



CURRITUCK COUNTY NORTH CAROLINA

November 5, 2018

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

4:30 PM Historic Boat Building Update and Plans Review / Currituck County Airport

The Currituck County Board of Commissioners met at 4:30 PM in the Conference Room of the Historic Courthouse for a review of design plans for the Historic Boat Building Museum project planned for construction at Historic Corolla Park. Michelle Perry, County Engineer, and Tameron Kugler, Tourism Director, attended. Ms. Perry provided an update on the project's status and said site design and permitting were complete. She used the overhead projector to display construction drawings and artist renderings and reviewed recent modifications which added large, exterior doors to ensure boats could be easily moved in and out of the building. Commissioners asked Ms. Perry to explore using wood doors in lieu of metal as shown in the conceptual drawings. Ms. Perry reviewed the interior concept for displays and exhibits and associated cost estimates. During presentation, County Manager Dan Scanlon reviewed the project's current budget and suggested bid alternatives to break out costs for the wood doors and other added design features. After a review of the next steps, Commissioners authorized staff to begin the bid process. A classroom was to remain in the design and displays and exhibits should be completed when the museum opens so as not to look unfinished. Mr. Scanlon said the Board can be updated periodically with a progress and costs review. Commissioners suggested staff seek out grant opportunities to help with costs.

Immediately following the 4:30 PM work session the Board and staff discussed airport operations. Mr. Scanlon said the county has been approached by Fixed Base Operations (FBO) vendors interested in operating and possibly expanding current operations, which may include expanding corporate aircraft and charter flights, lessons, additional hangars, and runway extension. He provided a history of growth at the airport over the years and more recent statistics on airport activity. The Board discussed the airport's potential and directed staff to engage in conversation with FBO's to explore opportunities presented for enhanced operations at the facility.

The airport work session began with the Board viewing a raw footage video of activity at the airport, some of which will be included in a presentation for an upcoming meeting with County Commissioners, staff and Julie White, North Carolina Department of Transportation Deputy Secretary of Multi-modal Transportation.

The work sessions concluded at 5:33 PM.

6:00 PM CALL TO ORDER

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

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

Chairman Hanig called the meeting to order.

A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ

Reverend Kimberly Ferebee attended to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

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

Approved agenda:

Work Session

4:30 PM Historic Boat Building Update and Plans Review / Currituck County Airport

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ

B) Approval of Agenda

Public Comment

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

Commissioner's Report

Administrative Reports

A) School District Safety Upgrades Presentation-Mark

Stefanik, Superintendent**Public Hearings**

- A) PB 18-22 Allied Properties, LLC** Request for conditional rezoning of 66.8 acres from Conditional District - Mixed Residential (C-MXR) to Conditional District - Mixed Residential (C-MXR) to change the conceptual development plan and conditions on properties located in Moyock on the east side of Caratoke Highway, Tax Map 9, Parcels 11L and 6A, Tax Map 9H, Parcels OSA-OSC, Parcels 1-12, and Parcels 42-58, Moyock Township.
- B) Consideration and Action: PB 16-06 Windswept Pines:** Request for an amended preliminary plat/use permit to modify the development acreage and stormwater infrastructure for Phase 2 for properties located on the east side of Caratoke Highway, Tax Map 9, Parcels 11L and 6A, Tax Map 9H, Parcels OSA-OSC, Parcels 1-12, and Parcels 42-58, Moyock Township.
- C) PB 18-24 Currituck County Flood Maps and Ordinance:** Request to adopt the flood insurance rate maps, flood insurance study and amend sections of the Unified Development Ordinance for compliance with the model Coastal Flood Damage Prevention Ordinance.

Old Business

- A) PB 18-20 Ponderosa Enterprises Inc: Request for Conditional rezoning of 11.6 acres from General Business (GB) and Agriculture (AG) to Conditional General Business (C-GB) for property located in Maple, adjoining Ponderosa Mobile Home Park to the north, Parcel Identification Number 0052-000-022B-0000, Crawford Township.**

New Business**A) Board Appointments**

1. Consider Kelsey Hall for Appointment to the Joint Nursing/Domiciliary Community Advisory Committee
2. Library Board of Trustees
3. Planning Board
4. Senior Citizens Advisory

B) Consent Agenda

1. Approval Of Minutes for October 15, 2018
2. Budget Amendments
3. Surplus Resolution-2004 Ford Ambulance
4. Consideration for Funding the installation of an Instrument

Landing System at Carova Beach Fire Station Helipad

5. 2018 Order of Collections-Tax Department
6. Verizon Tower Equipment Amendment 1099 Ocean Trail
7. Currituck County Finance Department Request for disposal of Finance Records per the Record Retention Schedule

C) County Manager's Report

Adjourn

Special Meeting of the Tourism Development Authority

TDA: Budget Amendments

Adjourn Special Meeting

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

PUBLIC COMMENT

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

Chairman Hanig opened the Public Comment period.

Dr. Robert Wynegar, President of College of the Albemarle (COA), provided an update for the Board of Commissioners on enrollment, programs and facilities. He reported enrollment estimates for the fall semester were up 6%, and he announced approval of a new Associates in Science degree program and expected approval of an Emergency Medical Services Associates degree program. He expressed gratitude for the support received from Currituck County and noted 240 students from JP Knapp Early College High School and Currituck County High School took advantage of dual enrollment, realizing savings of \$186,000 in tuition and fees. Dr. Wynegar said COA looks forward to meeting the demand for higher education in Currituck County.

Chairman Hanig praised a job well done and offered thanks to Dr. Wynegar on behalf of the Board of Commissioners. With no one else signed up nor wishing to speak the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman Hanig recognized the custodian at the Judicial Center for the great job he does, and he provided highlights of the 350th Anniversary Celebration events held over the weekend.

Commissioner Hall said he had a great time at the 350th Anniversary Celebration over the weekend. He discussed Veteran's Day coming up and asked that we remember our Veterans and encouraged folks to thank a Veteran for their service.

Commissioner White said he attended the North Carolina Travel Industry Association meeting and learned there are still struggles to overcome with tourism in the state and the industry is working hard to bring visitors to North Carolina. He announced the Halloween Trunk or Treat event in Corolla for a fun and safe place to bring kids to celebrate.

Commissioner Beaumont read a letter of appreciation sent by the City of New Bern to Currituck County Fire and Emergency Medical Service to express their gratitude for Currituck's sending support staff and apparatus to assist with response to Hurricane Florence.

Commissioner Etheridge provided Election Day poll hours and voting reminders. She stressed the importance of voting and encouraged all to exercise their privilege. She reviewed her duties on the Health and Human Services steering committee and reported on a recent meeting in Raleigh where legislative goal proposals were deliberated. Later this month she will participate in a meeting to further review and select the goals that will be forwarded for legislative consideration.

Commissioner Gilbert thanked all who participated in the weekend's Gobbler Jogger 5K race to benefit Currituck Kids. She announced Currituck Kids were also recipients of the People's Choice Award associated with the BBQ cookoff at the County's 350th celebration, which brought in over \$3,100.

Commissioner Payment congratulated the Lady Knights High School volleyball team for winning the state title. He announced the Currituck County High School Band also won an award at their competition and noted recent wins in Football and men's Soccer. He encouraged people to support their schools and get involved in school activities.

ADMINISTRATIVE REPORTS

A. School District Safety Upgrades Presentation-Mark Stefanik, Superintendent

Mark Stefanik, Currituck County Schools Superintendent, discussed school safety initiatives, three of which were either implemented or are in progress. Safety enhancements include door locking devices (Jenna Lock), door access controls for a keyless ID card system and installing a School Resource Officer (SRO) in each school. He said window safety film treatments and metal detectors are being researched for potential installation in the future. Mr. Stefanik provided information on three state safety grants received to assist with funding for an SRO, a Social Worker and safety equipment upgrades. He said a formal request to assist with funding for safety upgrades was sent to the County.

