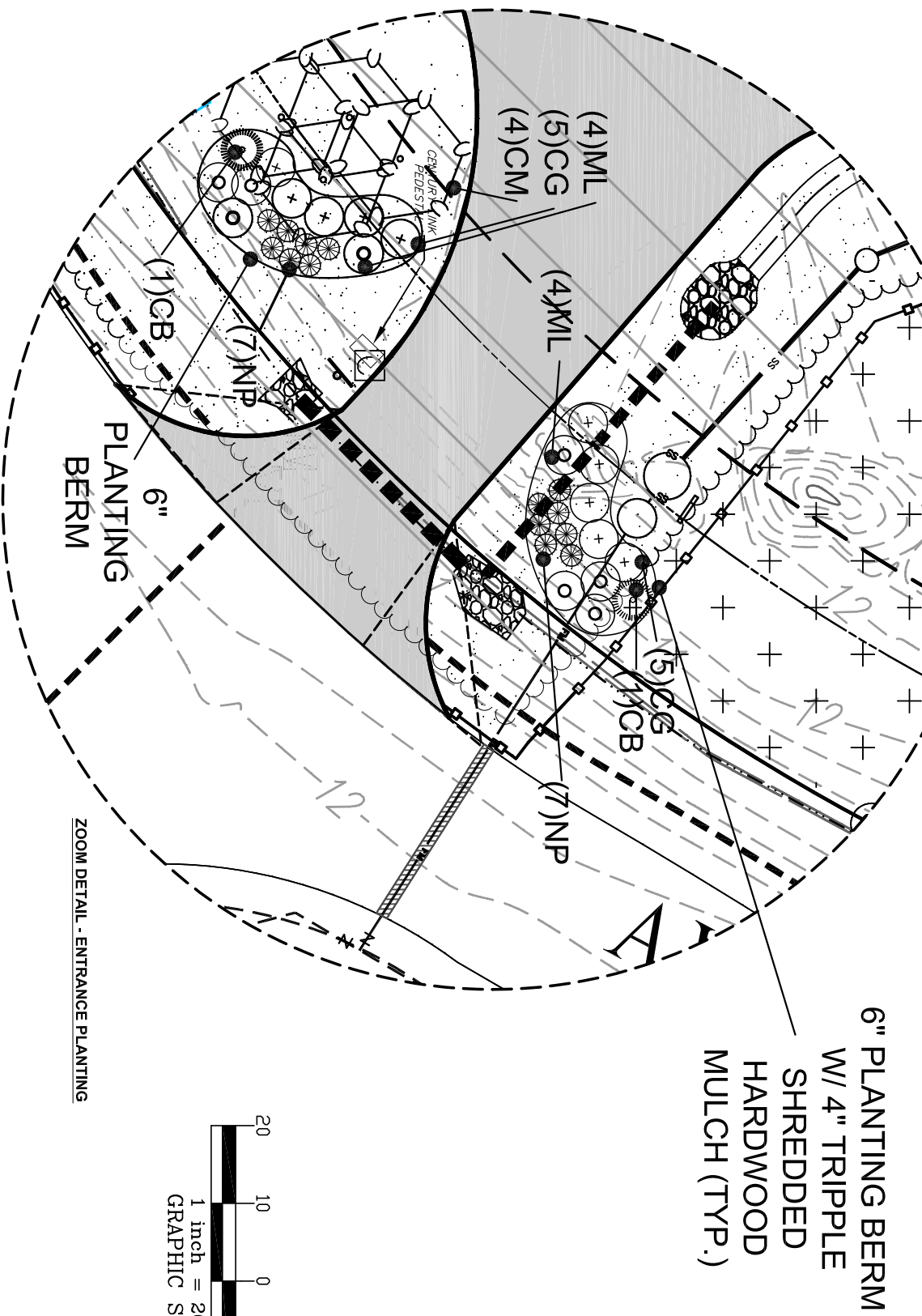
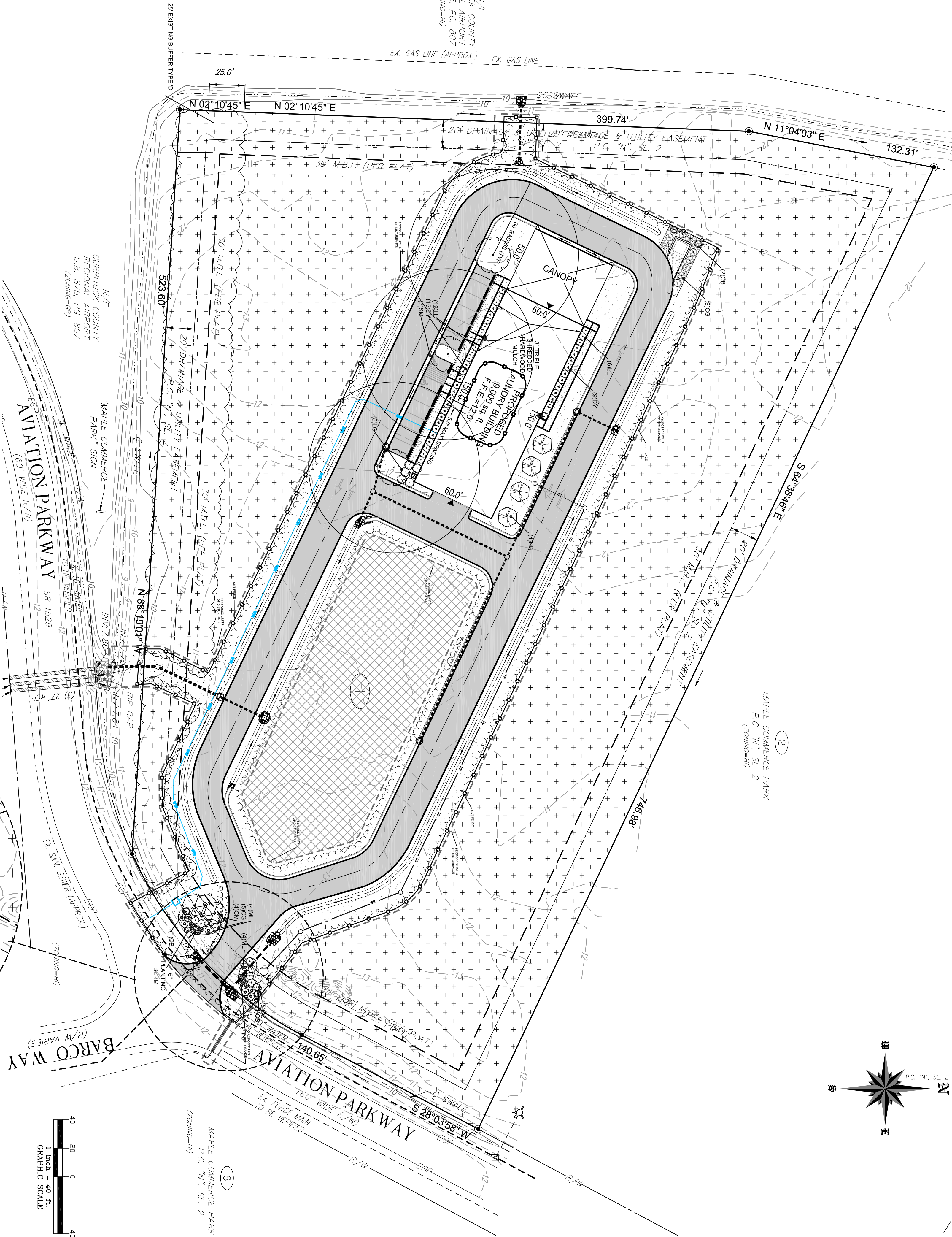
IMAGE	SYMBOL	NAME/NOTE	QTY	DESCRIPTION
		NAME: LITOMIA MODEL: W0021 LED P4 SMD BICH W/	2	DURABLE DOWN LIGHTING
		NAME: LITOMIA MODEL: W0021 LED P4 SMD BICH W/	2	TYPE E1

LIGHTING NOTES AND SPECIFICATIONS

- ALL EXTERIOR LIGHTING WILL BE INSTALLED BY A LICENSED ELECTRICAL CONTRACTOR.
- LOCAL CODES, ORDINANCES, NATIONAL ELECTRICAL CODE, AND ANY OTHER APPLICABLE REQUIREMENTS SHALL COMPLY TO ALL CURRENT ELECTRICAL CODES.
- THE ELECTRICAL INSTALLATION SHALL BE COORDINATED WITH ALL OTHER TRADES SO THAT INTERFERENCES BETWEEN ELECTRICAL INSTALLATION AND ARCHITECTURAL, STRUCTURAL, MECHANICAL, PLUMBING, FIRE PROTECTION AND ALL DIMENSIONS AND RELATED ELECTRICAL NOTES SHALL BE RESPONSIBLE FOR INCLUDING FIELD VERIFICATION IN THEIR BID DIMENSIONS.
- CONTRACTOR SHALL PROVIDE ALL DISCONNECTS TO MEET LOCAL CODES.
- CONTRACTOR SHALL PROVIDE ALL DISCONNECTS TO MEET LOCAL CODES.
- COORDINATE ALL LIGHTING AND MECHANICAL AND PLUMBING EQUIPMENT.



ILLUMINANCE FOR LITOMIA W0021 LED P4 SMD BICH W/



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LOT 1, MAPLE COMMERCE PARK
BRINDLEY BEACH LAUNDRY SERVICE

CRAWFORD TWP. CURRITUCK COUNTY NORTH CAROLINA

LANDSCAPE & EXTERIOR LIGHTING PLAN

NO. DATE DESCRIPTION BY NG

REVI 10/28/21 TRC COMMENT REVISIONS NG

REV2 12/2/21 TRC COMMENT REVISIONS NG

PROJECT NO. P726.21

CAD FILE: P726.LS

SHEET 1

DATE: 9/14/21

CHECKED: JBR/NDG

PROJECT NO. P726.21

CAD FILE: P726.LS

SHEET 1

REVISIONS

NO. DATE DESCRIPTION BY NG

REVI 10/28/21 TRC COMMENT REVISIONS NG

REV2 12/2/21 TRC COMMENT REVISIONS NG

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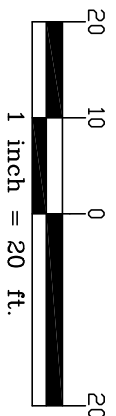
LANDSCAPE RATIONALE		
SITE LANDSCAPING - COMMERCIAL		
CANOPY TREES	REQUIRED: 2 ACI PER ACR X 6 ACERS	= 12 ACI REQUIRED
SHRUBS	PROVIDED: 6 TREES AT 1.5ACI EACH	= 12 ACI REQUIRED
	PROVIDED:	= ONE SHRUB PER 5.1 FT PLACING STREET (BUILDING 150 LF) = 30
		= ONE SHRUB PER 5.1 FT = 30
LANDSCAPE BUFFER TYPE D - SOUTH WEST OF BARCO WAY		
CANOPY TREES	REQUIRED: 18 ACI PER 100 LINEAR FEET AT 600 LINEAR FT TO EDGE OF DRIVEWAY = 108 ACI REQUIRED	
UNDERSTORY TREES	PROVIDED: 178 ACI (OF TREES TO REMAIN PER TYPICAL 100 LF SECTION SHEET THIS SHEET - ALSO SEE SHEET C404 & C402	
SHRUBS	REQUIRED: 20 ACI PER 100 LINEAR FEET AT 600 LINEAR FEET TO EDGE OF DRIVEWAY - 120 ACI REQUIRED	
	PROVIDED: PER ALTERNATIVE LANDSCAPE PLAN AND UNDERSTORY OTHER THAN EXISTING - SEE SHEET C401 & C402	
	REQUIRED: 35 SHRUBS PER 100 LINEAR FEET = 210 REQUIRED	
	PROVIDED: PER ALTERNATIVE LANDSCAPE PLAN AND SHRUBS PROVIDED DUE TO ALTERNATIVE COVER	
VEHICULAR LANDSCAPING		
TREES	60 FOOT DIAMETER CANOPY PERIMETERS REQUIRED TO COVER PARKING	
	SEE PLAN SHEET C-400 FOR 60 FOOT RADIIUS ON TREES	
EXISTING TREE SURVEY		
TREES TO REMAIN	ACI	DRIP LINE IN DIAMETER
TREE 1	6	10"
TREE 2	12	14"
TREE 3	12	16"
TREE 4	11	18"
TREE 5	7	10
TREE 6	12	10
TREE 7	12	10
TREE 8	5	7
TREE 9	14	18
TREE 10	9	16
TREE 11	12	16
TREE 12	5	8
TREE 13	12	18
TREE 14	9	6
TREE 15	4	8
TREE 16	12	16
TREE 17	5	16
TREE 18	6	16
TREE 19	6	12
TREE 20	6	12
TREE 21	4	12
TREE 22	6	12
TREE 23	4	3
TREE 24	4	3
TREE 25	10	10
TREE 26	2	4
TREE 27	5	8
TREE 28	4	6
TREE 29	10	14
TREE 30	3	6
TREE 31	2	4
TREE 32	4	4
TREE 33	2	2
TREE 34	2	4
TREE 35	4	6
TREE 36	3	3
TREE 37	2	4
TREE 38	2	4
TREE 39	4	6
TREE 40	2	2
TREE 41	2	4
TREE 42	2	2
TREE 43	8	16
TREE 44	3	3
TREE 45	3	3
TREE 46	3	3
TREE 47	4	4
TREE 48	2	2
TREE 49	2	2
TREE 50	4	4
TREE 51	2	2
TREE 52	3	3
TREE 53	2	2
TREE 54	3	3
TREE 55	2	2
TREE 56	2	2
TREE 57	2	2
TREE 58	2	2
TREE 59	4	10
TREE 60	16	20
TREE 61	5	12
TREE 62	2	2
TREE 63	2	2
TREE 64	3	3
TREE 65	2	2
TREE 66	12	12
TREE 67	14	16
TREE 68	3	3
TREE 69	3	3
TREE 70	3	3
TREE 71	3	3
TREE 72	2	2
TREE 73	2	2
TREE 74	12	12
TREE 75	16	16

EXISTING TREE SURVEY		
TREES TO BE REMOVED	ACI	DRIP LINE IN DIAMETER
TREE 1	4	12
TREE 2	12	10"
TREE 3	20	18"
TREE 4	4	24"
TREE 5	4	6
TREE 6	14	20
TREE 7	7	20
TREE 8	14	20
TREE 9	6	12
TREE 10	4	2
TREE 11	12	16
TREE 12	6	18
TREE 13	12	20
TREE 14	4	10
TREE 15	12	20
TREE 16	12	20
TREE 17	15	24
TREE 18	4	4
TREE 19	4	6
TREE 20	2	4
TREE 21	8	14
TREE 22	3	3
TREE 23	4	8
TREE 24	3	4
TREE 25	12	12
TREE 26	12	16
TREE 27	12	16
TREE 28	3	2
TREE 29	2	6
TREE 30	9	14
TREE 31	3	6
TREE 32	6	10
TREE 33	5	6
TREE 34	3	6
TREE 35	2	4
TREE 36	16	20
TREE 37	2	2
TREE 38	2	2