Mr. Stefanik responded to Board questions pertaining to the state grants awarded to the schools and the keyless access system, and he noted safety training is provided for staff. Commissioners asked Mr. Stefanik to discuss installing a Knox Box on each school building with the school board to allow quick access by firefighters when the buildings are unoccupied. Commissioner Etheridge suggested partnering with the

community to offer sponsorships to those who may wish to purchase a Jenna Lock for a classrooms, and Mr. Stefanik said he would reach out to parent and booster groups. During presentation, Mr. Stefanik also highlighted the Girls Volleyball team who went an impressive 18-0 to win the state tournament.

PUBLIC HEARINGS

A. PB 18-22 Allied Properties, LLC

APPLICATION SUMMARY		
Property Owner: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958 QHOC of Windswept Pines LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958	MCQ Builders, LLC-2 1060 Laskin Rd, Suite 15B Virginia Beach, VA 23454 Mark & Penny McCrary 131 Baxter Ln. Moyock, NC 27958	Applicant: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958
Case Number: 18-22		Application Type: Conditional Rezoning
Parcel Identification Number: 0009000011L0000, 00090000006A0000, 009H00000SA-C0000, 009H0000001-120000, 009H0000042-580000		Existing Use: Residential Subdivision
Land Use Plan Classification: Rural		Parcel Size (Acres): 66.8 acres
Moyock Small Area Plan Classification: Full Service		Zoning History: A and GB (1989) C-MXR (2015)
Current Zoning: C-MXR		Proposed Zoning: C-MXR

REQUEST

The applicant originally requested, and was approved, for a Conditional C-MXR rezoning for these properties in 2015. The 2015 approved conditions and development plan indicated 59 total lots (including one existing parcel recombined to provide an entrance to Baxter Lane), commercial area, and a possible future development phase. The future development phase did not have a conceptual design layout, pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space, or approximate location of jurisdictional wetlands.

Since the 2015 conditional zoning approval, the applicant has designed and developed Windswept Pines. Windswept Pines Phase 1 is recorded and several homes are under construction. As part of the construction drawing application, the engineered stormwater plans were completed that resulted in additional stormwater retention area for Phase 2. The increased stormwater storage is proposed in the possible future development area of the 2015 conceptual development plan. The proposed changes are considered a material change and require a new conditional zoning application and conceptual development plan. The proposed plan identifies new stormwater facilities, slightly modifies the open space layout for the development, and recognizes shifts in open space and road layout for the subdivision.

The summary of the new conceptual development plan is as follows:

Total Area: 66.87 acre rezoning

59 residential lots (including the existing McCrary parcel)

Open Space - Required

15.39 acres required residential open space (51.32* acres x 30%)

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

* 14.07 acres future development excluded from the open space calculation

Open Space - Provided

17.07* acres residential open space*

0.15 acres commercial open space

**14.07 acres future development not included in open space calculation*

A request to develop the area identified on the proposed plan as *Future Development Phase* will require an amendment to the conditional zoning plan and the preliminary plat.

EXISTING ZONING CONDITIONS

1. Proposed Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Perform an evaluation of existing main ditch along Truran/Ward property line from site to Baxter's Lane and if warranted, seek permission to improve ditch cross-section.
5. Explore the possibility of routing a portion of stormwater runoff to the northeast.
6. All residential development will be single family and will conform to sample building elevations provided.

The applicant proposes to remove condition 4.

COMMUNITY MEETING

A community meeting was held August 17, 2018 at the Moyock Library. Several comments were made regarding the existing drainage, road interconnectivity, and NCDOT road right of way and maintenance. A meeting summary is provided in the agenda packet.

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE CONDITIONAL REZONING SUBJECT TO THE FOLLOWING CONCEPTUAL DEVELOPMENT PLAN CORRECTION:

1. THE AREA CALCULATIONS ON THE CONCEPTUAL DEVELOPMENT PLAN SHALL REFLECT THE MCCRARY PROPERTY IN THE REQUIRED OPEN SPACE CALCULATIONS AS PROVIDED IN THE CONCEPTUAL DEVELOPMENT PLAN SUMMARY ABOVE.

Mr. Ballance motioned to approve PB 18-22 Allied Properties, LLC for the requested conditional rezoning to allow for the two additional ponds because the request is in compliance with the 2006 Land Use Plan and it is in the public interest with the added agreed upon conditions of approval 1 through 5 as stated in the staff report:

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

Also, the calculation correction shall be included.

Ms. Overstreet seconded the motion and the motion carried unanimously.

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	RESIDENTIAL/WOODLAND/FARMLAND/ SAND MINE	GB/AG
SOUTH	RESIDENTIAL/BUSINESS	GB/AG
EAST	FARMLAND	AG
WEST	CEMETERY/FARMLAND	GB

ADOPTED PLANS

THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS RURAL WITHIN THE MOYOCK SUBAREA. THE POLICY EMPHASIS FOR THE MOYOCK SUBAREA IS MANAGING THE INCREASED URBAN LEVEL OF GROWTH THAT THIS AREA IS SURE TO

EXPERIENCE OVER THE NEXT DECADE AND BEYOND. IN AREAS WHERE ON-SITE WASTEWATER IS PROPOSED AND OTHER COUNTY SERVICES ARE LIMITED DEVELOPMENT DENSITY SHOULD BE LIMITED TO 1-2 UNITS PER ACRE. THE PROPOSED PLAN IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:	
POLICY HN1	CURRITUCK COUNTY SHALL ENCOURAGE DEVELOPMENT TO OCCUR AT DENSITIES APPROPRIATE FOR THE LOCATION. LOCATION AND DENSITY FACTORS SHALL INCLUDE WHETHER THE DEVELOPMENT IS WITHIN AN ENVIRONMENTALLY SUITABLE AREA, THE TYPE AND CAPACITY OF SEWAGE TREATMENT AVAILABLE TO THE SITE, THE ADEQUACY OF TRANSPORTATION FACILITIES PROVIDING ACCESS TO THE SITE, AND PROXIMITY OF THE SITE TO EXISTING AND PLANNED URBAN SERVICES. (SUMMARY)
THE MOYOCK SMALL AREA PLAN IDENTIFIES THIS THIS SITE AS FULL SERVICE. FULL SERVICE DESIGNATIONS ARE FOCAL POINTS IN THE COMMUNITY WHERE HIGH AMOUNTS OF ACTIVITY OCCUR. TYPICAL DENSITIES IN FULL SERVICE DESIGNATIONS RANGE FROM 1.5 - 3 UNITS PER ACRE DEPENDING ON SURROUND LAND USES. THE PROPOSED PLAN IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:	
POLICY FLU1	PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY. THIS IS ACHIEVED THROUGH DESIGN AND INCLUDE LARGER SETBACKS, LANDSCAPED OR FORESTED STRIPS, TRANSITION ZONES, FENCING, SCREENING, DENSITY AND/OR BULK SEPT DOWNS, OR OTHER ARCHITECTURAL AND SITE PLANNING MEASURES THAT ENCOURAGE HARMONY.

This conditional zoning request is consistent Moyock Small Area Plan in that it is compatible with the future land use map Full Service designation and densities (FLU1). In addition, the request is reasonable and in the public interest because the request is similar to the existing development plan and results in an orderly and logical development pattern.

CONDITIONS OF APPROVAL

ONLY CONDITIONS MUTUALLY AGREED TO BY THE OWNER(S) MAY BE APPROVED AS PART OF A CONDITIONAL ZONING DISTRICT. CONDITIONS SHALL BE LIMITED TO THOSE THAT ADDRESS CONFORMANCE OF DEVELOPMENT AND USE OF THE SITE WITH COUNTY REGULATIONS AND ADOPTED PLANS AND THAT ADDRESS THE IMPACTS REASONABLY EXPECTED TO BE GENERATED BY THE DEVELOPMENT OR USE. NO CONDITION SHALL BE LESS RESTRICTIVE THAN THE STANDARDS OF THE PARALLEL GENERAL USE ZONING DISTRICT.