NOTE: SEE SHEETS C400-C402 FOR ADDITIONAL LANDSCAPE INFORMATION



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LOT 1, MAPLE COMMERCE PARK

BRINDLEY BEACH LAUNDRY SERVICE

CRAWFORD TWSP. CURRITUCK COUNTY NORTH CAROLINA

LANDSCAPE RATIONALE

NO.	DATE	DESCRIPTION	BY
REV1	10/28/21	TRC COMMENT REVISIONS	NG
REV2	12/3/21	TRC COMMENT REVISIONS	NG

DATE: 9/14/21

CHECKED: JBR/NDG

PROJECT NO: P726.21

CAD FILE: 7/26 LS

SHEET: C401

DATE: 9/14/21

DRAWN: JBR/NDG

PROJECT NO: P726.21

CAD FILE: 7/26 LS

SHEET: C401

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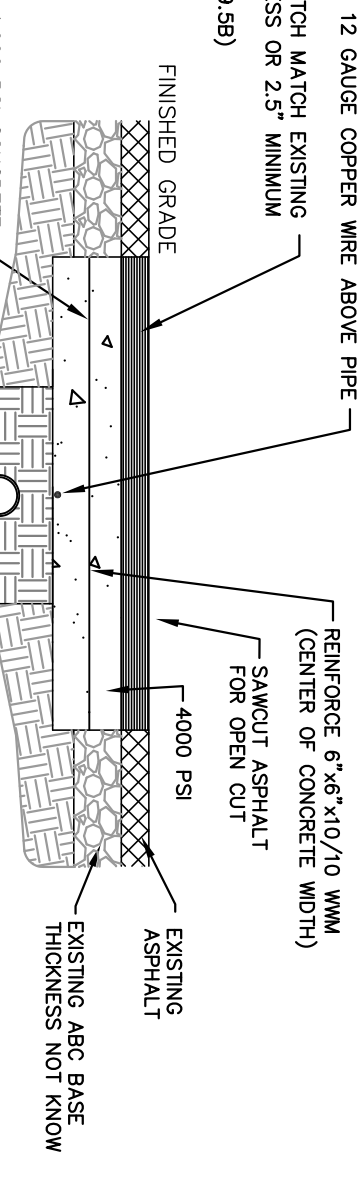
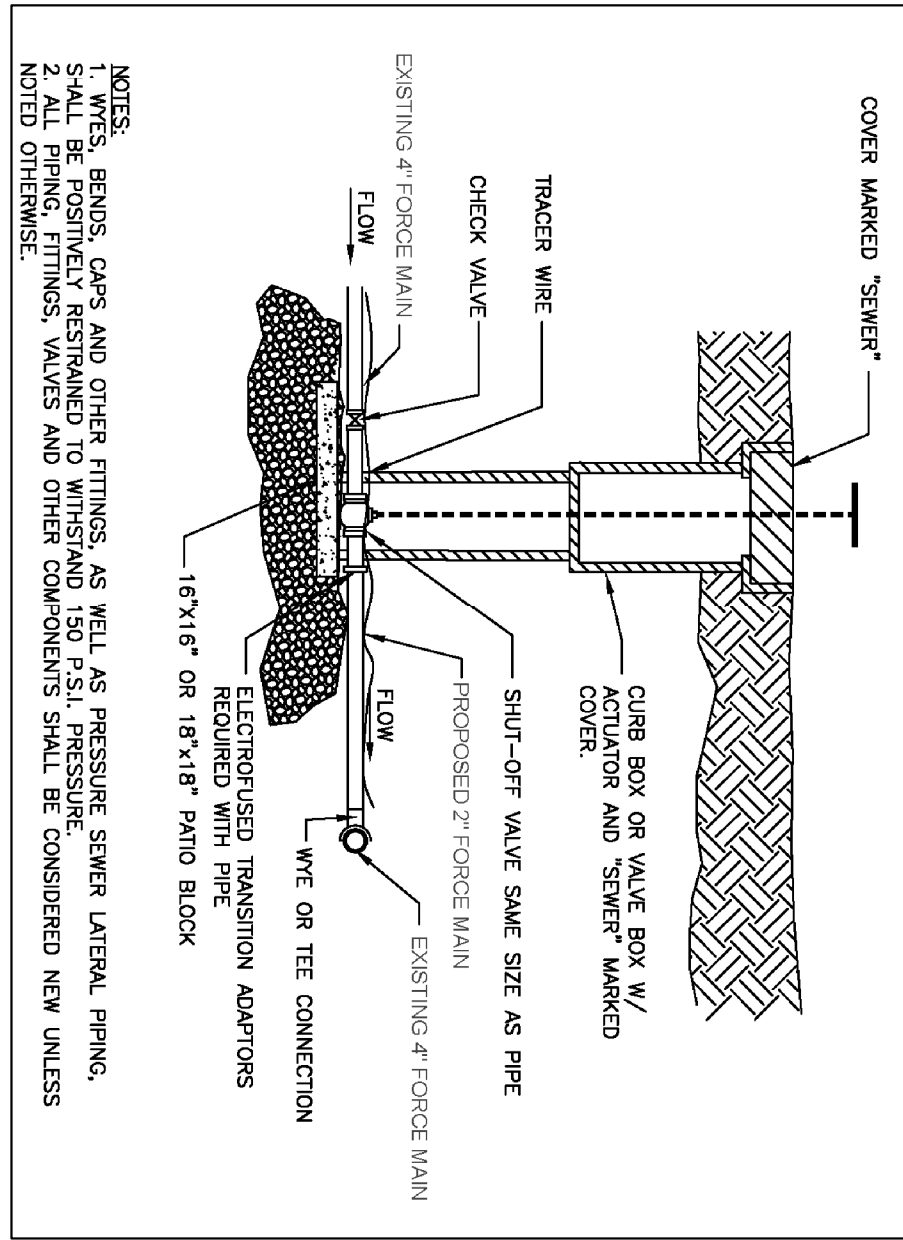
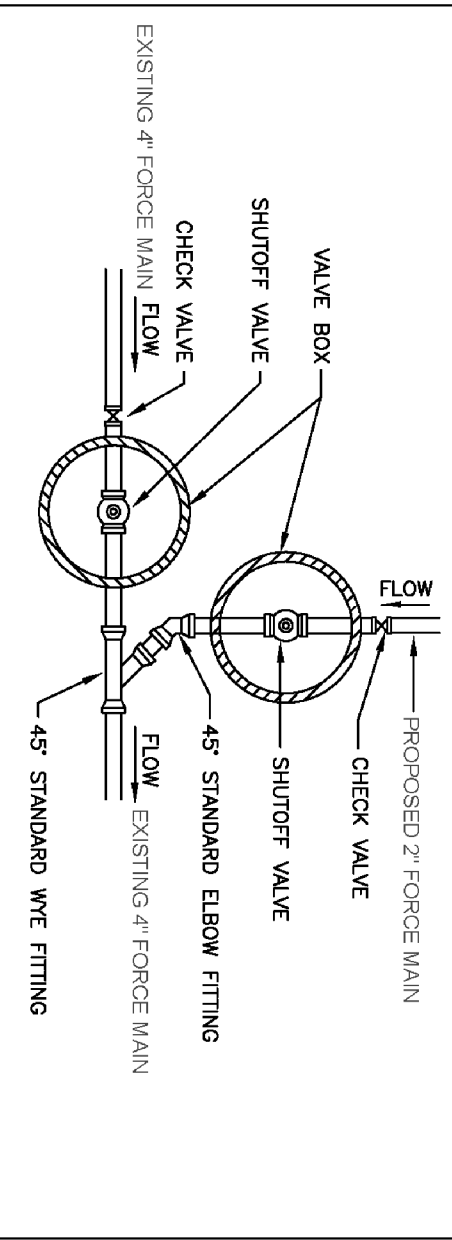
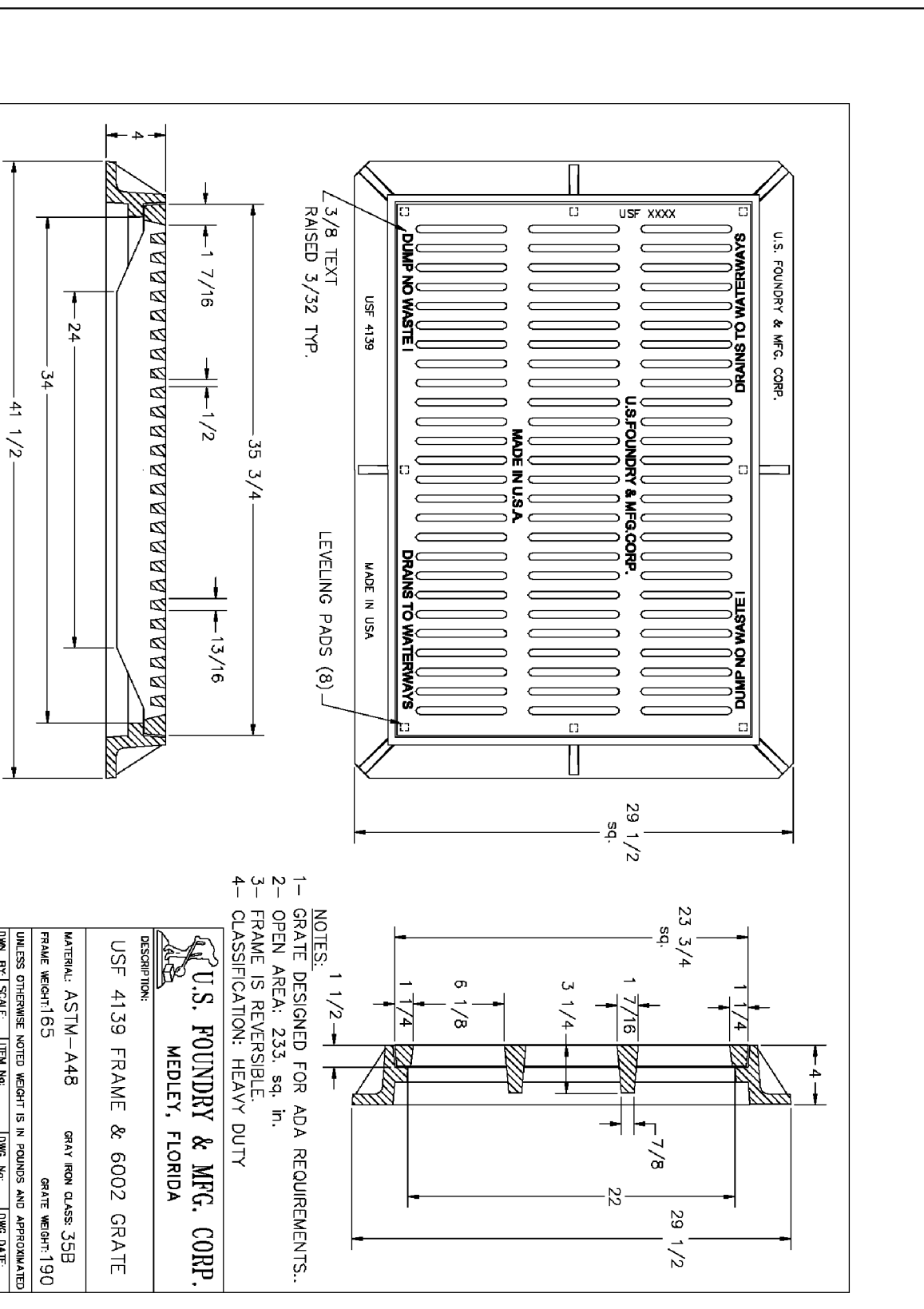
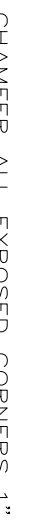
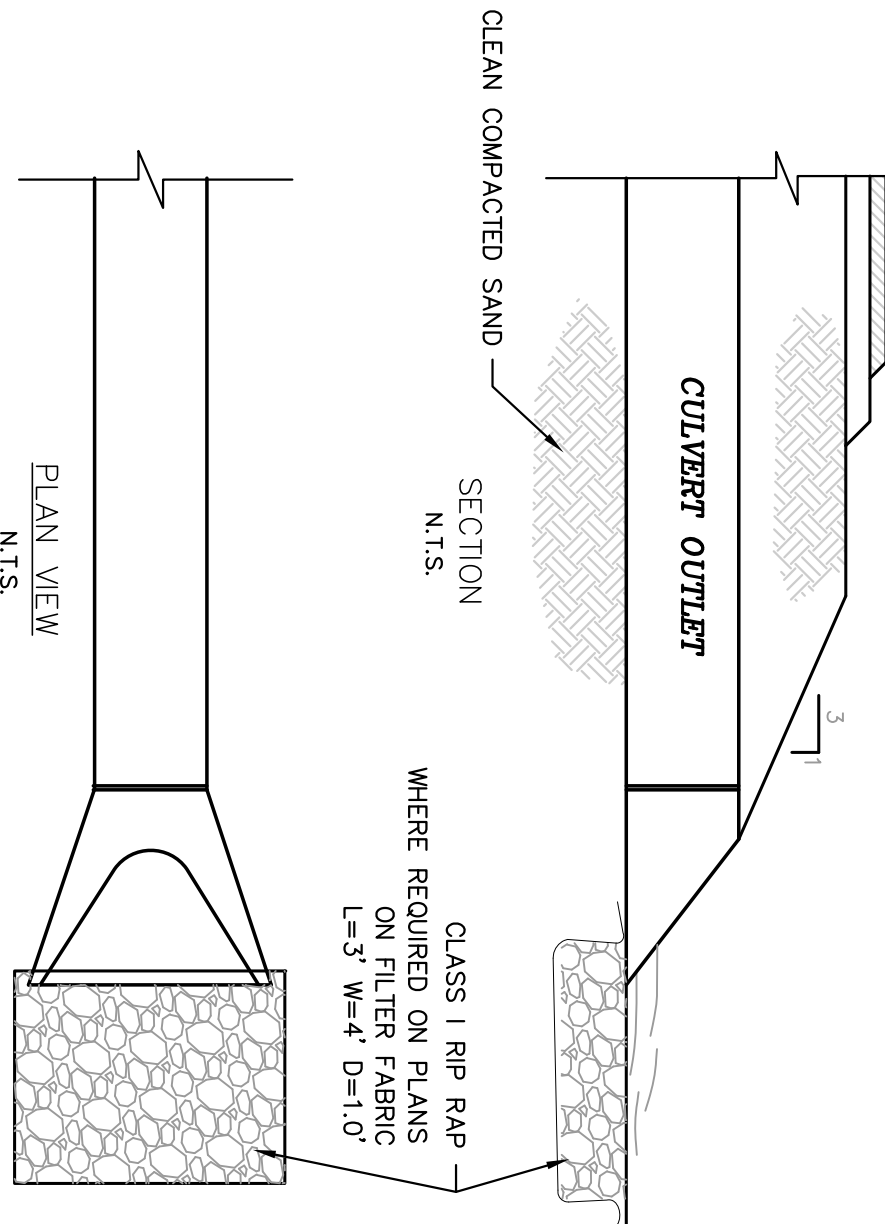
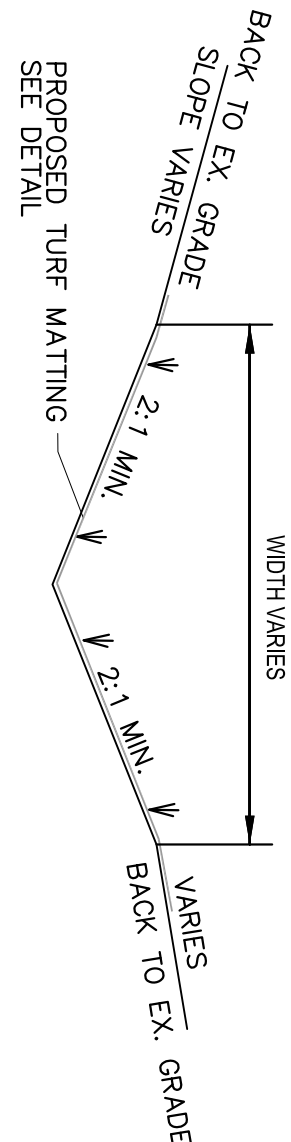
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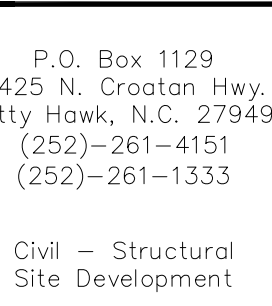
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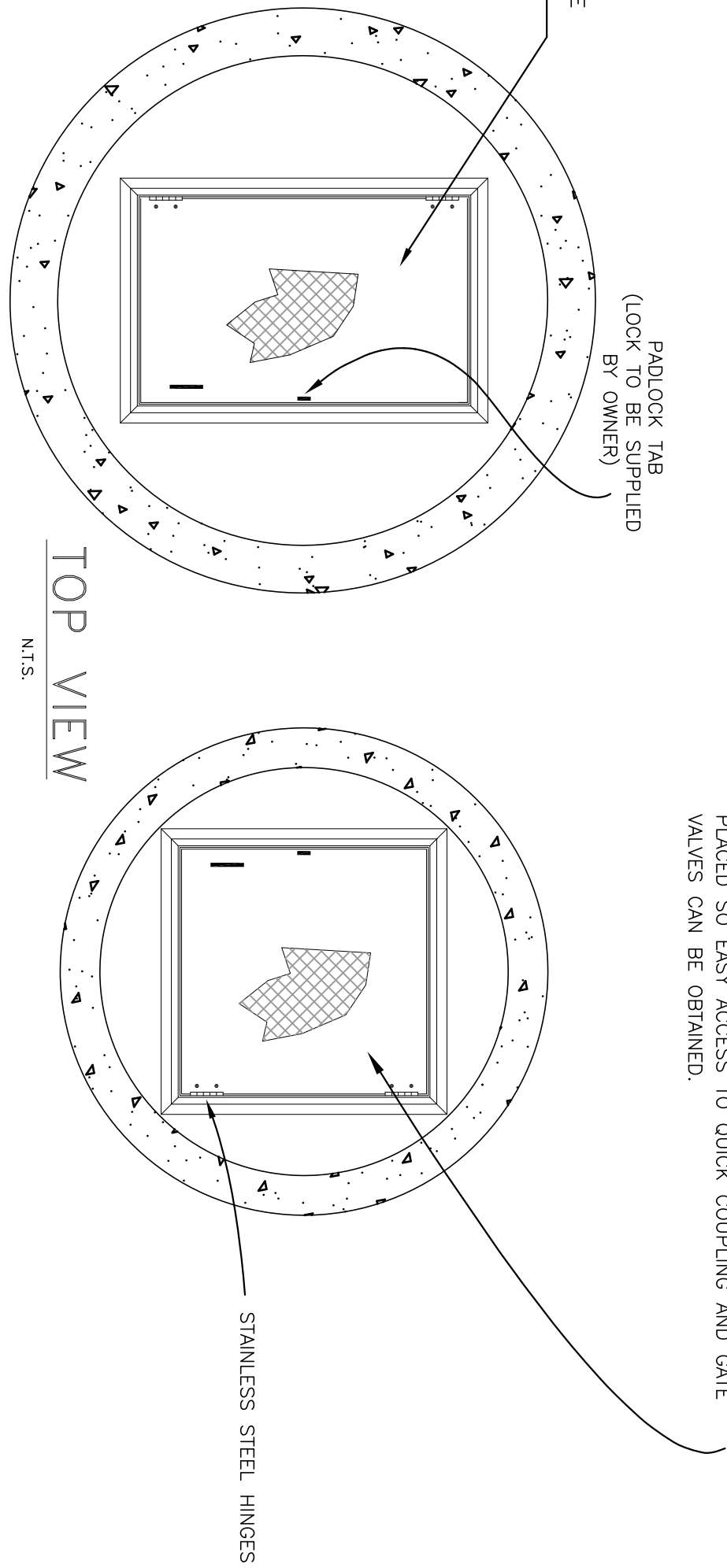
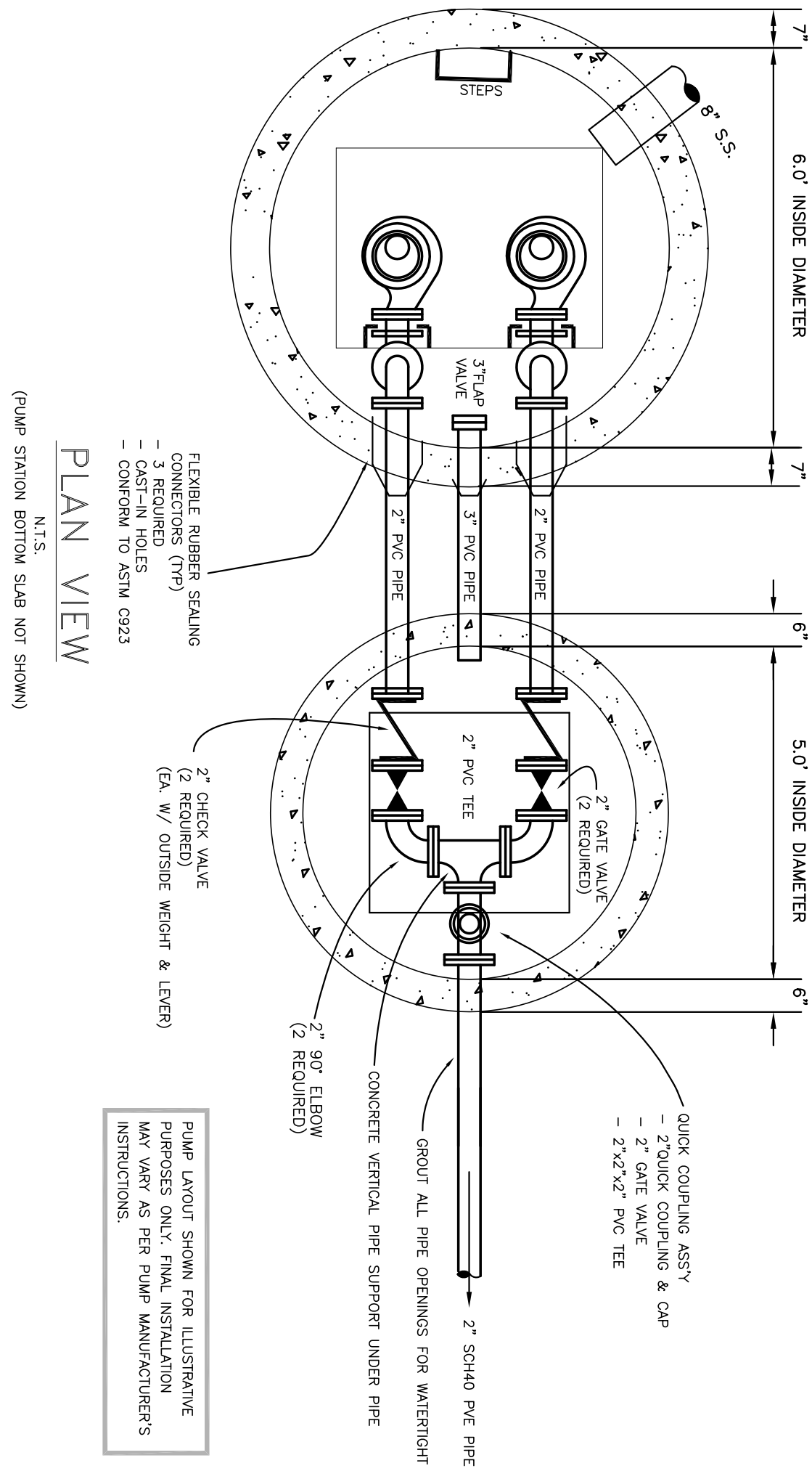
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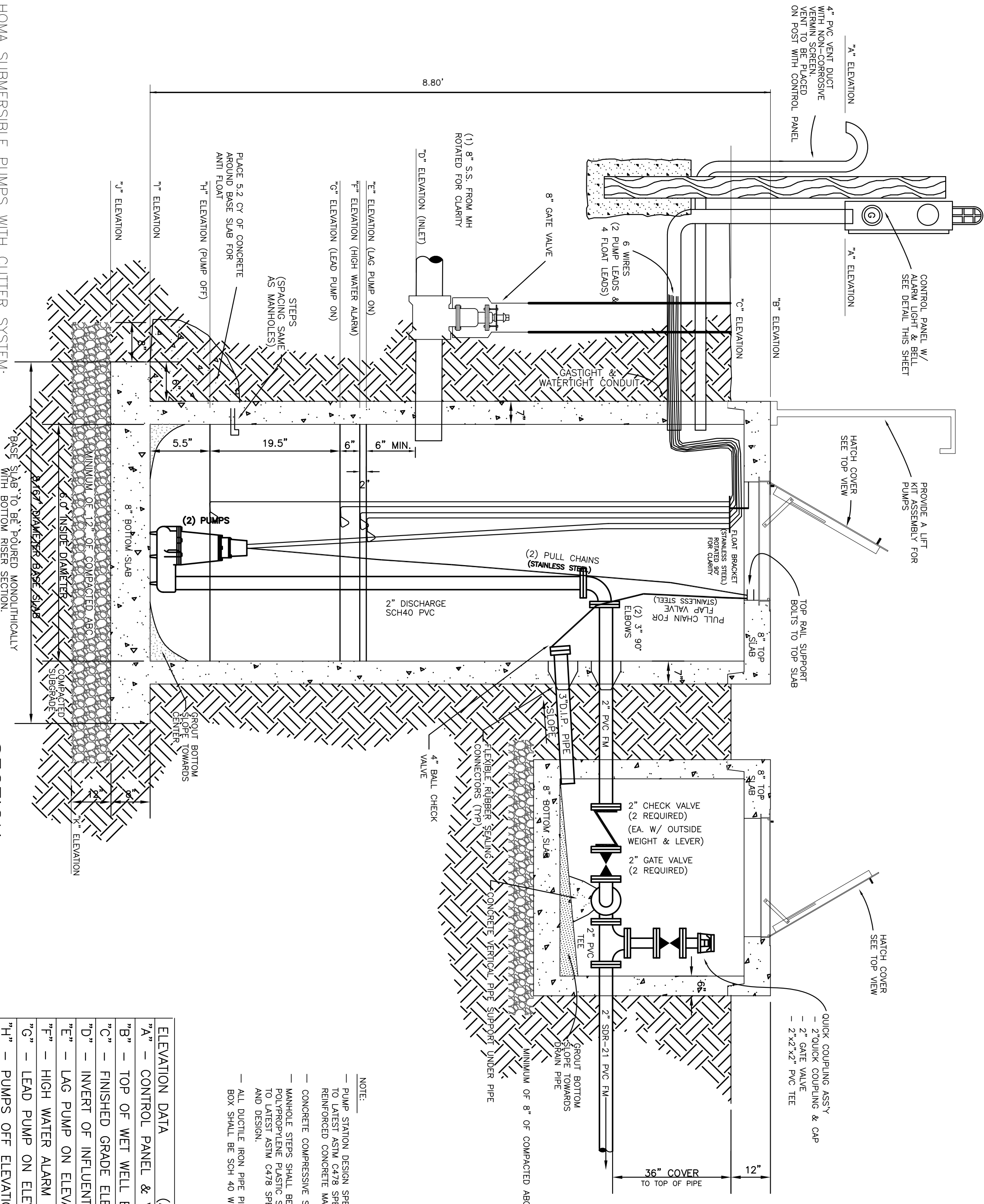
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BRINDLEY BEACH LAUNDRY SERVICE - LIFT STATION DETAILS

Attachment: P726-Revised Sheets - 12.3.21 (Brindley Beach-Maple Commerce Park Building Elevation)

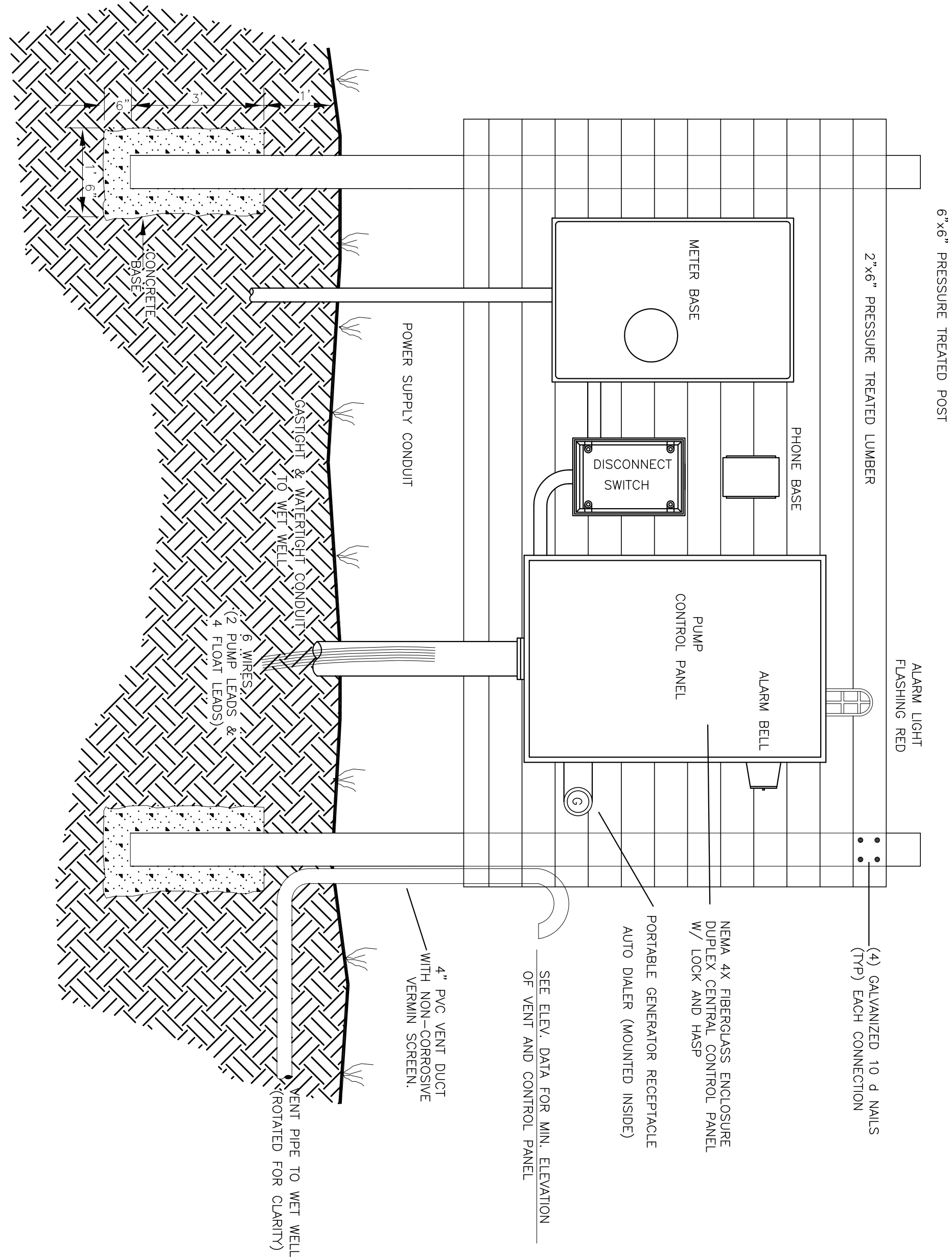


LOCKABLE SINGLE DOOR ALUMINUM ACCESS COVER TO BE HALLWAY PRODUCTS MODEL NO. A3048, OR EQUAL. CONTRACTOR TO COORDINATE CAST-IN-PLACE COVER LOCATION AND SIZE WITH PUMP MANUFACTURER'S MOUNTING INSTRUCTIONS.



NOTE:
— PUMP STATION DESIGN SPECIFICATIONS TO CONFORM TO LATEST ASTM C478 SPECIFICATIONS FOR PRECAST REINFORCED CONCRETE MANHOLE SECTIONS.
— CONCRETE COMPRESSIVE STRENGTH 4000 PSI MIN.
— MANHOLE STEPS SHALL BE STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTIC STEPS WHICH CONFORM TO ASTM C1251 SPEC. IN BOTH MATERIAL AND DESIGN.
— ALL DUCTILE IRON PIPE PRING WITH PUMP STATION AND VALVE BOX SHALL BE SCH 40 WITH FLANGE TYPE FITTINGS.

ELEVATION DATA (ALL ELEV'S M.S.L.)	
"A" — CONTROL PANEL & VENT	14.92'
"B" — TOP OF WET WELL ELEVATION	12.92'
"C" — FINISHED GRADE ELEVATION	12.25'
"D" — INVERT OF INFLUENT ELEVATION	7.42'
"E" — LAG PUMP ON ELEVATION	6.70'
"F" — HIGH WATER ALARM ELEVATION	6.53'
"G" — LEAD PUMP ON ELEVATION	6.03'
"H" — PUMPS OFF ELEVATION	4.40'
"I" — WET WELL FLOOR ELEVATION	4.12'
"J" — BOTTOM OF STONE ELEVATION	3.45'
"K" — BOTTOM OF STONE ELEVATION	2.45'



HOMA SUBMERSIBLE PUMPS WITH CUTTER SYSTEM:
— MODEL GRP 18
— SPEED 3450 RPM
— 230 VOLT SINGLE PHASE MOTOR
(CONTRACTOR TO VERIFY EXISTING POWER CAPABILITY TO SUPPORT PUMPS AND CONTROLS)

PUMP STATION
SECTION
N.T.S.

CONTROL PANEL & VENT MOUNTING
N.T.S.

REVISIONS		BY
NO.	DATE	DESCRIPTION
REV1	10/28/20	TRC COMMENT REVISIONS
REV2	11/26/20	TRC 2ND COMMENT REVISIONS

DATE: 9/22/21	SCALE:
CHECKED: DRAWN:	
PROJECT NO: P726.21	
CAD FILE: P726 LAYOUT	
SHEET: C502	

LOT 1, MAPLE COMMERCE PARK

BRINDLEY BEACH LAUNDRY SERVICE

CRAWFORD TWP.

CURRITUCK COUNTY

NORTH CAROLINA

SANITARY LIFT STATION DESIGN AND DETAILS

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Recorded: 11/08/2013 at 02:14:31 PM
Fee Amt: \$42.00 Page 1 of 19

Currituck County North Carolina
Denise A. Hall Reg of Deeds

Bk **1272** Pg **542-560**

NORTH CAROLINA
CURRITUCK COUNTY

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration, made this 23rd day of October, 2013, by COUNTY OF CURRITUCK, a body corporate and politic existing under the laws of the State of North Carolina, made with reference to the following facts:

WITNESSETH:

WHEREAS, the County of Currituck, (the "County"), is the owner of that certain real property in the County of Currituck, State of North Carolina, described in Exhibit A attached hereto and by this reference incorporated herein, and known as MAPLE COMMERCE PARK; and

WHEREAS, Maple Commerce Park is being developed as a planned business/industrial park. It is the County's desire and intention to subject the real property in said business park to certain covenants, conditions, and restriction for the benefit of the property, Maple Commerce Park, and the purchasers of lots in Maple Commerce Park. It is intended that said covenants, conditions, and restrictions bind and benefit not only said purchasers and Maple Commerce Park but also their respective successors, heirs, and assigns and that all lots in Maple Commerce Park should be held, used, leased, sold, and conveyed subject to the covenants, conditions, and restrictions set forth in this Declaration; and

WHEREAS, it is the intention of the County to further a plan of subdivision by means of the covenants, conditions, and restrictions set forth in this Declaration. Said covenants, conditions, and restrictions are intended to be common to all of the lots in Maple Commerce Park and to enhance and protect the value desirability, and attractiveness of all such lots to their mutual benefit.

NOW, THEREFORE, for and in consideration of the premises for the purposes herein expressed, Declarant does hereby set forth and declare the following restrictions and does hereby covenant and agree to and with all persons, firms and corporations, now or hereafter acquiring any property within Maple Commerce Park and located on the lands described in Exhibit A to this instrument, that the said property is now and shall hereafter be subject to the following conditions and restrictions:

ARTICLE I **Definitions**

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, as used in this Declaration, have the meanings herein set forth:

1.1 Architect. The term "architect" shall mean a person holding a certificate of registration to practice architecture in the State of North Carolina under the authority of Chapter 83A of the North Carolina General Statutes.