Agreed upon conditions of approval:

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

Planning Board Discussion - 10/9/2018

Donna Voliva, Assistant Planning Director, presented the staff report. Since the original 2015 conditional zoning, the applicant has designed and developed Windswept Pines. Windswept Pines Phase 1 is recorded and homes are under construction. As part of the construction drawing application, the engineered stormwater plans were completed that resulted in additional stormwater retention area for Phase 2. The request for conditional rezoning would allow two ponds that are necessary for this stormwater retention.. A community meeting was held and several people attended with concerns about the existing drainage, road interconnectivity, NCDOT road right of way and maintenance.

Mr. Craddock asked Ms. Voliva why the open space was exceeded and she replied that it was a minor error.

Mr. Bissell with Bissell Professional Group came before the board to represent Allied Properties, LLC.

Mr. Bissell explained the calculations of water drainage in the ditches. Ditch F was the only one that carried a lot of water and was backing up in the ditch and on the site. The plan was to construct a new ditch along the west side and since the three existing ponds are insufficient, we will need to construct 2 additional ponds to allow for proper drainage. The storm water will be divided between the two new ponds.

Board members asked questions about the ditches locations, where the ditches drained to and if additional ponds beyond the two requested ones will be needed. Mr. Bissell said they plan on doing a Phase 3 and the ponds would then need to be enlarged.

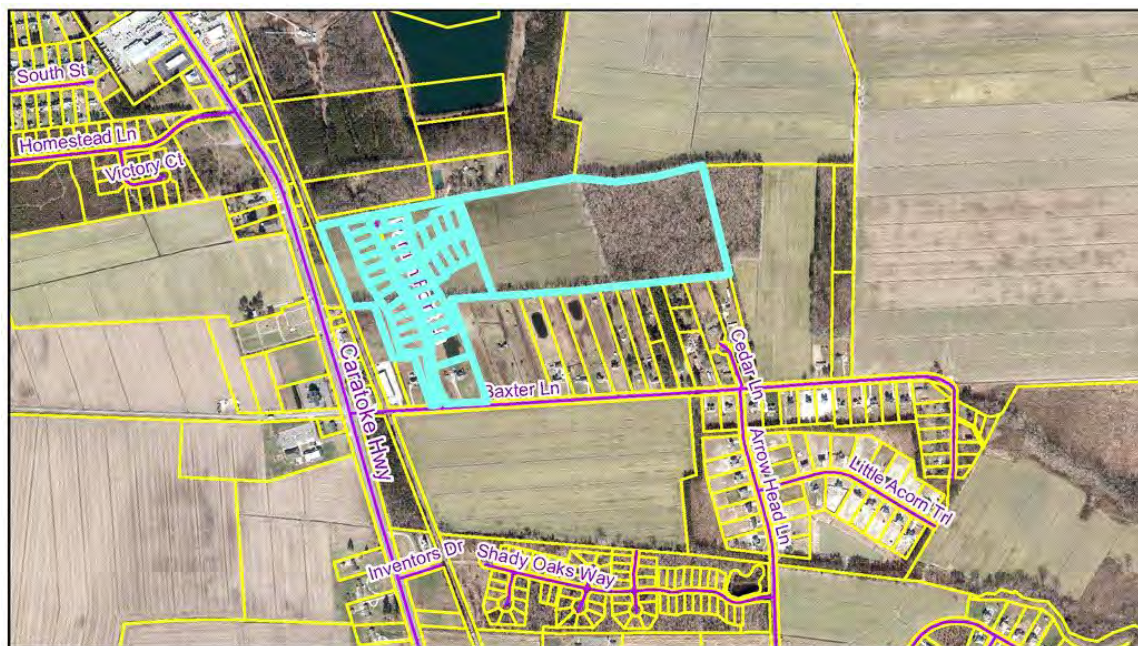
No other persons were signed up to speak. Chairman Whiteman asked for a motion.

Mr. Ballance motioned to approve PB 18-22 Allied Properties, LLC for the requested conditional rezoning to allow for the two additional ponds because the request is in compliance with the 2006 Land Use Plan and it is in the public interest with the added agreed upon conditions of approval 1 through 5 as stated in the staff report:

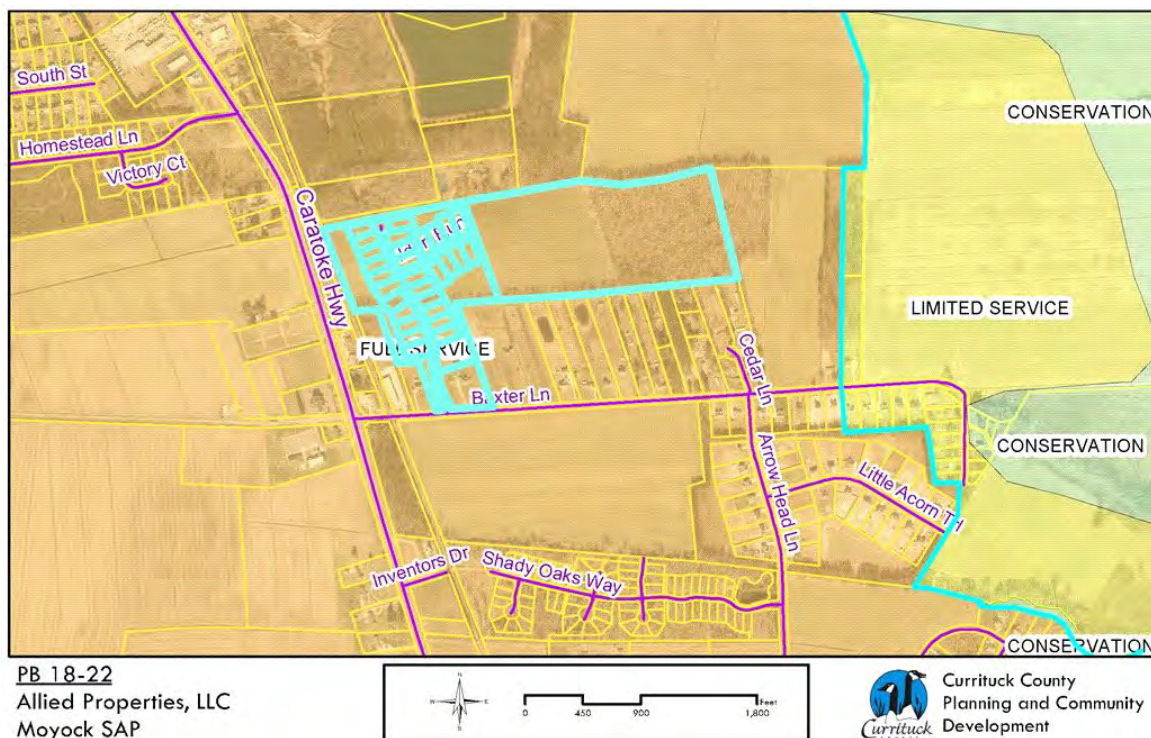
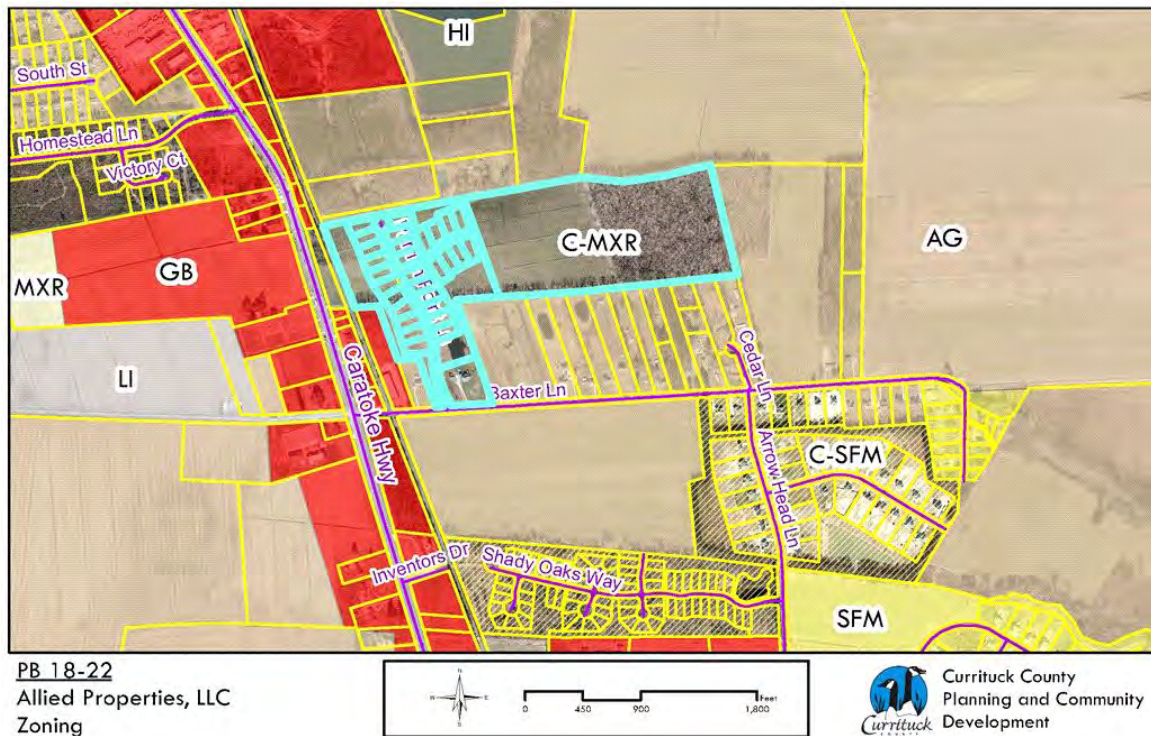
1. Proposed Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.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