1.2 Beneficiary. The term "beneficiary" shall mean a mortgagee under a mortgage as well as a beneficiary under a deed of trust.

1.3 Declarant. The term "Declarant" shall mean County of Currituck and, to the extent provided in Article VIII of this Declaration, its successors and assigns.

1.4 Declaration. The term "Declaration" shall mean this Declaration of Covenants, Conditions, and Restrictions for Maple Commerce Park, as it may from time to time be amended or supplemented.

1.5 Deed of Trust. The term "deed of trust" shall mean a mortgage as well as a deed of trust.

1.6 Maple Commerce Park. The term "Maple Commerce Park" shall be synonymous with the term "subject property" and shall mean all of the real property now or hereafter made subject to this Declaration.

1.7 Improvement--Improvements. The term "improvement" or "improvements" shall include buildings, outbuildings, roads, parking areas, fences, screening walls and barriers, retaining walls, stairs, decks, waterlines, sewers, electrical and gas distribution facilities, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas, and all other structures, installations, and landscaping of every type and kind, whether above or below the land surface.

1.8 Lot. The term "lot" shall mean a fractional part of the subject property as subdivided on subdivision or parcel maps recorded from time to time in the Currituck County Registry.

1.9 Mortgage. The term "mortgage" shall mean a deed of trust as well as a mortgage.

1.10 Mortgagee. The term "mortgagee" shall mean a beneficiary under, or holder of, a deed of trust as well as a mortgagee under a mortgage.

1.11 Occupant. The term "Occupant" shall mean a lessee or licensee of an Owner, or any other person or entity other than an Owner in lawful possession of a lot with the permission of the Owner.

1.12 Owner. The term "Owner" shall mean and refer to any person or entity that is the recorded Owner of fee simple title to any lot, excluding any entity or person who holds such interest as security for the payment of an obligation, but including contract sellers and any mortgagee or other security holder in actual possession of a lot.

1.13 Record--Recorded--Recordation. The terms "record," "recorded," or "recordation" shall mean, with respect to any document, the recordation of said document in the Currituck County Registry.

1.14 Sign. The term "sign" shall mean any structure, device, or contrivance, electric or nonelectric, upon or within which any poster, bill, bulletin printing, lettering, painting, device, or other advertising of any kind whatsoever is used, placed, posted, tacked, nailed, pasted, or otherwise fastened or affixed.

1.15 Street--Streets. The term "street" or "streets" shall mean any street, highway, road, or thoroughfare within or adjacent to the subject property and shown on any recorded subdivision or parcel map, or record of survey, whether designated thereon as street, boulevard, place, drive, road, court, terrace, way, lane, circle, or otherwise.

1.16 Subject Property. The term "subject property" shall be synonymous with the term "Maple Commerce Park" and shall mean all of the real property now or hereafter made subject to this Declaration.

1.17 Visible from Neighboring Property. The term "visible from neighboring property" shall mean, with respect to any given object on a lot, that such object is or would be visible to a person six (6) feet tall, standing on any part of any adjacent lot or other property at an elevation no greater than the elevation of the base of the object being viewed.

ARTICLE II Subject Property

2.1 General Declaration. Declarant hereby declares that all of that real property identified as Maple Commerce Park, located in Crawford Township, County of Currituck, State of North Carolina, and more particularly described in Exhibits A and B is, and shall be, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved, or transferred in whole or in part, subject to this Declaration. All of the covenants, conditions, and restrictions set forth herein are declared and agreed to be in furtherance of a general plan for the subdivision, improvement, and sale of said real property and are established for the purpose of enhancing and protecting the value, desirability, and attractiveness of the subject property and every part thereof. All of said covenants, conditions, and restrictions shall run with all of the subject property for all purposes and shall be binding upon and inure to the benefit of Declarant and all Owners, Occupants, and their successors in interest as set forth in this Declaration.

2.2 Addition of Other Realty. Declarant may at any time during the pendency of this Declaration add all or a portion of any real property now or hereinafter owned by Declarant to the subject property, and upon recording of a notice of addition of real property containing at least the provisions set forth in Section 2.3, the provisions of these Declarations specified in said notice shall apply to such added real property in the same manner as if it were originally covered by this Declaration. Thereafter, to the extent that this Declaration is made applicable thereto, the rights, powers, and responsibilities of Declarant and the Owners and Occupants of lots within such added real property shall be the same as in the case of the real property described in Exhibits A and B.

2.3 Notice of Addition to Land. The notice of addition of real property referred to in Section 2.2 shall contain at least the following provisions:

- (a) A reference to this Declaration stating the date of recording and the book or books of the records of the Currituck County Registry, and the page numbers where this Declaration is recorded;
- (b) A statement that the provisions of this Declaration, or some specified part thereof, shall apply to such added real property;
- (c) A legal description of such added real property; and
- (d) Such other or different covenants, conditions, and restrictions as Declarant shall, in its discretion, specify to regulate and control the use, occupancy, and improvements of such added real property.

ARTICLE III Construction of Improvements

3.1 Approval of Plans Required. No improvements shall be erected, placed, altered, maintained, or permitted or remain on any lot by any Owner or Occupant until final plans and specifications shall have been submitted to and approved in writing by Declarant. Such final plans and specifications shall be submitted in duplicate over the authorized signature of the Owner or Occupant or both of the lot or the authorized agent thereof. Such plans and specifications shall be in such form and shall contain such information as may be required by the Declarant but shall in any event include the following:

- (a) A site development plan of the lot showing the nature, grading scheme, kind, shape, composition, and location of all structures with respect to the particular lot (including proposed front, rear, and side setback lines), and with respect to structures on adjoining lots, and the number and location of all parking spaces and driveways on the lot;

(b) A landscaping plan for the particular lot;

(c) A plan for the location of signs and lighting; and

(d) A building elevation plan showing dimensions, materials, and exterior color scheme in no less detail than required by the appropriate governmental authority for the issuance of a building permit. Material changes in approved plans must be similarly submitted to and approved by Declarant.

3.2 Basis for Approval. Approval shall be based, among other things, upon compliance with the Design Guidelines prepared for the subject property, including adequacy of site dimensions, adequacy of structural design, conformity and harmony of external design with neighboring structures, effect of location and use of proposed improvements upon neighboring lots, proper facing of main elevation with respect to nearby streets, adequacy of screening of mechanical, air-conditioning, or other roof-top installations, and conformity of the plans and specifications to the purpose and general plan and intent to this Declaration. No plans will be approved that do not provide for the underground installation of power, electrical, telephone, and other utility lines from the property line to buildings.

Plans that provide for metal-clad buildings will be approved only on the conditions that such buildings are constructed so as not to have the appearance of a pre-engineered metal building, are designed by an architect, and are specifically approved in writing by Declarant. Declarant shall not arbitrarily or unreasonably withhold its approval of any plans and specifications. Except as otherwise provided in this Declaration, Declarant shall have the right to disapprove any plans and specifications submitted hereunder on any reasonable grounds including, but not limited to, the following:

(a) Failure to comply with any of the restrictions set forth in this Declaration;

(b) Failure to include information in such plans and specifications as may have been reasonably requested by Declarant;

(c) Objection to the exterior design, the appearance of materials, or materials employed in any proposed structure;

(d) Objection on the ground of incompatibility of any proposed structure or use with existing structures or uses upon other lots, or other property in the vicinity of the subject property;

(e) Objection to the location of any proposed structure with reference to other lots, or other property in the vicinity;

(f) Objection to the grading or landscaping plan for any lot;

(g) Objection to the color scheme, finish, proportions, style of architecture, height, bulk, or appropriateness of any structure;

(h) Objection to the number or size of parking spaces, or to the design of the parking area;

(i) Any other matter that, in the judgment of the Declarant, would render the proposed improvements or use inharmonious with the general plan for improvement of the subject property or with improvements located upon other lots or other property in the vicinity.

3.3 Review Fee. An architectural review fee shall be paid to Declarant at such time as plans and specifications are submitted to it based upon a schedule adopted from time to time by Declarant.

3.4 Result of Inaction. If Declarant fails either to approve or disapprove plans and specifications submitted to it for approval within forty-five (45) days after the same have been submitted, it shall be conclusively

presumed that Declarant has disapproved said plans and specifications; provided, however, that if within the forty-five (45)-day period Declarant gives written notice of the fact that more time is required for the review of such plans and specifications, there shall be no presumption that the same are disapproved until the expiration of such reasonable period of time as is set forth in the notice.

3.5 Approval. Declarant may approve plans and specifications as submitted, or as altered or amended, or it may grant its approval to the same subject to specific conditions. Upon approval or conditional approval by Declarant of any plans and specifications submitted, a copy of such plans and specifications, together with any conditions, shall be deposited for permanent record with Declarant, and a copy of such plans and specifications, bearing such approval together with any conditions, shall be returned to the applicant submitting the same.

3.6 Proceeding with Work. Upon receipt of approval from Declarant pursuant to Section 3.5, the Owner, or Occupant, or both, to whom the same is given, shall, as soon as practicable, satisfy any and all conditions of such approval and shall diligently proceed with the commencement and completion of all approved excavation, construction, refinishing, and alterations. In all cases, submission of plans and specifications to Declarant for approval and work shall commence within one (1) year from the date Owner purchases a lot from Declarant, and if submission of plans and work is not so commenced, approval shall be deemed revoked unless Declarant, pursuant to written request made and received prior to the expiration of said one (1)-year period, extends the period of time within which work must be commenced. Failure to comply with this Section shall constitute a breach of this Declaration and the party in breach shall convey the property back to Declarant.

3.7 Completion of Work. Any improvement commenced pursuant hereto shall be completed within two (2) years from the date of Owner's purchase of a lot from Declarant, except for so long as such completion is rendered impossible due to strike, fire, national emergency, natural disaster, or other supervening force beyond the control of Owner or Occupant. Declarant may, upon written request made and received prior to the expiration of the two (2) year period, extend the period of time within which work must be completed. Failure to comply with this Section shall constitute a breach of this Declaration and the party in breach shall convey the property back to the Declarant.

3.8 Declarant Not Liable. Declarant shall not be liable for any damage, loss, or prejudice suffered or claimed by any person on account of:

- (a) The approval or disapproval of any plans, drawings, and specifications, whether or not in any way defective;
- (b) The construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; or
- (c) The development of any lot within Maple Commerce Park.

3.9 Construction without Approval. If any improvement shall be erected, placed, or maintained upon any lot, or any new use commenced upon any lot, other than in accordance with the approval by the Declarant pursuant to the provisions of this Article III, such alteration, erection, placement, maintenance, or use shall be deemed to have been undertaken in violation of this Declaration, and upon written notice from Declarant, any such improvement so altered, erected, placed, maintained, or used upon any lot in violation of this Declaration shall be removed or altered so as to conform to this Declaration, and any such use shall cease or be amended so as to conform to this Declaration. Should such removal or alteration or cessation or amendment or use not be accomplished within thirty (30) days after receipt of such notice, then the party in breach of this Declaration shall be subject to the enforcement procedures set forth in Article VII.

ARTICLE IV Development Standards

4.1 Density.

- (a) The minimum lot size is two (2) acres (87,120 feet).
- (b) The minimum principal building size is 5,000 square feet. Accessory buildings may be constructed less than 9,000 square feet.
- (c) Lot coverage, including all buildings, pavement, walkways, stone or similar materials shall not exceed 65% of the gross lot area. This covenant is intended to insure continued compliance with the stormwater permit issued by the State of North Carolina. This covenant may not be changed or deleted without the consent of the State of North Carolina. No one may fill in, pipe, or alter any roadside ditch except as necessary to provide a minimum driveway crossing.

4.2 Minimum Setback. No improvements of any kind, and no part thereof, shall be placed closer than permitted by Declarant to an interior property line, except as otherwise provided in Section 4.3. "Interior property line" shall mean the boundary between any lot within the subject property and all other lots bordering upon said lot. No improvements of any kind, and no part thereof, shall be placed closer than thirty (30) feet from a property line fronting any roadway within the Maple Commerce Park. No improvements of any kind, and no part thereof, shall be placed closer than thirty (30) feet from a side or rear property line.

4.3 Exceptions to Setback Requirements. The following improvements, or parts of improvements, are specifically excluded from the setback requirements set forth in Section 4.2:

- (a) Roof overhang, subject to approval in writing from Declarant, provided said overhang does not extend more than eighteen (18) inches into the setback area;
- (b) Steps and walkways;
- (c) Fences, subject to the requirements set forth in Section 4.7;
- (d) Landscaping and irrigation systems;
- (e) Planters, not to exceed three (3) feet in height, except that planters of greater height may be built within the setback area with the prior written approval of Declarant;
- (f) Industrial park identification signs, directional and parking signs, and signs identifying the owner or Occupant of a lot, subject to the prior written approval of Declarant;
- (g) Lighting facilities, subject to the prior written approval of Declarant; and
- (h) Underground utility facilities and sewers.

4.4 Landscaping. No improvements to a lot shall be occupied prior to installation of such lot's landscaping in accordance with the plans and specifications. The area of each lot between any street and any minimum setback line as set forth in Section 4.2 shall be landscaped with an attractive combination of trees, shrubs, and other ground cover. All portions of a lot not fronting a street and not used for parking, storage, or buildings shall be landscaped in a complementary and similar manner.

Priority shall be given to retention of existing vegetation within 45' of all street right of ways, excluding site access & utilities. A vegetation retention plan shall be submitted to the County at the time of application for

individual lot development by the Owner. It shall be the responsibility of the Owner or Occupant to retain vegetation during development of the lot according to the approved plan.

When existing vegetation cannot be preserved, property owners shall submit a vegetation retention/planting plan to the County at the time of application for individual lot development that meets the minimum street tree requirements of the UDO. It shall be the responsibility of the individual lot Owner to install vegetation according to the approved plan.

The perimeter of parking areas shall be landscaped with solid screen evergreen plant material so as to screen said areas from view from adjacent streets and freeways. Such screening shall extend at least forty-eight (48) inches above the high point of the finished pavement in said parking area. Landscaped earth berms at least three feet high may substitute for the solid screen planting.

If the outdoor parking lot contains fifteen or more parking stalls, not less than 6% of the interior of such parking lot shall be landscaped. The use of depressed rain gardens between parking bays to capture and treat excess stormwater run-off is encouraged. Strips between parking bays may also be landscaped with appropriate ground cover and deciduous trees.

After completion, such landscaping as is herein required shall be maintained in a sightly and well-kept condition. If, in Declarant's reasonable opinion, the required landscaping is not maintained in a sightly and well-kept condition, Declarant shall be entitled to the remedies set forth in Article VII.

4.5 Signs. No sign shall be permitted on any lot unless approved by Declarant in writing. No sign shall be approved other than business park identification signs; informational and vehicular control signs; signs identifying the building or the business of the Owner or Occupant of a lot, in which instance signs may be placed upon each side of the building and one sign may be placed upon the lot; signs offering the lot for sale or lease; and temporary development signs.

4.6 Fences. No fences or walls shall be permitted on any lot unless such fence or wall is necessary for security or screening purposes. The Declarant reserves the right to approve the location and design of all fences, and no fence shall be constructed without a letter of approval from the Declarant.

4.7 Lighting. All exterior lighting, including floodlights, parking lights, and security lighting, constructed by the owner or occupant of a lot, must be a cut-off style fixture to prevent excess light pollution. Lights illuminating signage as provided in section 4.5 shall be exempt from this provision, but shall in no case run counter to county ordinances that regulate signage.

4.8 Parking Areas. Off-street parking adequate to accommodate the parking needs of the Owner or Occupant and the employees and visitors thereof shall be provided by the Owner or Occupant of each Lot. The intent of this provision is to eliminate the need for any on street parking; provided, however, that nothing herein shall be deemed to prohibit on-street parking of public transportation vehicles. If parking requirements increase as a result of a change in the use of a lot or in the number of person employed by the Owner or Occupant, additional off-street parking shall be provided so as to satisfy the intent of this section. All parking areas shall conform to the following standards:

(a) Required off-street parking shall be provided on the lot, on a contiguous lot, or within such distance from the lot as Declarant deems reasonable. Where parking is provided other than upon the lot concerned, Declarant shall be given a certified copy of a recorded instrument, duly executed and acknowledged by the person or person holding title to the lot or other property upon which the parking area is located, stipulating to the permanent reservation of the use of the lot or other property for such parking area.

(b) All parking areas, driveways and walks shall be surfaced with bituminous concrete, concrete, asphalt, brick or an equal material approved by Declarant. Declarant encourages the use of pervious pavement surfaces and materials to limit stormwater impacts. Each parking space provided shall be designated by lines painted upon the paved surface and shall be adequate in area. All parking areas shall provide, in addition to parking spaces, adequate driveways and space for the movement of vehicles; and

(c) Parking areas are located to the side or rear of buildings.

4.9 Storage and Loading Areas. Storage, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:

(a) Outside storage of materials, supplies, or equipment, including trucks or other motor vehicles, shall be permitted only if:

- (i) The material, equipment, or objects stored outside are incidental to the activities regularly conducted on the premises;
- (ii) The area devoted to outside storage combined with all other impervious surfaces does not exceed 50% of the gross floor area of the principal structure on the site;
- (iii) The area is screened on sides and top and harmonizes with the architecture, design, and appearance of neighboring structures and other surroundings; and
- (iv) The area is located upon the rear portions of a lot, unless otherwise approved in writing by Declarant.

(b) Provision shall be made on each site for any necessary vehicle loading, and no on-street vehicle loading shall be permitted.

(c) Loading dock areas shall be set back, recessed, or screened so as not to be visible from neighboring property or streets, and in no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street unless otherwise approved in writing by Declarant.

ARTICLE V

Regulation of Operations and Uses

5.1 Permitted Uses. The only uses allowed within the Maple Commerce Park shall be as follows:

1. Aviation related industries and services, including the manufacture of airplanes, aeronautical instruments and parts; distribution and warehousing of said parts, airplane and parts repair and overhaul facilities; and any other aviation or airport related goods and services as deemed appropriate by Declarant;
2. General building contractors, general contractors other than building, landscaping contractors and special trade contractors;
3. Manufacturing in the nature of apparel and other finished products; bakery products; beverages; cabinet and woodworking shop; electric, electronic machines, equipment and supplies; fabricated metal products; food and kindred products; furniture and fixtures; instruments and related products; lumber and wood products; machinery other than electrical; printing and publishing; stone, clay, glass and concrete products; textile manufacturing; transportation equipment;
4. Motor freight transportation and warehousing;
5. Warehousing; wholesaling of items manufactured on or off the premises. Mini storage warehouses or garages are **not** permitted uses.
6. Farm implement sales;
7. Electrical repair shops; equipment rental and leasing;
8. Governmental offices and buildings;

9. Offices for private business and professional activities.

10. Sexually oriented businesses are **prohibited** within the park.

11. Any use not expressly permitted or prohibited by this section shall be considered at the sole discretion of the Declarant.

5.2 Nuisances. No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A "nuisance" shall include, but not be limited to, any of the following conditions:

(a) Any use, excluding reasonable construction activity, of the lot that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any stream, river, or other waterway that, in the opinion of Declarant, may adversely affect the health, safety, comfort of, or intended use of their property by persons within the area. No waste nor any substance or materials of any kind shall be discharged into any public sewer serving the subject property or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer;

(b) The escape or discharge of any fumes, odors, gases, vapors, steam, acids, or other substance into the atmosphere, which discharge, in the opinion of Declarant, may be detrimental to the health, safety, or welfare of any person or may interfere with the comfort of persons within the area or may be harmful to property or vegetation;

(c) The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser, or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the glare, heat, or radiation emitted will not be discernible from a point exterior to the site or lot upon which the operation is conducted.

(d) Excessive noise. At no point outside of any lot plane shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, create any unreasonably loud, disturbing sound levels, taking into consideration volume, duration, frequency and other characteristics of the sound.

(e) Excessive emissions of smoke, steam, or particulate matter. Visible emissions of smoke or steam will not be permitted (outside any building) that exceed Ringlemann No. 1 on the Ringlemann Chart of the United States Bureau of Mines. This requirement shall also be applied to the disposal of trash and waste materials. Windborne dust, sprays, and mists originating in plants are not permitted.

(f) Ground vibration. Buildings and other structures shall be constructed and machinery and equipment installed and insulated on each lot so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point exterior to any lot.

5.3 Well-head Protection Areas. Parcels located within the subdivision and containing designated 500' Well-head Protection Areas as outlined in Exhibit B, "Maple Commerce Park Final Plat", and specifically identified as lots 6, 7 & 8, shall be further restricted on development types in order to manage or control potential sources of contamination throughout the designated area (Well-head Protection Area). The wells to be protected by this section are Mainland water system wells number 9, 10, 11, 12, 13, 14 and 15.

The designated lots can contribute infiltration water, or recharge, to the municipal wells. Contaminants found at or below the land's surface can move with this recharge toward the public water supply well. In no case shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the Maple Commerce Park.

Land uses or activities for the designated lots that pose a significant hazard to the County's groundwater resources resulting from storing, handling, treating, using, producing, recycling or disposing of hazardous materials or other deleterious substances shall be prohibited in lots 6,7 & 8. These land uses and activities include, but are not limited to:

- (a) On-site community sewage disposal systems.
- (b) Hazardous liquid pipelines.
- (c) Solid waste landfills.
- (d) Solid waste transfer stations.
- (e) Liquid petroleum refining, reprocessing and storage.
- (f) Bulk storage facilities for petroleum products and chemicals.
- (g) The storage or distribution of gasoline
- (h) Hazardous waste treatment, storage and disposal facilities.
- (i) Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals.
- (j) Dry cleaning establishments using the solvent perchloroethylene.
- (k) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals from molten materials.
- (l) Wood preserving and wood products preserving.
- (m) Mobile fleet fueling operations.
- (n) Other uses and activities that the Declarant determines would pose a significant groundwater hazard to the County Mainland groundwater supply.

5.4 Condition of Property. The Owner or Occupant of any lot shall at all times keep it and the buildings, improvements, and appurtenances thereon in a safe, clean, and wholesome condition and comply, at its own expense, in all respects with all applicable governmental, health, fire and safety ordinances, regulations, requirements, and directives, and the Owner or Occupant shall at regular and frequent intervals remove at its own expense any rubbish of any character whatsoever that may accumulate upon such lot.

5.5 Maintenance of Grounds.

(a) Each Owner shall be responsible for the maintenance and repair of all parking areas, driveways, walkways, and landscaping on his Lot. Such maintenance and repair shall include, without limitation:

(1) Maintenance of all parking areas, driveways, and walkways in a clean and safe condition, including the paving and repairing or resurfacing of such areas when necessary with the type of material originally installed thereon or such substitute therefore as shall, in all respects, be equal thereto in quality, appearance, and durability; the removal of debris and waste material and washing and sweeping of paved areas; the painting and repainting of striping markers and directional signals as required;

(2) Cleaning, maintenance, and relamping of any external lighting fixtures, except such fixtures as may be the property of any public utility or government body; and

(3) Performance of all necessary maintenance of all landscaping, including the trimming, watering, and fertilization of all grass, groundcover, shrubs, or trees; the removal of dead or waste materials; the replacement of any dead or diseased grass, groundcover, shrubs, or trees.

(b) Nothing contained herein shall preclude an Owner from recovering from any person liable therefore, damages to which such Owner might be entitled for any act or omission to act requiring an expenditure by the Owner for the maintenance and repair of the parking area, driveway, walkway, and/or landscaping on his Lot.

(c) The Maple Commerce Park subdivision contains common area open space owned by the Declarant, including drainage swales, ditches, forebays, stormwater ponds and multi-use trails. These areas are shown on Exhibit B. The maintenance of these areas will be completed by the Declarant on a regular schedule. The Owner or Occupant of any parcel within the Maple Commerce Park will be responsible for a portion of all maintenance fees related to the upkeep of open space, stormwater infrastructure and multi-use paths. This fee will be determined at a future date by the Declarant and assessed annually. Maintenance fees will be calculated on a site-to-site basis using a combination of the Owner or Occupants total land area, total impervious area, and factors such as the installation of additional on-site features to limit stormwater impacts.

5.6 Remedies for Failure to Maintain and Repair.

(a) *Remedies.* If any Owner shall fail to perform the maintenance and repair required by Section 5.6, then Declarant, after fifteen days prior written notice to such delinquent Owner, shall have the right, not the obligation, to perform such maintenance and repair and to charge the delinquent Owner with costs of such assessment or such work, together with interest thereon at the rate of eight percent (8%) per annum from the date of Declarant's advancement of funds for such payment or such work to the date of reimbursement of Declarant by Owner. If the delinquent Owner shall fail to reimburse Declarant for such costs within ten days after demand therefore, Declarant may, at any time within two years after such advance, file a claim of lien signed by Declarant for the amount of such charge together with interest thereon. The lien created by this section shall be effective to establish a lien against the interest of the delinquent Owner in his lot together with interest at eight percent (8%) per annum on the amount of such advance from the date thereof, in addition to recording fees, cost of title search obtained in connection with such lien or the foreclosure thereof, and court costs and reasonable attorney's fees that may be incurred in the enforcement of such a lien.

(b) *Foreclosure of Lien.* Subject to the provisions of Article XII, such a lien, when so established against the lot described in said claim, shall be prior or superior to any right, title, interest, lien, or claim that may be or may have been acquired in or attached to the real property interests subject to the lien subsequent to the time of filing such claim for record. Such lien shall be for the benefit of Declarant and may be enforced and foreclosed in a like manner as a real estate mortgage is foreclosed but without redemption.

(c) *Cure.* If a default for which a notice of claim of lien was filed is cured, Declarant shall file or record a rescission of such notice, upon payment by the defaulting Owner of the costs of preparing and filing or recording such rescission, and other reasonable costs, interest, or fees that have been incurred.

(d) *Nonexclusive Remedy.* The foregoing lien and the rights to foreclose thereunder shall be in addition to, and not in substitution for, all other rights and remedies that any party may have hereunder and by law, including any suit to recover a money judgment for unpaid assessments. If any Owner shall fail to perform such maintenance and repair and, notwithstanding such failure, Declarant should fail to exercise its rights and remedies hereunder, then any other Owner, after fifteen (15) days prior written notice to Declarant and such delinquent Owner, shall have the right, but not the obligation, to perform such maintenance and repair and shall have the same rights and remedies with respect thereto as are provided herein to Declarant.

5.7 Taxes and Assessments. If any Owner fails to pay taxes or assessments on its lot that become a lien on any portion of the subject property utilized for parking, service, or loading areas, then any other Owner may pay such taxes or assessments, together with any interest, penalties, and costs arising out of or related thereto, except while the validity thereof is being contested by judicial or administrative proceedings, and in such event the defaulting Owner obligated to pay such taxes or assessments shall promptly reimburse the other Owner for all such taxes or assessments, interest, penalties, and costs paid or incurred by such other Owner, and until such reimbursement has been made, the amount of the payment by such other Owner shall constitute a lien on and charge against the lot of the defaulting Owner, subject and subordinate, however, to any mortgage or deed of trust then outstanding and affecting said lot.

5.8 Refuse Collection Areas. All outdoor refuse collection areas shall be visually screened so as not to be visible from neighboring property or streets. No refuse collection area shall be permitted between a street and the front of a building.

5.9 Repair of Buildings. No building or structure upon any lot shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

5.10 Public Utilities. Declarant reserves the sole right to grant consents for the construction and operation of public utilities, including, but not limited to poles or lines for electricity, telephone, or telegraph, above- or below-ground conduits, and gas pipes in an upon any and all streets now existing or hereafter established upon which any portion of the subject property may now or hereafter front or abut. Declarant reserves the exclusive right to grant consents and to petition the property authorities for any and all street improvements, such as grading, seeding, tree planting, sidewalks, paving, and sewer and water installation, whether it be on the surface or subsurface, which in the opinion of Declarant are necessary on or to the subject property. Notwithstanding the provisions of Section 3.2, Declarant reserves the exclusive right to approve above-ground utility lines across the subject property or any portion thereof on a temporary basis for the purpose of construction, and such lines shall be permitted when required by a government agency. Notwithstanding the provisions of this Section, the construction and operation of public utilities in rights-of-way dedicated to the public must be approved by the appropriate governmental authority.

5.11 Utilities Lines and Antennas. No sewer, drainage, or utility lines or wires or other devices for the communication or transmission of electric current, power, or signals, including telephone, television, microwave, or radio signals, shall be constructed, placed, or maintained anywhere in or upon any portion of the subject property other than within buildings or structures, unless the same shall be contained in conduits or cables constructed, placed, or maintained underground or concealed in or under buildings or other structures. No antenna for the transmission or reception of telephone, television, microwave, or radio signals shall be placed on any lot within the subject property unless (a) such antenna shall be so located that it cannot be seen from five (5) feet zero (0) inches above the ground or ground-floor level at a distance of two hundred (200) feet in any direction and (b) the consent of Declarant shall first be obtained. Nothing contained herein shall be deemed to forbid the erection or use of temporary power or telephone facilities incidental to the construction or repair of buildings on the subject property.

5.12 Mechanical Equipment. All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar items shall be screened with landscaping or attractive architectural features integrated into the structure itself.

5.13 Mineral Exploration. No portion of the subject property shall be used in any manner to explore for or to remove any steam, heat, oil or other hydrocarbon, gravel, earth, or any earth substances or other minerals of any kind, provided, however, that this shall not prevent the excavation of earth in connection with the grading or construction of improvements within the subject property. Water may be extracted to the extent permitted by the appropriate governmental agency.

5.14 Other Operations and Uses. Operations and uses that are neither specifically prohibited nor specifically authorized by this Declaration may be permitted in a specific case if operational plans and specifications are submitted to and approved in writing by Declarant in accordance with the procedures set forth in Article III of this Declaration. Approval or disapproval of such operational plans and specifications shall be based upon the effect of such operations or uses on other property subject to this Declaration or upon the occupants thereof, but shall be in the sole discretion of Declarant.

5.15 Stormwater. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit **Number SW7100602**, as issued by the Division of Water Quality under the Stormwater Management Regulations.

- 1. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit.
- 2. These covenants are to run with the land and be binding on all persons and parties claiming under them.
- 3. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
- 4. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the Division of Water Quality.
- 5. The maximum allowable built-upon area per lot is 65% of the lot area.

The maximum built-upon area per lot, in square feet, is as listed below:

LOT #	LOT SIZE (ACRES)	LOT SIZE (SQUARE FEET)	ALLOWABLE BUA (ACRES)(65% Max.)	ALLOWABLE BUA (SQUARE FEET)(65% Max.)
1	6.00	261,592	3.90	170,000
2	6.72	293,134	4.36	190,000
3	4.57	199,296	2.96	129,000
4	3.81	166,189	2.48	108,000
5	4.44	193,795	2.87	125,000
6	4.88	212,901	3.17	138,000
7	6.58	286,903	4.27	186,000
8	5.49	239,264	3.56	155,000
9	24.51	1,067,656	15.91	693,000
10	4.81	209,584	3.12	136,000
11	5.11	223,016	3.31	144,000

This allotted amount includes any built-upon area constructed within the lot property boundaries. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.

- 6. All runoff from the built-upon areas on the lot must drain into the permitted system. This may be accomplished through a variety of means including roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales to collect the lot runoff and directing them into a component of the stormwater collection system. Lots that will naturally drain into the system are not required to provide these additional measures.

7. The owner of each lot, whose ownership is not retained by the permittee, is required to submit a separate stormwater permit application to the Division of Water Quality and receive a permit prior to construction.

8. The project and each lot will maintain a 50** foot wide vegetated buffer between all impervious areas and surface waters.

ARTICLE VI Modification and Repeal

6.1 Procedure. Except as otherwise provided in Section 6.2, this Declaration or any provision hereof, or any covenant, condition, or restriction contained herein, may be terminated, extended, modified, or otherwise amended, as to the whole of the subject property or any portion thereof, with the written consent of the Owners of eighty percent (80%) of the subject property, based upon the number of square feet subject to these covenants, conditions, and restrictions (excluding dedicated streets); provided, however, that so long as Declarant owns at least twenty percent (20%) of the property subject to these covenants, conditions, and restrictions, or for a period of fifteen (15) years from the effective date hereof whichever period is shorter no such termination, extension, modification, or other amendment shall be effective without the written approval of Declarant, which approval shall not be unreasonably withheld. No such termination, extension, modification, or other amendment shall be effective if it conflicts with a valid governmental enactment, ordinance, or regulation and until a proper instrument in writing has been executed, acknowledged, and recorded.

6.2 Modification by Declarant. For so long as Declarant owns any interest (excepting a leasehold interest) in the subject property, or any part thereof, or for a period of fifteen (15) years from the effective date hereof, whichever period is shorter, Declarant acting alone may modify or amend the provisions of Articles III, IV, and V; provided, however, that (i) any such modification or amendment must be within the spirit and overall intention of the development as set forth herein; (ii) prior to any such modification or amendment Declarant shall obtain the approval of any governmental agency to such modification or amendment where such approval is necessary; and (iii) any modification or amendment shall not provide for any type of improvements or use not presently permitted by this Declarations. No such modification or amendment shall be effective until the Owners have been given thirty (30) days prior written notice of the proposed change and a proper instrument in writing has been executed, acknowledged, and recorded.

6.3 Governmental Regulations. All valid governmental enactments, ordinances, and regulations are deemed to be a part of this Declaration, and to the extent that they conflict with any provision covenant, condition, or restriction hereof, said conflicting governmental enactment, ordinance, and regulation shall control and the provision, covenant, condition, or restriction hereof in conflict therewith shall be deemed (i) amended to the extent necessary to bring it into conformity with said enactment, ordinance, or regulation while still preserving the intent and spirit of the provision, covenant, condition, or restriction; or (ii) stricken herefrom should no amendment conforming to the governmental enactment, ordinance, or regulation be capable of preserving the intent and spirit of said provision, covenant, condition, or restriction.