Also, the calculation correction shall be included.

Ms. Overstreet seconded the motion and the motion carried unanimously.



PB 18-22
Allied Properties, LLC
Aerial



Planning and Community Development Director, Laurie LoCicero, reviewed the rezoning request with Commissioners and used a powerpoint to display maps of the location. Ms. LoCicero said both the Technical Review Committee and Planning Board recommended approval with the new zoning conditions, and she reviewed supporting Land Use Plan

policies. Ms. LoCicero responded to questions posed by the Board and summarized that the request was made because the applicant needed more capacity for stormwater.

Mark Bissell, Bissell Professional Group, spoke on behalf of the applicant and presented powerpoint slides to note the changes to the earlier stormwater plan. He reviewed the revisions and denoted additional stormwater ponds and modifications to ditching on the overhead. He responded to questions posed by Commissioners during presentation and said the change was necessary based on the actual stormwater modeling performed on the site.

Richard Truran and Nathan Morales, neighbors to the site, expressed concerns about water flows and ditching. Mr. Truran said there are flooding issues currently with water backing up on his land and Mr. Morales said he does not believe the pipes are sized properly to handle the water capacity. He described how the water backfeeds onto private property and infiltrates other ditches, preventing the water's ability to flow. He said he has begun to have septic issues that did not exist before.

Mr. Bissell responded, and said less water is being released than before because they are holding more water on the land. Mr. Morales again noted problems with his septic and toilets believing it is the result of overwhelming pressure on the water table through retention ponds. Mr. Bissell explained how the pond works and will maintain the water table and said a collapsed ditch could be the problem.

Eric Weatherly, County Engineer, came to the podium and said he believes the ditch downstream is too small and the water is backing up. He suggested cleaning the ditch but said the County is only able to address drainage through stormwater districts and cannot go onto private land. Mr. Weatherly said what the applicant proposed isn't going to worsen the situation.

Mr. Bissell said Mr. Truran's issues were taken into consideration during development of plan and he told Mr. Weatherly cleaning the ditching at the end of Baxter Lane would help.

Chairman Hanig opened the Public Hearing.

Rich Truran, 151 Baxter Lane, wanted to know where the overflow water from the pond is going to go and which direction. Mr. Bissell and Ms. LoCicero reviewed the flow of water using the overhead.

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

Commissioner Gilbert moved to approve PB 18-22, Allied Properties, LLC, since the request is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan because:

- It is at a density appropriate for the location (LUP Policy HN1).
- It is located in the fastest growing areas of the county that continues to evolve as a full service community (Moyock Area Policy Emphasis)

And the request is reasonable and in the public interest because:

- It promotes compatibility between the proposed development and the existing development by providing perimeter open space and buffers (MSAP FLU1).
- It is located in an appropriate zoning district for the development.
- It is seeking a change to the plan to retain additional stormwater on-site in an effort to reduce the impacts to nearby lands.

In addition, the proposed use is a Subdivision; all lots are to be greater than or equal to 20,000 square feet; a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation; explore the possibility of routing a portion of stormwater runoff to the northeast; all residential development will be single family and will conform to sample building elevations provided.

The motion was seconded by Commissioner Etheridge. The motion passed unanimously.

Chairman Hanig assured speakers the county would follow up on their drainage concerns.

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

B. Consideration and Action: PB 16-06 Windswept Pines:

Property Owner: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958 QHOC of Windswept Pines LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958	MCQ Builders, LLC-2 1060 Laskin Rd, Suite 15B Virginia Beach, VA 23454 Mark & Penny McCrary 131 Baxter Ln. Moyock, NC 27958	Applicant: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958
Case Number: 16-06		Application Type: Major Subdivision, Amended Preliminary Plat/ Use Permit (Type II)
Parcel Identification Number: 0009000011L0000, 0009000006A0000, 009H00000SA-C0000, 009H0000001-120000, 009H0000042-580000		Existing Use: Residential Subdivision
Land Use Plan Classification: Rural and Full Service Moyock Small Area Plan: Full Service		Parcel Size (Acres): 66.87 acres (total) 15.55 acres (not a part of the development) 51.32 acres (development area)
Number of Units: 59 residential lots (including one existing, developed lot)		Project Density: 1.15 units/acre (59 lots/51.32 acres)
Required Open Space: 15.40 acres (30% residential development)		Provided Open Space: 17.07 acres (33%)

SURROUNDING PARCELS

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

STAFF ANALYSIS**REQUEST**

The applicant is requesting amended preliminary plat/use permit approval of a 59 lot residential subdivision (including one existing parcel recombined to provide an entrance to Baxter Lane). The proposed amendment includes a change in the zoning conditions and the development plan that will provide additional stormwater retention area (open space) for Phase 2. The stormwater retention ponds are planned in an area previously identified as future development. The proposed amendment will add 0.99 acres to the development area and, the area will be identified as open space. The proposed amendment **does not** include an increase in the total number of lots.

A community meeting was held August 17, 2018 at the Moyock Library. Several comments were made regarding the existing drainage, road interconnectivity, and NCDOT road right of way and maintenance.

The property is conditionally zoned C-MXR and the following zoning conditions apply to this development:

- Use: Subdivision
- All lots to be greater than or equal to 20,000 square feet.
- Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
- Perform an evaluation of existing main ditch along Truran/Ward property line from site to Baxter's Lane and if warranted, seek permission to improve ditch cross-section.
- Explore the possibility of routing a portion of stormwater runoff to the northeast.
- All Residential development will be single family and will conform to sample building elevations provided.

INFRASTRUCTURE	
Water	Public
Sewer	On-site septic
Transportation	Streets: Curb and gutter
	Pedestrian: 5' wide sidewalks installed along both sides of the streets
	Connectivity Score: 1.4
Stormwater/Drainage	Curb and gutter and ponds
Schools	Elementary Students Generated: 14 students (84% capacity)
	Middle School Students Generated: 4 students (80% capacity)
	High School Students Generated: 7 students (83% capacity)
Lighting	Street lights (full cut off)
Recreation and Park Area Dedication	1.48 acres - Payment in lieu of dedication will be accepted.
Riparian Buffers	30' riparian buffer is required adjacent to all 404 jurisdictional wetlands (excluding man-made ditches)

Schools - Adequate Public Facilities			
Actual Capacity - August 2018		Students Generated by this Development	
Moyock Elementary Shawboro	84%	Elementary: 14 students	Middle: 4 students High: 7 students
Elementary Central Elementary			
Moyock Middle Currituck Middle	80%		
Currituck High JP Knapp Early College	83%		

RECOMMENDATIONS**Technical Review Committee**

1. The Technical Review Committee recommends adoption of the use permit and approval of the preliminary plat.
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Additional stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements.
2. Albemarle Regional Health Services evaluated the new lots for suitability for wastewater disposal and provisionally approved each lot as being capable of properly treating domestic wastewater with properly filled and drained lots.
3. The project is being designed in accordance with the NC Department of Energy, Mineral and Land Resources sedimentation and erosion control standards, and will therefore minimize erosion and will contain siltation onsite.
4. For safety reasons, all lots are being accessed from interior streets.

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

Preliminary Applicant Findings:

1. Land to the west has been developed into single family homes; the land to the north is farmland and residential; land to the south is farmland and single family lots. Land to the east is farmland and woodland. This tract will be developed similarly to the adjacent Phase 1 subdivision. Values will be similar to those in the adjacent subdivisions. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.

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

Preliminary Staff Findings:

1. The Moyock Small Area plan classifies this area as Full Service. The proposed development density is only 1.15 units per acre, well below the densities of 1.5 to 3 units per acre envisioned in the Moyock Small Area Plan.

Relevant MSAP and 2006 LUP Policies:

1. 2006 LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

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

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

Preliminary Staff Findings:

1. Based on the average daily membership and school capacity, the Currituck County schools (northern mainland) at the following capacity:

Actual Capacity - August 2018	
Moyock Elementary Shawboro Elementary Central Elementary	84%
Moyock Middle Currituck Middle	80%
Currituck High JP Knapp Early College	83%

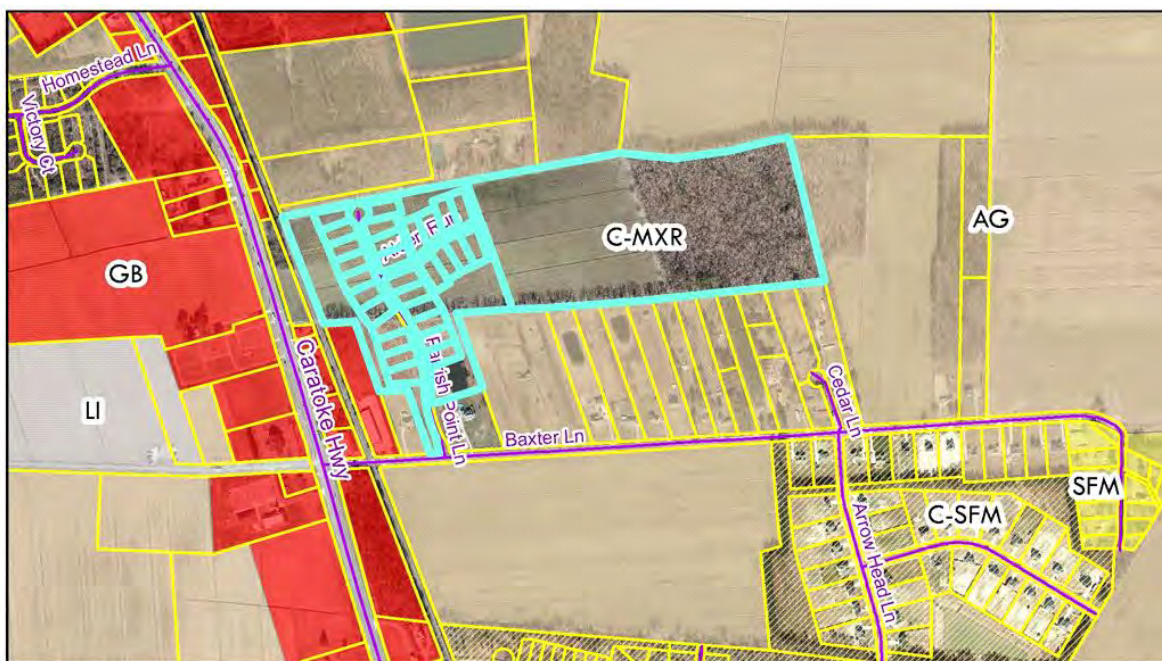
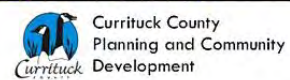
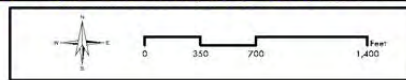
Source: Currituck County Schools

2. Based on the 2004 Tischler Student Generation Rate Study, the proposed subdivision is projected to generate the following students:

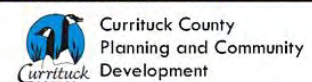
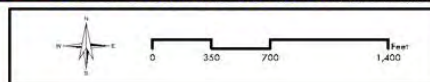
Students Generated by this Development	
Elementary	14 students 4 students 7 students
Middle	
High	

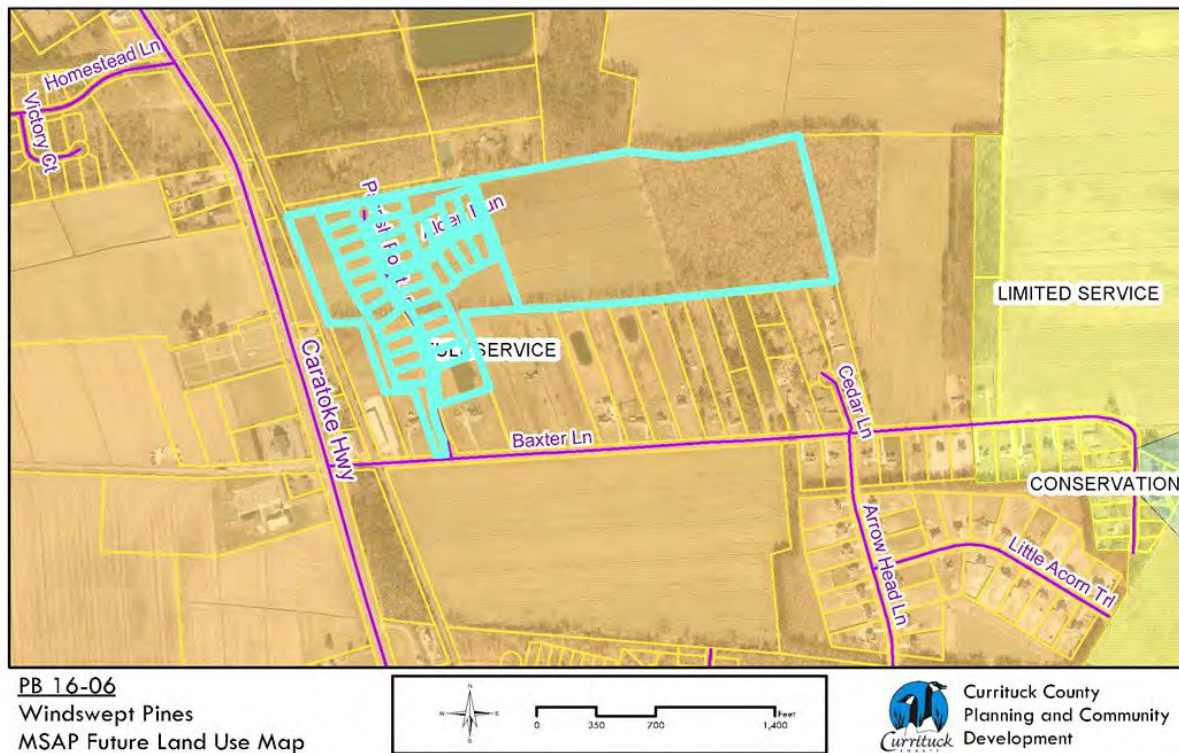


PB 16-06
Windswept Pines
Aerial



PB 16-06
Windswept Pines
Zoning





Parties were sworn in and Laurie LoCicero, Planning and Community Development Director, reviewed the application for an amended preliminary plat/use permit with the Board of Commissioners. Findings of fact were presented and the Board had no questions for Ms. LoCicero.