ARTICLE VII Enforcement

7.1 Abatement and Suit. The Owner of each lot shall be primarily liable and the Occupant, if any, secondarily liable for the violation or breach of any covenant, condition, or restriction herein contained. Violation or breach of any covenant, condition, or restriction herein contained shall give to Declarant, following thirty (30) days written notice to the Owner or Occupant in question except in exigent circumstances, the right, privilege, and license to enter upon the lot where said violation or breach exists and to summarily abate and remove, or

abate or remove, at the expense of the Owner or Occupant thereof, any improvement, structure, thing, or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, or the prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these covenants, conditions, or restrictions to enjoin or prevent them from doing so, to cause said violation to be remedied, or to recover damages for said violation. No such entry by Declarant or its agents shall be deemed to trespass, and neither Declarant nor its agents shall be subject to liability to the Owner or Occupant of said lot for such entry and any action taken to remedy or remove a violation. The cost of any abatement, remedy, or removal hereunder shall be a binding personal obligation on any Owner or Occupant in violation of any provision of this Declaration, as well as a lien (enforceable in the same manner as a mortgage) upon the lot in question. The lien provided for in this section shall not be valid as against a bona fide purchaser or mortgagee for value of the lot in question unless a suit to enforce said lien shall have been filed in a court of record in Currituck County, North Carolina, prior to the recordation of the deed or mortgage conveying or encumbering the lot in question to such purchaser or mortgagee, respectively.

7.2 Right of Entry. During reasonable hours and upon reasonable notice and subject to reasonable security requirements, Declarants, or its agents, shall have the right to enter upon and inspect any lot and the improvements thereon covered by this Declaration for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and neither Declarant nor its agents shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.

7.3 Deemed to Constitute a Nuisance. The result of every act or omission whereby any covenant, condition, or restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or in equity against an Owner or Occupant either public or private shall be applicable against every such result and may be exercised by Declarant.

7.4 Attorney's Fees. In any legal or equitable proceeding for the enforcement of this Declaration or any provision hereof, whether it be an action for damages, declaratory relief, or injunctive relief, or any other action, the losing party or parties shall pay the attorney's fees of the prevailing party or parties, in such reasonable amount as shall be fixed by the court in such proceedings or in a separate action brought for that purpose. The prevailing party shall be entitled to said attorney's fees even though said proceeding is settled prior to judgment. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

7.5 Failure to Enforce Is No Waiver. The failure of Declarant to enforce any requirement, restriction, or standard herein contained shall in no event be deemed to be a waiver of the right to do so thereafter or in other cases nor of the right to enforce any other restriction.

ARTICLE VIII Assignment

Any and all of the rights, powers, and reservations of Declarant herein contained may be assigned to any person, partnership, corporation, or association that will assume the duties of Declarant pertaining to the particular rights, powers, and reservations assigned, and upon any such person, partnership, corporation, or association evidencing its consent in writing to accept such assignment and assume such duties, he or it shall, to the extent of such assignment and assume such duties, he or it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein. If at any time Declarant ceases to exist and has not made such an assignment, a successor to Declarant may be modified or amended under Section 6.1. Any assignment or appointment made under this article shall be in reasonable form and shall be recorded.

ARTICLE IX Constructive Notice and Acceptance

Every person or entity who now or hereafter owns, occupies, or acquires any right, title, or interest in or

to any portion of the subject property is and shall be conclusively deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person acquired an interest in the subject property.

ARTICLE X
Waiver

Neither Declarant nor its successors or assigns shall be liable to any Owner or Occupant of the subject property by reason of any mistake in judgment, negligence, nonfeasance, action, or inaction or for the enforcement or failure to enforce any provision of this Declaration. Every Owner or Occupant of any of said property by acquiring its interest therein agrees that it will not bring any action or suit against Declarant to recover any such damages or to seek equitable relief because of same.

ARTICLE XI
Runs with Land

All covenants, conditions, restrictions, and agreements herein contained are made for the direct, mutual, and reciprocal benefit of each and every lot of the subject property; shall create mutual equitable servitude upon each lot in favor of every other lot; shall create reciprocal rights and obligations between respective Owners and Occupants of all lots and privity of contract and estate between all grantees of said lots, their heirs, successors, and assigns; and shall, as to the Owner and Occupant of each lot, his heirs, successors, and assigns, operate as covenants running with land, for the benefit of all other lots, except as provided otherwise herein.

ARTICLE XII
Rights of Mortgagees

No breach of any covenant, condition, or restriction herein contained, or any enforcement thereof, shall defeat or render invalid the lien of any mortgage or deed of trust now or hereafter executed upon the subject property or a portion thereof, provided, however, that if any portion of said property is sold under a foreclosure of any mortgage or under the provisions of any deed of trust, any purchaser at such sale and its successors and assigns shall hold any and all property so purchased subject to all of the covenants, conditions, and restrictions contained in this Declaration.

ARTICLE XIII
Captions

The caption of articles and sections herein are used for convenience only and are not intended to be a part of this Declaration or in any way to define, limit, or describe the scope and intent of the particular article or section to which they refer.

ARTICLE XIV
Effect of Invalidation

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

EXHIBIT A

Legal Description of Maple Commerce Park

That certain real estate shown on plat entitled "Final Plat, Maple Commerce Park, Crawford Township, Currituck County, North Carolina" prepared by Hyman & Robey, P.C. , dated July 25, 2013 and recorded in Plat Cabinet N, Slide 2 in the Currituck County Registry which plat is incorporated herein by reference.

Unofficial Document

Unofficial Document

Unofficial Document

Attachment: Restrictive Covenants (Brindley Beach-Maple Commerce Park Building Elevation)

EXHIBIT B

Maple Commerce Park Final Plat

Plat entitled "Final Plat, Maple Commerce Park, Crawford Township, Currituck County, North Carolina" prepared by Hyman & Robey, P.C., dated July 25, 2013 and recorded in Plat Cabinet N, Slide 2 in the Currituck County Registry which plat is incorporated herein by reference.

Unofficial Document

Unofficial Document

Unofficial Document

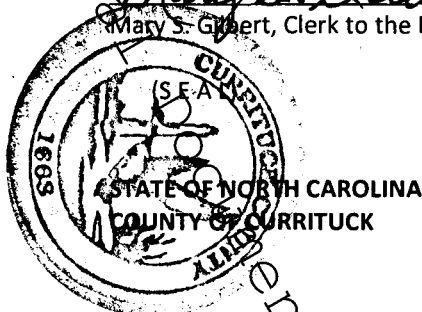
Attachment: Restrictive Covenants (Brindley Beach-Maple Commerce Park Building Elevation)

IT TESTIMONY WHEREOF, Declarant has caused this instrument to be executed by its proper officials and its corporate seal affixed, all by authority duly given by its elective board this the day and year first above written.

ATTEST:

COUNTY OF CURRITUCK
NORTH CAROLINA

By: S. Paul O'Neal
S. Paul O'Neal, Chairman
Board of Commissioners



Mary S. Gilbert, Clerk to the Board

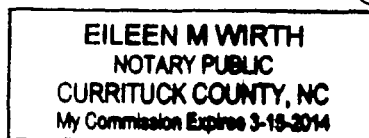
I, Eileen M. Wirth, a Notary Public of the County of Currituck, State of North Carolina, hereby certify that Mary S. Gilbert personally appeared before me this day and acknowledged that she is Clerk to the Board of County Commissioners of Currituck County, a body corporate and politic existing pursuant to the laws of the State of North Carolina, and that by authority duly given, and as the act of the county, the foregoing instrument was signed in its name by its Chairman and attested by herself as its Clerk, all by authority of the Board of County Commissioners of Currituck County.

WITNESS my hand and Notarial stamp or seal, this the 23rd day of October, 2013.

Eileen M. Wirth
Notary Public Eileen M. Wirth

My Commission Expires:

3-15-2014





Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3328)

Agenda Item Title: Budget Amendments

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Departmental line item budget adjustments.

Potential Budget Affect: Please review individual amendments for budget affect.

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

Manager Recommendation:

Number

20220069

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-592000	Projects		\$ 3,000
10460-516300	Street Signs	\$ 3,000	
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

Explanation: Public Buildings (10460) - Transfer budgeted funds for street sign replacements for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

ber

20220070

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10531 545000	Contracted Services		\$ 2,000
10531 532000	Supplies	\$ 2,000	
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Emergency Management (10531) - Transfer funds for Emergency Management supplies for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

ber

20220071

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-590000	Capital outlay		\$ 224,200
61818-532000	Supplies	\$ 15,000	
61818-533600	System supplies	\$ 120,000	
61818-533200	Lab test	\$ 4,200	
61818-545000	Contracted services	\$ 85,000	
		<u>\$ 224,200</u>	<u>\$ 224,200</u>

Explanation: Mainland Water (61818) - Transfer budgeted funds from capital outlay to repair cross connection infrastructure, increases in contract costs and operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

iber

20220072

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-431000	DSS Administration		\$ 107,945
10390-499900	Appropriated Fund Balance	\$ 13,456	
10750-557102	Pandemic LIEAP	\$ 98,346	
10750-557700	Crisis Intervention		\$ 14,545
10750-557701	LIEAP	\$ 10,688	
10760-532900	Foster Care Supplement	\$ 15,000	
10760-561000	Prof Services-Non reimbursable		\$ 15,000
		<u>\$ 137,490</u>	<u>\$ 137,490</u>

Explanation: Social Services Administration (10750); County Assistance (10760) - Increase appropriations to record additional grant funding.

Net Budget Effect: Operating Fund (10) - Increased by \$94,489.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

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20220073

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10650-545000	Contracted Services		\$ 11,000
10650-532000	Supplies	\$ 11,000	
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: Economic Development (10650) - Transfer funds for operations.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

iber

20220074

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-532004	FCS Supplies	\$ 3,700	
10330-449900	Miscellaneous Grants		\$ 3,700
		<u>\$ 3,700</u>	<u>\$ 3,700</u>

Explanation: *Cooperative Extension (10640)* - To record NC Department of Insurance (SHIIP base funds) grant funds received-\$3700.00

Net Budget Effect: Operating Fund (10) - Increased by \$3,700.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

iber

20220075

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10350-467100	Aviation Fuel Reciepts		\$ 250,000
10550-531002	Aviation Fuel	\$ 250,000	
		<u>\$ 250,000</u>	<u>\$ 250,000</u>

Explanation: Airport (10550) - Increase appropriations to fund aviation fuel purchases for the remainder of this fiscal year. This will be paid through sale of aviation fuel.

Net Budget Effect: Operating Fund (10) - Increased by \$250,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

ber

20220076

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530 532000	Supplies	\$ 10,000	
10530 590000	Capital Outlay		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

Explanation: Emergency Medical Services (10530) - Transfer funds that were budgeted as capital outlay, but purchase costs did not qualify as capital purchases.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

iber

20220077

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-516000	Repairs & maintenance		\$ 700
10441-503500	Temporary Services		\$ 2,000
10441-514500	Training & education	\$ 2,700	
		<u>\$ 2,700</u>	<u>\$ 2,700</u>

Explanation: Information Technology (10441) - Transfer funds for ITS training classes.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

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20220078

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10540-590000	Capital Outlay	\$ 13,000	
10340-454000	Building Permits		\$ 13,000
		<u>\$ 13,000</u>	<u>\$ 13,000</u>

Explanation: Building Inspections (10540) - Increase appropriations to purchase a second vehicle for the Inspections department. One vehicle was damaged in an accident after the budget was approved at the end of FY 2021. Another vehicle was approved for FY 2022, but we have not been able to find one in stock. The budget authorization was for \$38,000 and the quoted price for each vehicle is \$24,535 plus tax and tags. Our procurement office was notified 1/31/2022 that there were two Ford Rangers available.

Net Budget Effect: Operating Fund (10) - Increased by \$13,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

iber

20220079

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50460-590003	Public Works Maintenance Building	\$ 1,000,000	
50390-495042	T F - Land Transfer Tax Fund		\$ 1,000,000
		<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>

Explanation: County Governmental Facilities Fund (50460) - Increase appropriations to record funding for a Public Works Maintenance Facility to be located in the Maple Commerce Park. The transfer tax appropriation was appropriated in the FY 2022 budget.

Net Budget Effect: County Governmental Facilities Fund (50) - Increased by \$1,000,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)

iber

20220080

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-590000	Capital Outlay	\$ 36,000	
10795-590000	Capital Outlay	\$ 36,000	
10320-410000	Deed Excise Tax		\$ 72,000
		<u>\$ 72,000</u>	<u>\$ 72,000</u>

Explanation: Public Works (10460); Parks & Recreation (10795) - Increase appropriations to purchase F150 for Public Works and Parks & Recreation, including tax and tags. NC Sheriff's Association has opened ordering at this time.

Net Budget Effect: Operating Fund (10) - Increased by \$72,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_General Meeting (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3331)

Agenda Item Title: Project Ordinance-Public Works Maintenance Building

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Set up line item and project funds for approved capital project-Public Works Maintenance Building

Potential Budget Affect: Funded

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

Manager Recommendation:

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and construction for a Public Works Maintenance Building at the Maple Commerce Park.

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

Public Works Maintenance Building	\$ 1,000,000
	<u>\$ 1,000,000</u>

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

Transfer Tax	\$ 1,000,000
	<u>\$ 1,000,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and

- materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 7th day of February 2022.

Michael Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



**CURRITUCK COUNTY
NORTH CAROLINA**

January 18, 2022

Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	
Paul M. Beaumont	Vice Chairman	Present	
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.

A) Invocation & Pledge of Allegiance

Commissioner Beaumont offered the invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner White moved for approval. Commissioner Jarvis seconded the motion. The motion carried. 7-0

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

PUBLIC COMMENT

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

Chairman Payment opened the Public Comment period.

Communication: Approval of Minutes for January 18, 2022 (Minutes-January 18, 2022)

Shawn O'Sullivan, Powells Point resident expressed his view of Currituck as the Sportsman's Paradise.

Glenn Hines expressed his concerns of Albemarle Regional Health employee openings and the timeline of those positions not being filled effecting Currituck county inspections.

No others were signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge recognized the Corolla Fire Department for the video featured on the YouTube show Hero's Next-Door.

Commissioner McCord recognized the efforts of all those involved with leading the Wounded Warrior in Action program in Currituck County. He provided an update on the park benches located in Knotts Island and Moyock Landing. Mr. McCord encouraged kindness on social media.

Commissioner Beaumont echoed Commissioner Owen Etheridge regarding the video featuring Corolla Fire Department.

Chairman Payment apologized for his absence from the last meeting due to illness. Encouraged safety with the winter weather forecast.

Commissioner White encouraged citizens to develop a Civic Associates group to advocate concerns of the community. He provided an update on the Tourism Advisory Board report on Occupancy Tax base to increase the seasons growth.

Commissioner Mary Etheridge praised the participates with Currituck Kids Program for all their efforts. She encouraged community to become involved.

Commissioner Jarvis expressed gratitude for serving on the Board for the past three years and pledged to continue to listen to the citizens. She recognized the Juvenile Board and thanked members for providing guidance to our children.

COUNTY MANAGER/COUNTY ATTORNEY REPORT

Interim County Manager/ County Attorney, (ICM/CA) Ike McRee reported the Animal Shelter will be operating by appointment only until further notice due staff shortage. Mr. McRee annouced the Commissioners Retreat on January 27, and 28, 2022 held at the Public Safety Center.

ADMINISTRATIVE REPORTS

A) Currituck County Auditors Report- Carr, Riggs and Ingram

Madonna Stafford of Carr, Riggs and Ingram presented results of the 2021 financial audit performed by the firm for Currituck County. She reviewed the audits of special funds and programs, presented findings and results for key operating funds, and reported gains and losses for revenue funds and tax collections. No internal control deficiencies or concerns were noted. She thanked Sandra Hill, Finance Director, for her assistance which enabled the audit to be submitted in a timely manner. Following

presentation, Mrs. Stafford responded to questions and clarified information as requested by Board members.

PUBLIC HEARINGS

Motion for Recusal- Chairman Payment

Chairman Payment requested to be recused from the vote since the applicant and Mr. Payment have a business relationship. Commissioner McCord moved to allow the recusal and the motion was seconded by Commissioner J. Owen Etheridge. The motion carried and Chairman Payment exited the Board Room.

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

A. PB 21-24 W & J Development, LLC:

Kevin Kemp Development Services Director reviewed the Text Amendment with the Board. He used a PowerPoint to review the proposed text amendment language in the Unified Development Ordinance to modify the allowable uses and maximum building size in the MXR (Mixed Residential) zoning district. Review standards and consistency statements were presented. Staff recommended denial of the proposed text amendment and the Planning Board recommend approval of the request. Mr. Kemp presented the findings of fact and responded to questions related to the TRC comments included in the agenda documents.

Engineer, Mark Bissell presented a PowerPoint discussing the reviews and modifications.

Vice Chairman Beaumont opened Public Comment

Paul O'Neal Grandy resident, discussed the property's history, the land use plan discussed in 2010 for Grandy Village development. Mr. O'Neal expressed the need of growth in Lower Currituck.

No others were signed up nor wished to speak. Public Hearing was closed.