Testifying on behalf of the applicant, Engineer Mark Bissell spoke to the findings of fact to support approval of the request.

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

Commissioner Gilbert moved to approve PB 16-06 Windswept Pines amended preliminary plat/use permit because the applicant has demonstrated the proposed use meets the use permit review standards of the UDO:

1. The use will not endanger the public health or safety: Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Additional stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements. Albemarle Regional Health Services evaluated the new lots for suitability for wastewater disposal and provisionally approved each lot as being capable of properly treating domestic wastewater with properly filled and drained lots. The project is being designed in accordance with the NC Department of Energy, Mineral and Land Resources sedimentation and erosion control standards, and will therefore minimize erosion and will contain siltation onsite. For safety reasons, all lots are being accessed from interior streets.

2. 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: Land to the west has been developed into single family homes; the land to the north is farmland and residential; land to the south is farmland and single family lots. Land to the east is farmland and woodland. This tract will be developed similarly to the adjacent Phase 1 subdivision. Values will be similar to those in the adjacent subdivisions. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.
3. The use will be in conformity with the Land Use Plan or other officially adopted plans: The Moyock Small Area plan classifies this area as Full Service. The proposed development density is only 1.15 units per acre, well below the densities of 1.5 to 3 units per acre envisioned in the Moyock Small Area Plan. The 2006 Land Use Plan (LUP) Policy HN1 to be included, the 2006 LUP Policy HN2, the 2006 LUP Policy TR12, the 2006 LUP Policy PR6, the 2006 LUP Policy WQ3, the Moyock Small Area Policy IS4, The Moyock Small Area Policy IS5.
4. The use will not exceed the county's ability to provide adequate public facilities: The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Ms. LoCicero pointed out the school numbers and they shall be included in the motion.

Actual Capacity - August 2018	
Moyock Elementary Shawboro Elementary Central Elementary	84%
Moyock Middle Currituck Middle	80%
Currituck High JP Knapp Early College	83%

Source: Currituck County Schools

Students Generated by this Development	
Elementary Middle High	14 students 4 students 7 students

The motion was seconded by Commissioner White. The motion passed unanimously.

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

C. PB 18-24 Currituck County Flood Maps and Ordinance:

Laurie LoCicero, Planning and Community Development Director, reviewed the National Flood Insurance Program and described it is the County's partnership with the Federal government program to protect lives and property. She explained the program is administered by the Federal Emergency Management Administration and used a powerpoint to review the program and the County's participation and presented the new flood maps to become effective December 21, 2018. Special flood hazard areas were reviewed and shifts in the level of protection in some areas were noted, showing a significant decrease in buildings located in flood hazard areas. Ms. LoCicero reviewed the changes to the flood damage prevention regulations in the Unified Development Ordinance, requiring higher levels of protection for properties in special flood hazard areas. Premium reductions were reviewed based on extra free-board construction requirements.

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

Commissioner Payment moved to approve PB 18-24 Currituck County since the request is consistent with the Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (Land Use Plan (LUP) POLICY NH2)
- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

And the request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

Include the following modifications to the Unified Development Ordinance Text Amendment: Include a regulatory effective date of the text amendment with an effective date to be November 6, 2018; remove Item 4, 9.6.2. Criminal Penalties from the text amendment. The enforcement of the ordinance will continue to be through the civil process; modify the following definitions to include the adoption date

of the initial flood plain management regulations and the effective date of the flood insurance rate maps:

EXISTING BUILDING

For the purposes of Section 7.4, Flood Damage Prevention, any building and/or structure for which the start of construction commenced before November 1, 1984.

NEW CONSTRUCTION

For the purposes of Section 7.4, Flood Damage Prevention, structures for which the “start of construction” commenced on or after July 18, 1984, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

POST-FIRM

Construction or other development for which the “start of construction” occurred on or after November 1, 1984, the effective date of the initial Flood Insurance Rate Map

PRE-FIRM

Construction or other development for which the “start of construction” occurred before November 1, 1984, the effective date of the initial Flood Insurance Rate Map.

The motion was seconded by Commissioner White, who requested Commissioner Payment amend the effective date to November 15, 2018 to allow time for staff to confer with the state on some items. Commissioner Payment amended his motion setting an effective date of November 15, 2018. The motion passed unanimously.

After a brief recess, discussion continued at the request of Commissioner Hall who prompted Mr. Scanlon to encourage property owners to consult with their insurance providers, as property owners may want to continue insurance coverage even if the property is no longer in a flood hazard area and insurance may not be required.

To: Board of Commissioners
From: Planning Staff
Date: November 5, 2018
Subject: PB 18-24 Currituck County

Currituck County received modified flood hazard determinations on June 21, 2018; to remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to December 21, 2018. Additionally, the county is required to adopt floodplain management regulations that meet the standards of the NFIP.

The enclosed text amendment is intended to revise several chapters of the Unified Development Ordinance to incorporate revisions to the Flood Damage Prevention Ordinance. The changes are intended to ensure conformity with the North Carolina Department of Public Safety's most recently updated Coastal Model Flood Ordinance.

In addition to the enclosed text amendment, staff recommends an increase to our current regulatory

flood protection elevation (RFPE). The RFPE is the base flood elevation plus freeboard. Our current freeboard is one foot and staff suggests raising this requirement to two feet. This increase, in addition to providing greater protection for structures constructed within the special flood hazard area, will decrease flood insurance premiums for property within the special flood hazard area.

Planning Board Recommendation 10/9/2018: Approval (Unanimous)

Motion:

Mr. Craddock motioned to approve PB 18-24 Currituck County Flood Maps and Ordinance because the requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)
- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

And this will possibly be changed if the staff receives notice about criminal verses civil and the Planning Board recommends a freeboard of two feet.

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

Planning Board Discussion

Donna Voliva, Assistant Planning Director, presented the staff report. Currituck County received modified flood hazard determinations on June 21, 2018; to remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to December 21, 2018. Also, the county is required to adopt floodplain management regulations that meet the standards of the NFIP. Within the floodplain management regulations, the state regulations use criminal for enforcement. We feel that civil citations works best for us and we are hoping the NFIP will accept our use of civil instead of criminal for enforcement.

Board members asked staff questions concerning the amount of properties in special flood zone areas and whether there was an increase or decrease in the amounts. Ms. LoCicero said there was a 90% decrease in our V zone properties with the new flood maps.

Mr. Craddock asked about the effective date of the changes in flood zones and Ms. LoCicero said December 21, 2018 for insurance purposes.

Ms. LoCicero stated along with this text amendment for changes in the flood maps, staff recommends an increase to our current regulatory flood protection elevation (RFPE). The current freeboard is one foot and staff suggests raising this requirement to two feet. This will give us added protection against structures flooding within the special flood hazard area and will also decrease flood insurance premiums for property within the special flood hazard area.

Ms. Voliva asked Ms. Turner to talk about bulkheads and staff's concerns over not limiting the height of bulkheads used for non-shoreline protection.

Discussion was held on bulkheads, FEMA technical bulletins, grade requirements for V zones in the ocean hazard areas verses the mainland and freeboard.

Chairman Whiteman asked for a motion.

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

RECESS

A brief recess was called 8:05 PM. The meeting reconvened at 8:18 PM.

OLD BUSINESS

- A. PB 18-20 Ponderosa Enterprises Inc: Request for Conditional rezoning of 11.6 acres from General Business (GB) and Agriculture (AG) to Conditional General Business (C-GB) for property located in Maple, adjoining Ponderosa Mobile Home Park to the north, Parcel Identification Number 0052-000-022B-0000, Crawford Township.**

APPLICATION SUMMARY	
Property Owner: Ponderosa Enterprises Inc 613 Shortcut Road Barco NC 27917	Applicant: Ponderosa Enterprises Inc 613 Shortcut Road Barco NC 27917
Case Number: PB 18-20	Application Type: Conditional Rezoning
Parcel Identification Number: 0052000022B0000	Existing Use: Agricultural
Land Use Plan Classification: Full Service	Parcel Size (Acres): 11.6
Maple/Barco Small Area Plan Classification: Employment	Airport Compatibility Use Zone: 1, 2, and 3
Zoning History: A-40 (1974); A (1989)	
Current Zoning: GB and AG with Airport Overlay District (AO)	Proposed Zoning: C - GB

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	AIRPORT/MAPLE CAMPUS	HI/GB
SOUTH	WOODLAND/CULTIVATED FARMLAND	HI
EAST	MOBILE HOME PARK/SELF-STORAGE	GB
WEST	CULTIVATED FARMLAND/WOODLAND	HI

REQUEST

The property owner is requesting a conditional rezoning from AG (Agricultural) to C-GB (Conditional-General Business). At this time, there is not a specific user for the property. According to the applicant, the proposed uses include "only uses compatible with GB zoning, office, commercial, personal services, institutional, etc. Uses that provide Employment opportunities for county residential and goods and services to county residents and visitors." The owner proposes the following zoning conditions:

- The property will not be used for ministorage.
- A Type A landscape buffer will be provided between the two GB uses.

A community meeting was held at Ponderosa Enterprises, Inc. on July 23, 2017 with no one in attendance.

The conceptual plan for the property includes a fuel and convenience store and four multipurpose buildings (office, mixed use residential/commercial, and commercial). The buildings range in size from approximately 7,000 sf to 10,000 sf. The plan indicates green spaces and a sidewalk connecting the buildings. There is one entrance to the development off of Shortcut Road.

The applicant previously submitted a straight rezoning from AG to GB for the property, but withdrew that application and submitted this conditional rezoning from AG to C-GB request.

UDO

The applicant owns a neighboring 30 acre tract zoned GB and contains Ponderosa Mobile Home Park. On the north side of Shortcut Road is the county airport and community center in Maple. The airport is zoned HI and the community center is zoned GB.

The area of the request is also located within the Airport Overlay District (AO) and Compatibility Use Zones 1, 2, and 3.

- Compatible Use Zone 1 limits uses to single-family detached dwellings, aviation related uses, nonresidential uses that do not exceed an occupancy of ten people per acre, or conservation.
- Compatible Use Zone 2 limits uses to single-family detached dwellings, agricultural, agriculture support and services uses, nonresidential uses that do not exceed an occupancy of 40 people per acre, or conservation.
- Compatible Use Zone 3 limits uses to those permitted in the base zoning district.

The ability to increase residential density within the GB zoning district is limited by Airport Overlay District (AO) that will remain on the property.

2006 Land Use Plan

The proposed rezoning to C-GB appears to be consistent with the Full Service designation identified in the 2006 LUP. The listed uses include retail (fuel and convenience), mixed use retail/commercial, and multipurpose business spaces. With agreed upon assurances applied through the conditional zoning district demonstrating general land uses, architectural design, and site features, it is possible to determine consistency with the policies identified in the plans approved by the county such as the Land Use Plan. The proposed architectural renderings are compatible with the county complex across Shortcut Road.

The Maple-Barco Small Area Plan

The Future Land Use Map identifies the property as Employment, which anticipates land uses that will generate economic activity or job growth. The proposed rezoning to C-GB appears to be consistent with the Employment land use designation. The MBSAP suggests areas should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential. The proposed development plan and site design are consistent with the desired density, character of growth, and level of services appropriate for the study area.

TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE CONDITIONAL REZONING.

ADOPTED PLANS

THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE BARCO-COINJOCK-AIRPORT SUBAREA. THE POLICY EMPHASIS FOR THE BARCO-COINJOCK-AIRPORT SUBAREA IS FOR THE AREA TO EMERGE AS THE PRINCIPLE COMMUNITY CENTER SERVING THE CENTRAL AREAS OF THE MAINLAND. THE PROPOSED PLAN IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS SHALL BE ENCOURAGED. APPROPRIATELY DESIGNED, SMALL-SCALE BUSINESS SHOULD LOCATE NEAR NEIGHBORHOOD SERVING FACILITIES SUCH AS SCHOOLS AND PARKS.
POLICY CD2	COMMERCIAL OR MIXED USE CENTERS SHOULD BE CLUSTERED TO PREVENT STRIP DEVELOPMENT AND MINIMIZE TRAFFIC GENERATION.
POLICY CD4	HIGHWAY ORIENTED COMMERCIAL USES SHOULD BE CLUSTERED ALONG THE HIGHWAY TO MINIMIZE SIGNAGE, ACCESS POINTS, AND PREVENT STRIP DEVELOPMENT.
POLICY CD9	BUSINESSES MUST COORDINATE THEIR SITE DESIGN WITH OTHER NEARBY USES.
POLICY ED1	NEW AND EXPANDING BUSINESS ARE ENCOURAGED THAT DIVERSIFY THE LOCAL ECONOMY, TRAIN AND USE A MORE HIGHLY SKILLED LABOR FORCE, AND ARE COMPATIBLE WITH THE ENVIRONMENTAL QUALITY AND NATURAL AMENITY-BASED ECONOMY OF CURRITUCK COUNTY.

THE MAPLE-BARCO SMALL AREA PLAN CLASSIFIES THIS SITE AS EMPLOYMENT. THE PLAN STATES THAT THE AREA SHOULD BE DEVELOPED IN MIXED USE OR CAMPUS LIKE SETTING WITH GENEROUS, LINKED OPEN SPACE TO MAXIMIZE VALUE, PROMOTE VISUAL QUALITY, AND ENCOURAGE PEDESTRIAN ACTIVITY BETWEEN EMPLOYMENT AREAS AND AREAS OF SUPPORTING USES SUCH AS RETAIL, RESTAURANTS, AND RESIDENTIAL. THE PROPOSED PLAN IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY LU4	ENCOURAGE AND ALLOW SMALL, LOCALLY OWNED BUSINESSES TO LOCATE IN THE AREA.
POLICY LU9	THE DENSITY, CHARACTER OF GROWN, AND LEVEL OF SERVICE MUST BE APPROPRIATE FOR THE STUDY AREA.
POLICY TR4	INFRASTRUCTURE MUST BE INTEGRATED INTO NEW DEVELOPMENTS THAT PROMOTE MULTIMODAL TRANSPORTATION, INTERCONNECTING EMPLOYMENT CENTERS, BUSINESS, AND NEIGHBORHOODS.