Commissioner White moved to approve PB 21-24 because the request is consistent with the unified Development Ordinance and policies CD2, CD5 and CD8 of the 2006 Land Use Plan. Commissioner J. Owen Etheridge seconded the motion. Motion carried, 5-1. Commissioner Mary Etheridge opposed.



To: Board of Commissioners

From: Planning Staff

Date: December 27, 2021

Subject: PB 21-24 W & J Development LLC Text Amendment

Request

W&J Development, LLC submitted a text amendment to the Unified Development Ordinance (UDO) that would amend Chapter 3 dimensional standards for the Mixed Residential (MXR) zoning district and allow commercial buildings up to 10,000 square feet on lots fronting major arterial streets. In addition, the request includes language to amend Chapter 4 that would allow restaurants, grocery stores, retail sales establishments, and shopping centers in the MXR district with a zoning compliance permit.

Background

The MXR zoning district was established with the adoption of the 2013 UDO by reclassifying the Mixed Residential (RA) zoning district to the MXR district. The UDO identifies the MXR zoning district as a residential zoning district and limits the building area and intensity of neighborhood serving commercial uses due to the residential designation of the district. As provided in Section 3.4.6, District Purpose, the MXR district is established to accommodate a variety of residential use types at moderate densities with very low intensity neighboring serving commercial, personal service and institutional uses outside of a community and village center. The UDO limits commercial and personal uses in the MXR district to a maximum of 2,500 square feet per building. Larger size buildings are permitted in business districts such as General Business (GB) or Limited Business (LB), and if the building is more than 5,000 square feet a special use permit is required when located outside of full-service designation.

In the MXR district, lands designated with non-residential uses can be used to calculate overall residential density.

2006 Land Use Plan

The Land Use Plan (LUP) does not provide detailed policies related to a particular size or type of uses for neighborhood serving commercial. However, the following

policies are relevant to general neighborhood serving commercial development, but do not necessarily support the amendment:

COMMERCIAL DEVELOPMENT POLICIES

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.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often exclude, but are not limited to, large scale commercial uses or automobile oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD8: MIXED-USE DEVELOPMENT, 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-scale, mixed use development.

Staff commentary: The MXR district is a transitional residential district that typically would be located between residential zoning (single family) and more intense commercial zoning (GB). Commercial uses greater than a neighborhood scale should be located in commercial or mixed-use districts and not the residential district.

Staff Comments Regarding the Proposed Request

Planning staff identified concerns with the proposed text amendment at the pre-application meeting and after the application was submitted. The applicant is considering a development plan for a particular site and staff suggested options at that time to facilitate the proposed development. The properties being considered include GB zoned lands adjacent to the major arterial street that will accommodate the commercial development at the proposed size and intensity.

Since the MXR district is a residential zoning district with very low-density neighboring serving commercial, uses such as shopping centers, grocery stores, and larger scale retail establishments are not permitted in the district. The current ordinance allows:

1. More intense larger scale commercial uses in the General Business (GB) zoning district in areas typically located on major arterials and in full-service areas; and,
2. A mixture of housing types in the MXR district.

The proposed language attempts to combine uses and intensity of uses found in the GB district and in some instances less restrictive than the GB district. This type of amendment could create an imbalance in the zoning district standards and Summary Use Table. Staff suggested the applicant consider other options to address the concerns and comments including:

1. Exclude GB lands from the request to reduce the limitations on current GB zoned property. Only include the areas intended for multi-family, open space, and smaller less intense commercial land uses in the MXR zoning district.
2. A maximum 5,000 square foot building single tenant for properties in the MXR with a full-service land use designation located on a major thoroughfare and maintain 2,500 square foot building maximum within the limited-service land use designation. Although this is an option, it is not the more preferred option.
3. Establish a mixed-use zoning district.
4. Evaluate the Commercial Center (CC) zoning district standards. This district requires a small area plan or civic master plan that includes the development area.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not 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 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

The staff recommendation on the proposed text amendment involves concluding whether the application complies with all applicable review standards (Text Amendment Review Standards). As presented, staff recommends denial of the proposed text amendment because the proposed amendment:

1. Is in conflict with the UDO by creating intensity discrepancies between the MXR zoning district and the business districts; and,
2. Is not consistent with the purpose and intent of the MXR zoning district.

And, the request will not result in a logical and orderly development pattern since the proposed language increased the intensity of business use types in a residential district and creates inconsistencies between the MXR, a residential zoning district, and business districts.

Planning Board Recommendation

On December 14, 2021, the Planning Board recommended approval of the requested text amendment with a 5-1 vote.

Motion

Mr. Doll moved to **deny** **PB 21-24** because the request is not consistent with the

Unified Development Ordinance and will not result in a logical and orderly development pattern because:

1. The amendment establishes intensity and use discrepancies between the MXR zoning district and the business districts; and,
2. Is not consistent with the purpose and intent of the MXR zoning district.

The request is not consistent with Policies CD2, CD5, and CD8 of the 2006 Land Use Plan and will not result in a logical and orderly development pattern since the proposed language increased the intensity of business use types in a residential district and creates inconsistencies between the MXR, a residential zoning district, and business districts.

Chairman Balance asked for a second on the motion to deny the request. There was no second and the motion failed.

Chairman Balance motioned to **approve PB 21-24** because the request is consistent with the Land Use Plan and Unified Development Ordinance and is in the public interest.

Mr. Hurley seconded the motion and the motion was approved with a 5-1 vote; Mr. Doll voting nay.

**PB 21-24 W & J DEVELOPMENT, LLC TEXT
AMENDMENT BOARD OF COMMISSIONERS
JANUARY 3, 2022**

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts and Chapter 4. Use Standards to modify the allowable uses and building size in the MXR (Mixed Residential) zoning district.

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 3, Section 3.4.6., Mixed Residential (MXR) District is amended by adding the underlined language:

D. DIMENSIONAL STANDARDS CD=COTTAGE DEVELOPMENT

	Residential	Multi-Family		Nonresidential
	Single-Family Detached	C D	O t h e r	
Max. Gross Density, Full-Service Area (du/ac)	2.0	3.0	3.0	2.0
Max. Gross Density, Limited-Service Area (du/ac)	1.0	1.5	1.5	1.0
Max. FAR (%)	N/A	N/A	N/A	0.40

Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100	100	200 [3]	3
Max. Lot Coverage (%)	30	40	40	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	4
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10	15	15	5
Rear Setback (ft)	25	30	30	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10	10	10	7
Min. Driveway/Parking Setback (ft)	10	10	10	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	25	[7]	10

[1] Maximum lot depth shall not exceed four times the lot width [2] Applied to subdivisions platted after UDO effective date [3] Applied to entire development, not individual building lots [4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[5] Setbacks are subject to needed fire flow based on the ISO method [6] Not applied to individual units in a zero lot line development [7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building, unless the site fronts on a major arterial, in which case the maximum building size will be 10,000 square feet.

Item 2: That Chapter 4, Table 4.1.1.A., Summary Use Table is amended by adding the underlined language and removing the strikethrough language:

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan; CZ= Allowed in a Conditional Zoning District
blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.)
COMMERCIAL USE CLASSIFICATION														
Eating Establishments/Diner														

theater															
	Restaurant, with indoor or outdoor seating														
	Specialty eating establishment														
Retail Sales & Services	Grocery store														
	Retail sales establishments														
	Shopping center														4.G4

*Uses shown with an asterisk apply to sites that front on a major arterial

Item 3: Staff suggested Statement of Consistency

The proposed text amendment is not consistent with the Unified Development Ordinance and will not result in a logical and orderly development pattern because:

1. The amendment establishes intensity and use discrepancies between the MXR zoning district and the business districts; and,
3. Is not consistent with the purpose and intent of the MXR zoning district.

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 _____, 2021.

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

B. PB 21-11 Foster Forbes Mine

Parties were sworn in and Developmental Services Director Kevin Kemp, reviewed the Special Use Permit to the Board. A PowerPoint was used to display the site location and site plan. Mr. Kemp reviewed the background and presented the findings of fact and responded to questions related to the TRC comments included in the agenda documents.

Jeff Malarney, Attorney for the applicant, called Ken Elliott, Elliott Consulting, Katherine Bell, Real Estate Appraiser and Derrick Hatchell, manager of HOM Development, LLC, to provide testimony as expert witnesses

Ken Elliott, Elliott consulting, explained his role in the Foster Forbes Mine operation as an expert inspector for North Carolina with 30 years of experience. He gave testimony to ensure company compliance with environment management and permit regulations including coordination and monitoring of operations.

Katherine Bell explained her role as a State Certified Residential Appraiser. Ms. Bell provided an analysis to determine the effects of the residential values. Provided in her data evolutions of the locations six active mines located in Lower Currituck County and sales of residential homes from 2018 through 2021 were negatively affected by the presence of Foster Forbes Mine.

Derrick Hatchell explained his role in the Foster Forbes Mine construction, operation of sand and topsoil Mine. Mr. Hatchell operates the development strictly in accordance with the plans submitted to Currituck County Planning Department, North Carolina Department of Environmental Quality, Division of Energy, and Mineral and Land Resources.

Chairman Payment opened Public Comment

Shannon O'Sullivan, Powell's Point resident, expressed specific concerns of noise control, Wetland CAMA permits, Decimal map, air quality concerns and applicants' knowledge of wetlands. She expressed concerns of contamination of well water and loss of wildlife.

Ken Elliott addressed Mrs. O'Sullivan's concerns regarding the CAMA permit. He explained the high noise level meter reading location was found at highway. Mr. Hatchell addressed the hydration ditch process during the mine dewatering operation and use of the sediment pond and excavation area. Drainage patterns of the area will not be altered.

No others signed up nor wished to speak and the Public Hearing was closed.

Mr. Malarney provided a summary of the witness testimony and stated the applicant has met the burden to support the findings of fact and asked the Board to approve the Special Use Permit.

Chairman Payment moved to approve PB 21-11 Foster Forbes Mine because the applicant has demonstrated the proposed use meets the special use permit review standards of the UDO. The use will not endanger the public health or safety with conditions of testing of wells installed. 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 based on the testimony of the real estate appraiser. The use will be in conformity with the 2006 Land Use Plan or other officially adopted plans Policy ID8, WQ1, WQ6, and the use will not exceed the county's ability to provide adequate facilities and have no impact on schools or water supply. Commissioner White seconded the motion. Motion carried 7-0.

Chairman Payment called a recess at 9:20 PM. The meeting reconvened at 9:24 PM.

**STAFF REPORT PB 21-11 FOSTER FORBES MINE
SPECIAL USE PERMIT BOARD OF
COMMISSIONERS JANUARY 18, 2022**

APPLICATION SUMMARY	
Property Owner: Foster Allen Forbes 5104 Lunar Drive Kitty Hawk, NC 27949	Applicant: HOM Development, LLC PO Box 2405, 1002 Driftwood Dr. Manteo, NC 27954
Case Number: PB 21-11	Application Type: Special Use Permit
Parcel Identification Number: 0123-000-0079-0000	Existing Use: Residential/woodland/farmland
Parcel Size (Acres): 41 acres	Zoning: AG (Agriculture)
Land Use Plan Classification: Limited-Service Area	
Request: Special Use Permit to establish a 6.23-acre mine operation (extractive industry)	

SURROUNDING PARCELS		
	Land Use	Zoning
North	Low-density residential/farmland/woodland	GB/AG
South	Low-density residential/farmland/woodland	GB/AG
East	Commercial/Low-density residential/woodland	GB/AG
West	Undeveloped woodland	AG

The applicant, HOM Development, LLC, and property owner, Foster Allen Forbes, are requesting a special use permit to excavate 6.23 acres of sand/topsoil on a 41-acre parcel located in Powells Point. The Foster Forbes Mine operator will be HOM Development, LLC. The proposed mine affected area is 16.46 acres and includes the 6.23-acre mine, 4.43-acre stockpile and loading area, 0.51-acre sediment pond (existing) for dewatering operations, 2' x 8' vegetated berm, 1,200 liner foot hydration swale, and 450' entrance and haul road.

1. Size: The proposed excavation area is 16.4% of the total tract and 19.9% of the net acreage (less jurisdictional wetlands). Future expansion is not planned.
2. Setbacks: The proposed activities, excluding the haul road, will maintain 300 feet from the residential dwellings and 100 feet from all property lines. The proposed haul road is less than 300 feet from the single-family dwelling to the south and the existing dwelling on-site but will maintain 150' setback (50% reduction). The reduced setback will require a complete visual screen for a height of 6 feet and an intermittent visual screen to a height of 20 feet. The screen shall be in place prior to commencing mining operations.
3. Access: The proposed access will be located 188' from the centerline of Pinewood Acres Drive and equal spacing to the off-site driveway to the south. The driveway will be surfaced with pavement beginning at the edge of pavement at Caratoke Highway, extending 200' into the property, and will be a minimum 24' in width. A gate will be installed 80' from the front property line to secure the mine area. The operator estimates a maximum average of 12 vehicles per day leaving the mine site with the maximum trips per hour to be an average of 2-

- 3 during peak operations.
4. Reclamation: The proposed mine will be retained by the property owner for scenic and recreational purposes and for wildlife habitat. The sediment pond, partially located in the Dominion Energy (VEPCO) right of way, will be filled in and leveled.
 5. Depth: The proposed mine will be excavated to an average depth of 30 feet and the maximum depth of 35 feet.
 6. Dewatering: The excavation activities include dewatering to the sediment pond that will overflow to a recharge or hydration swale and wetlands. There are 10 properties with potential in use wells within 1,500 feet of the excavation area. The applicant identified seven wells within 1,500 feet of the excavation area. Four monitoring wells will be installed at the same depth as the dewatering operation.
 7. Environmental: A portion of the property is in the 100-year and 500-year floodplain. No mine activities are proposed in these areas. The site contains 9.69 acres of USACOE jurisdictional wetlands. The site does not contain significant natural heritage areas.

COMMUNITY MEETING SUMMARY

The community meeting was held on March 8, 2021, at the Currituck County Rural Center in Powells Point. Two virtual meetings were also scheduled. A copy of the community meeting minutes is provided in the packet. The concerns expressed at the meeting and written comments received after the meeting included mining operation impacts to existing wells, groundwater, property values, wildlife and ecosystem, enjoyment of property, and air quality.

PERMITS AND APPROVALS

Dominion Energy (TE021068001)	Consent Agreement for Right of Way Encroachment
NCDOT (D011-027-21-00014)	Driveway Permit
NCDEQ, Div. of Energy, Minerals, and Land Resources (27-56)	Mine Permit
US Army Corps of Engineers (SAW-2021-00139)	Jurisdictional Determination - no work planned in jurisdictional area
Phase 1 Archaeological Survey	No further archaeological work is recommended

STAFF REVIEW

TECHNICAL REVIEW COMMITTEE

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

1. The applicant has demonstrated the proposed mining operation will meet the use specific standards for Extractive Industry (UDO Chapter 4, Section 4.2.5.A.) provided the following items are addressed:
 - a. The Salazar property boundary and the area around the existing single-family dwelling located on the subject property shall contain a complete visual screen at least 6 feet in height and an intermittent visual screen to a height of at least 20 feet between the mining activity and the adjoining single-family dwelling. In areas where existing vegetation does not meet this requirement additional plantings and/or solid fencing shall be provided.

(UDO Section 4.2.5.A.)

- b. A maximum of two driveways are permitted for frontages greater than 500 feet but less than 1,000 feet. The minimum separation between driveways shall be is 200 feet. The director, upon advice with NCDOT, may authorize a reduction in spacing due to the lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical. (UDO Section 5.6.7 and LUP POLICIES ID8, CA1, and TR6)

Other staff concerns:

1. The depth of the wells located within 1,500 feet of the excavation area is unknown. However, according to Albemarle Regional Health Services older wells in this area generally access a shallow water supply with some wells potentially less than the maximum dewatering depth of the mine. There are 10 properties with possible in-use wells within 1,500 feet of the excavation area, there are 3 residential subdivisions located on the east side of Caratoke Highway (Currituck Woods, Pinewood Acres, and Azalea Acres) utilizing wells. The applicant identified 7 in-use wells within 1,500 feet of the excavation area. There are approximately 38 in-use wells within 2,000 feet of the excavation area; mainly wells located in the 3 residential subdivisions. (LUP POLICY WQ1)

2006 Land Use Plan

The 2006 Land Use Plan classifies the site as Limited-Service Area in the Point Harbor subarea. The following policy statement is relevant to mining activities:

POLICY ID8: MINING ACTIVITIES, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise, dust considerations, etc.

The following policy statements are not specific to mining activities but may be relevant to secondary impacts as noted:

POLICY WQ1: Currituck County's GROUND WATER RESOURCES shall receive a level of protection commensurate with their enormous value. Efforts shall be made to monitor the quantity and quality of groundwater resources, with an eye toward preventing pollution, saltwater intrusion, or excessive drawdowns. Particular attention shall be given to locations near water and sewer treatment plants and areas with concentrations of septic tanks.

POLICY WQ6: Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams, and other components of the estuarine system as an effective, low coast means of protecting water quality.

Staff commentary: The 30' Currituck County riparian buffer and the 50' state wetland buffer are required for the mining operation. The buffers offer protection to wildlife habitat and critical aquatic nurseries.

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168 shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting, and tree preservation.

POLICY TR6: HIGHWAY 158/168 shall receive special attention concerning the proper development of land and properties adjoining and/or accessing this critical arterial.

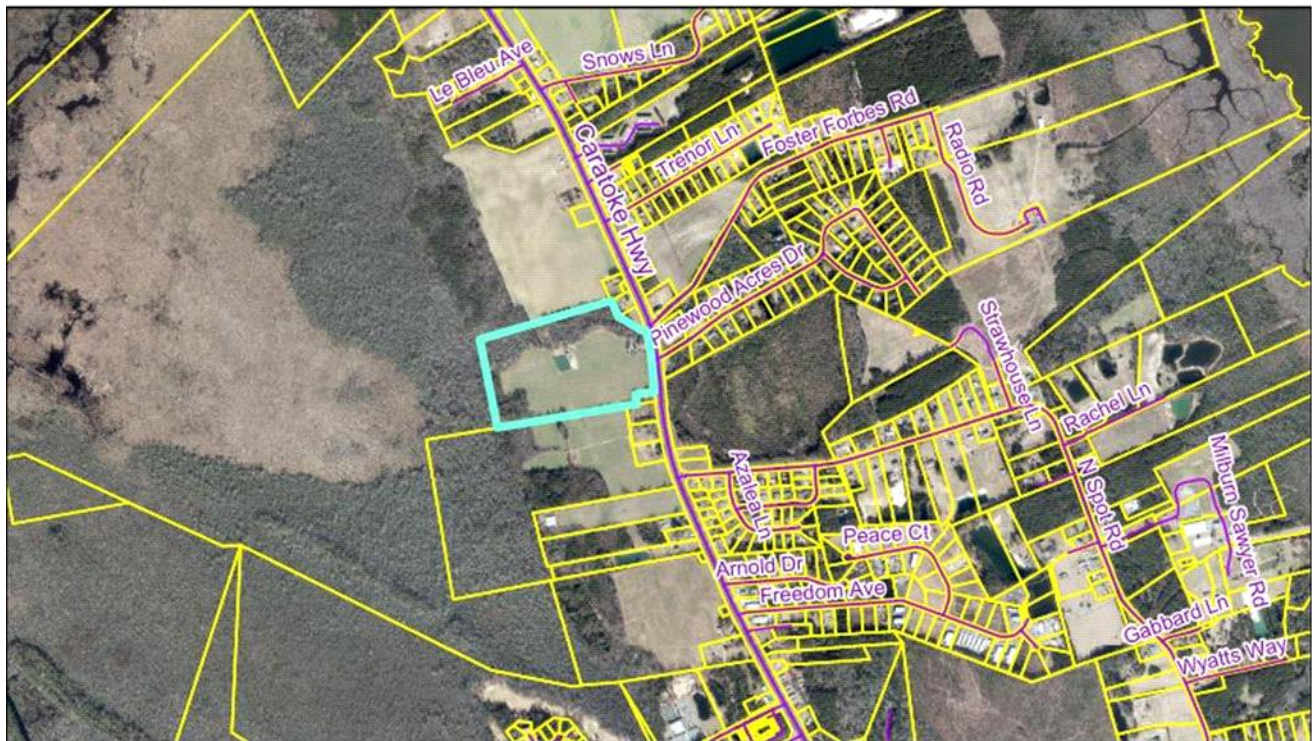
SPECIAL USE PERMIT REVIEW STANDARDS

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. It is the burden of the applicant to provide evidence to address the Review Standards. The applicant's findings can be found in the attached application.

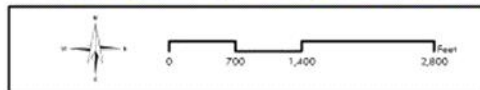
Special Use Permit Review Standards

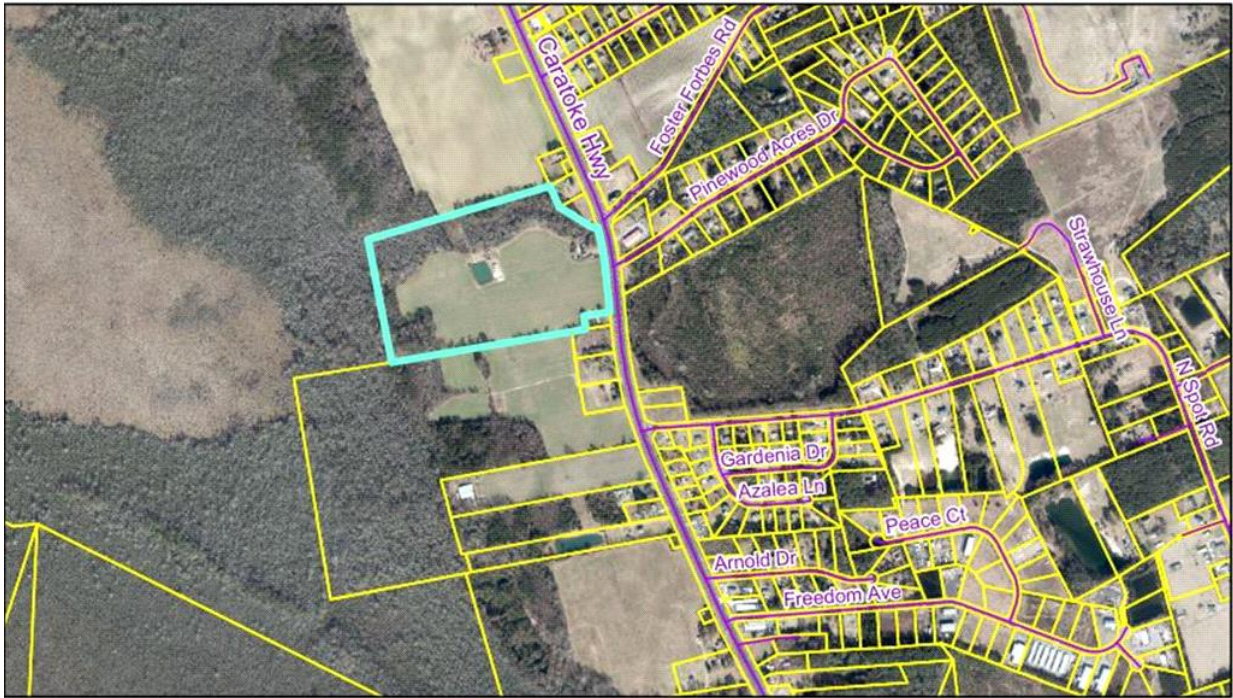
A special use permit shall be approved on a finding that the applicant demonstrates the proposed use will:

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.

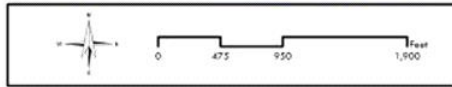


PB 21-11 Foster Forbes Mine
Special Use Permit
Context Map

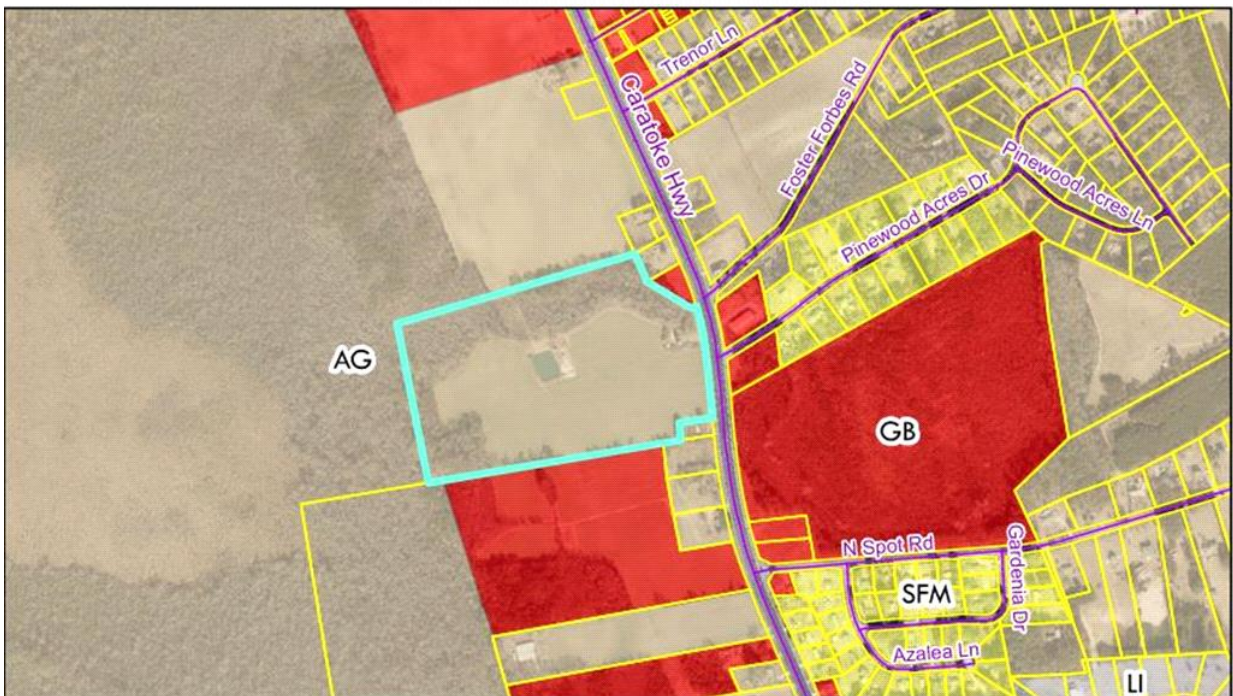




PB 21-11
Foster Forbes Mine
Aerial



Currituck County
Planning and Community
Development



PB 21-11 Foster Forbes Mine
Special Use Permit
Zoning

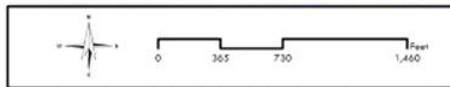


Currituck County
Planning and Community
Development

Communication: Approval of Minutes for January 18, 2022 (Minutes-January 18, 2022)



PB 21-11 Foster Forbes Mine
Special Use Permit
Land Use Plan



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

NEW BUSINESS

A. Consideration and Approval of Brindley Beach Building Elevation to be Located on Lot 1, Maple Commerce Park

Kevin Kemp presented the proposal for the Brindley Beach Laundry Facility. He reviewed the site plan and the restrictive covenants.

Commissioners discussed the appearance of the East Elevation and suggested the applicant provide other options for broadside of the building.

Commissioner White motioned to continue item to next meeting February 7, 2022, for further action, following a rewrite to remove the metal building limitation language. Commissioner Beaumont seconded the motion. Motion carried 7-0.

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RESULT: CONTINUED TO FUTURE MEETING**Next: 2/7/2022 6:00 PM****B) Consent Agenda**

Commissioner Beaumont moved for approval of the Consent Agenda. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10530-533900	Ambulance Supplies	\$ 500	
10380-483530	Donations - EMS		\$ 500
		<u>\$ 500</u>	<u>\$ 500</u>
Explanation:	Emergency Medical Services (10530) - Increase appropriations to record a private donation for pet resuscitators.		
Net Budget Effect:	Operating Fund (10) - Increased by \$500.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-536000	Uniforms	\$ 3,000	
10460-590000	Capital Outlay	\$ 1,050	
10460-592000	Projects		\$ 4,050
		<u>\$ 4,050</u>	<u>\$ 4,050</u>
Explanation:	Public Buildings (10460) - Transfer budgeted funds for uniforms for new employees and increased cost of budgeted vehicle.		
Net Budget Effect:	Operating Fund (10) - No change.		

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		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
20609-511010	Data Transmission	\$ 6,000	
20609-588000	Contingency		\$ 6,000
		\$ 6,000	\$ 6,000
Explanation: Whalehead Watershed (20609) - Transfer funds from contingency for increased costs in data transmission for the SCADA system.			
Net Budget Effect: Whalehead Stormwater Drainage District Fund (20) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
63838-516000	Repairs & Maintenance	\$ 8,000	
63838-571500	Recycling	\$ 242,000	
63838-545001	Contracted Services Collection		\$ 242,000
63838-590000	Capital Outlay		\$ 8,000
		\$ 250,000	\$ 250,000
Explanation: Solid Waste (63838) - Transfer budgeted funds to reinstate recycling and for additional maintenance costs.			
Net Budget Effect: Solid Waste Fund (63) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50531-590000	Capital Outlay	\$ 92,000	
50531-588000	Contingency		\$ 92,000
		\$ 92,000	\$ 92,000
Explanation: County Governmental Construction Fund (50531) - Transfer contingency funds for capital outlay for communications furnishings.			
Net Budget Effect: County Governmental Construction Fund (50) - No change.			

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		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-516200	Vehicle Maintenance	\$ 80,000	
10510-526000	Advertising	\$ 250	
10510-532000	Supplies	\$ 10,000	
10510-536000	Uniforms	\$ 5,000	
10510-502100	Overtime		\$ 10,000
10510-590000	Capital Outlay		\$ 5,250
10320-411000	Article 39 Sales Tax		\$ 55,500
10330-424000	Officer Fees		\$ 15,000
10340-456510	Sheriff Fees		\$ 7,500
10380-483510	Donations - Sheriff		\$ 2,000
		\$ 95,250	\$ 95,250
Explanation: Sheriff (10510) - Increase appropriations for vehicle maintenance and transfers for operations for the remainder of this fiscal year.			
Net Budget Effect: Operating Fund (10) - Increased by \$80,000.			

2. Consideration of License Agreement Between Currituck County and Tidewater Council Boy Scouts of America

3) Approval of Minutes for January 3, 2022

1. Approval Of Minutes for January 3, 2022

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Regular Meeting of the Board of Commissioners recessed to hold a special meeting of the Tourism Development Authority. The Special Meeting took place in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

C. TDA Budget Amendment

Commissioner White moved for approval of the TDA Budget Amendments. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0.

Communication: Approval of Minutes for January 18, 2022 (Minutes-January 18, 2022)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15447-545015	Beach Nourishment	\$ 20,000	
15320-415000	Occupancy Tax		\$ 20,000
		\$ 20,000	\$ 20,000
Explanation: Tourism Related Expenses (15447) - Increase appropriations to fund beach grass and beach fencing grant programs.			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$20,000.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15447-587050	T T - County Govt Construction	\$ 770,850	
15320-415000	Occupancy Tax		\$ 770,850
50447-590012	Coral St Walkover 2021	\$ 221,243	
50447-590013	Dolphin St Walkover 2021	\$ 248,023	
50447-590014	Makeral St Walkover 2021	\$ 301,584	
50390-495015	T F - Occupancy Tax		\$ 770,850
		\$ 1,541,700	\$ 1,541,700
Explanation: Tourism Related Expenses (15447) - Increase appropriations for Dolphone, Coral and Mackerel walkovers. Each site will include beach grass plugs, retaining walls and showers.			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$770,850. County Governmental Construction (50) - Increased by \$770,850.			

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		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-590000	Capital Outlay	\$ 265,000	
15320-415000	Occupancy Tax		\$ 265,000
		<u>\$ 265,000</u>	<u>\$ 265,000</u>
Explanation: Tourism Related Expenses (15447) - Increase appropriations to purchase a used 2013 Rosenbauer Rescue Pumper for protection of firefighters and rescue personnel and enhancement of fire and rescue functions for the Corolla Fire Services District. This purchase will be repaid from the Corolla Volunteer Fire Contract over the next ten years, beginning in FY 2023 and concluding in FY 2032.			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$265,000.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15448-532160	Maintenane Supplies	\$ 10,000	
15448-506000	Health Insurance		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>
Explanation: Tourism Related Expenses - Historic Corolla Park (15448) - Increase appropriations for additional maintenance supplies due to adding the Maritime Museum, restrooms and Wildlife Resource Center to County operations for this fiscal year.			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$10,000.			

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

ADJOURN TDA AND RECONVENE REGULAR MEETING

The Board had no further business and the regular meeting was reconvened.

CLOSED SESSION

Commissioner White moved the board into Closed Session Pursuant to G.S. 143-318.11 (a) (6) to discuss personnel matters.

ADJOURN

Motion to Adjourn Meeting

The Board had no further business and Commissioner M. Etheridge moved to adjourn. Commissioner Jarvis seconded the motion. The motion carried, 7-0, and the meeting of the Board of Commissioners was adjourned at 10:45PM.

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

Communication: Approval of Minutes for January 18, 2022 (Minutes-January 18, 2022)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3329)

Agenda Item Title: TDA Budget Amendment

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Budget Amendment for Tourism Development Authority-Updated cleaning contract for HCP facilities.

Potential Budget Affect: No change

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

Manager Recommendation:

Number TDA20220017

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 7th day of February 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-545000	Contracted Services	\$ 14,250	
15448-561900	Administration		\$ 14,250
		<u>\$ 14,250</u>	<u>\$ 14,250</u>

Explanation: Tourism Related Expenses - Historic Corolla Park (15448) - Transfer funds from the WRC Administration to contracted services to provide cleaning contract for the Wildlife Resource Center beginning when the current contract expires through June 30, 2022.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 7_TDA (TDA Budget Amendment)