THE CONNECT CURRITUCK PEDESTRIAN MASTER PLAN CALLS FOR A MULTI-MODAL SIDE-PATH/TRAIL ALONG SHORTCUT ROAD. NCDOT'S ROAD WIDENING PROJECT PLACES THE MULTI-MODAL SIDE-PATH/TRAIL ON NORTHERN SIDE OF SHORTCUT ROAD, OPPOSITE THIS PROJECT.

THIS CONDITIONAL ZONING REQUEST IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE LAND USE PLAN AND MAPLE-BARCO SMALL AREA PLAN AND IS COMPATIBLE WITH EXISTING AND PROPOSED USES SURROUNDING THE LAND SUBJECT TO THE APPLICATION, AND IT IS AN APPROPRIATE ZONING DISTRICT AND USE FOR THE LAND.

CONDITIONS OF APPROVAL

ONLY CONDITIONS MUTUALLY AGREED TO BY THE OWNER MAY BE APPROVED AS PART OF A CONDITIONAL ZONING DISTRICT. CONDITIONS SHALL BE LIMITED TO THOSE THAT ADDRESS CONFORMANCE OF DEVELOPMENT AND USE OF THE SITE WITH COUNTY REGULATIONS AND ADOPTED PLANS AND THAT ADDRESS THE IMPACTS REASONABLY EXPECTED TO BE GENERATED BY THE DEVELOPMENT OR USE. NO CONDITION SHALL BE LESS RESTRICTIVE THAN THE STANDARDS OF THE PARALLEL GENERAL USE ZONING DISTRICT.

Agreed upon conditions of approval:

1. THE PROPERTY WILL NOT BE USED FOR MINISTORAGE.
2. A TYPE A LANDSCAPE BUFFER WILL BE PROVIDED BETWEEN THE TWO GB USES.

Suggested conditions of approval that must be agreed to by the owner:

1. BUILDING ARCHITECTURE AND DESIGN FEATURES SHALL BE CONSISTENT WITH THE PHOTOGRAPHS SUBMITTED WITH THE APPLICATION TO PROVIDE CONSISTENCY AND COMPATIBILITY WITH THE NEARBY COUNTY COMPLEX. (SEE ATTACHED)
2. RESIDENTIAL USES SHALL ONLY BE ALLOWED THROUGH A MIXED USE BUILDING TO LIMIT THE DENSITY ALLOWED IN THE AIRPORT APPROACH ZONE TO AN APPROPRIATE LEVEL.
3. PLACE THE FUELING STATION/CANOPY TO THE SIDE AND/OR REAR OF THE FUEL AND CONVENIENCE CENTER BUILDING AND MOVE THE BUILDING CLOSER TO SHORTCUT ROAD. THIS BUILDING FRONT WILL BE THE MOST VISIBLE IN THE COMPLEX AND SHOULD SET THE ARCHITECTURAL TONE AND CAMPUS LIKE SETTING OF THE PROPOSED DEVELOPMENT ALONG SHORTCUT ROAD, A MAJOR ARTERIAL STREET.
4. PROVIDE A CENTRAL COURTYARD WITH PEDESTRIAN FEATURES (I.E. BENCHES, WATER FEATURE) WITH BUILDINGS ORIENTED INWARD TOWARDS THE CENTRAL COURTYARD TO MIMIC THE CAMPUS LIKE FEEL AND PEDESTRIAN ACTIVITY BETWEEN EMPLOYMENT AREAS AND THE OTHER USES AS REQUIRED BY THE MAPLE BARCO SMALL AREA PLAN.
5. PROVIDE A HANDICAP ACCESSIBLE PEDESTRIAN CONNECTION TO THE MOBILE HOME PARK TO ENCOURAGE PEDESTRIAN ACTIVITY BETWEEN THE USES.
6. PROVIDE A MINIMUM AND MAXIMUM BUILDING SQUARE FOOTAGE TO ENSURE COMPATIBILITY WITH THE AREA.
7. IMPOSE THE SUGGESTED TWO STORY LIMIT ON ALL BUILDINGS BECAUSE OF THE PROJECT'S LOCATION IN THE AIRPORT APPROACH ZONE.

PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval of this request subject to the consistency statement and the following conditions:

Agreed upon conditions of approval:

1. THE PROPERTY WILL NOT BE USED FOR MINISTORAGE.
2. A TYPE A LANDSCAPE BUFFER WILL BE PROVIDED BETWEEN THE TWO GB USES.

Suggested conditions of approval that must be agreed to by the owner:

3. BUILDING ARCHITECTURE AND DESIGN FEATURES SHALL BE CONSISTENT WITH THE PHOTOGRAPHS SUBMITTED WITH THE APPLICATION TO PROVIDE CONSISTENCY AND COMPATIBILITY WITH THE NEARBY COUNTY COMPLEX. (SEE ATTACHED)
4. RESIDENTIAL USES SHALL ONLY BE ALLOWED THROUGH A MIXED USE BUILDING TO LIMIT THE DENSITY ALLOWED IN THE AIRPORT APPROACH ZONE TO AN APPROPRIATE LEVEL.
5. PLACE THE FUELING STATION/CANOPY TO THE SIDE AND/OR REAR OF THE FUEL AND CONVENIENCE CENTER BUILDING AND MOVE THE BUILDING CLOSER TO SHORTCUT ROAD. THIS BUILDING FRONT WILL BE THE MOST VISIBLE IN THE COMPLEX AND SHOULD SET THE ARCHITECTURAL TONE AND CAMPUS LIKE SETTING OF THE PROPOSED DEVELOPMENT ALONG SHORTCUT ROAD, A MAJOR ARTERIAL STREET.

6. PROVIDE A CENTRAL COURTYARD WITH PEDESTRIAN FEATURES (I.E. BENCHES, WATER FEATURE) WITH BUILDINGS ORIENTED INWARD TOWARDS THE CENTRAL COURTYARD TO MIMIC THE CAMPUS LIKE FEEL AND PEDESTRIAN ACTIVITY BETWEEN EMPLOYMENT AREAS AND THE OTHER USES AS REQUIRED BY THE MAPLE BARCO SMALL AREA PLAN.
7. PROVIDE A HANDICAP ACCESSIBLE PEDESTRIAN CONNECTION TO THE MOBILE HOME PARK TO ENCOURAGE PEDESTRIAN ACTIVITY BETWEEN THE USES.
8. PROVIDE A MINIMUM AND MAXIMUM BUILDING SQUARE FOOTAGE TO ENSURE COMPATIBILITY WITH THE AREA.
9. IMPOSE THE SUGGESTED TWO STORY LIMIT ON ALL BUILDINGS BECAUSE OF THE PROJECT'S LOCATION IN THE AIRPORT APPROACH ZONE.

Planning Board Discussion 10/9/2018

Tammy Glave, Senior Planner, presented the staff report and showed the proposed plans, current zoning map, explaining the proposed changes. Ms. Glave also showed examples of design features for the building's architectural design elements. The canopy for the gas station will be to the side and facing to the back of the building. Also a sidewalk will be made from the mobile home park to the building. The owner will not use the property for ministorage and a Type A landscape buffer will be provided between the two General Business uses (the proposed building and the existing mobile home park). Staff recommends approval of the conditional rezoning since it is consistent with the Full Service Plan of the 2006 Land Use Plan and the Maple/Barco Small Area Plan. The Technical Review Committee recommends approval with the suggested conditions listed in the staff report.

Board discussion was held over item #6 in the suggested conditions and what the minimum and maximum building square footage would be.

Chairman Whiteman asked for a motion.

Mr. Craddock motioned to approve PB 18-20 Ponderosa Enterprises Inc. requested Conditional Rezoning since it is consistent with the adopted plans of the Land Use Plan policies CD1, CD2, CD4, CD9, ED1 and the Maple-Barco Small Area Plan policies LU4, LU9 and TR4. This conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and is compatible with existing and proposed uses surrounding the land subject to the application, and it is an appropriate zoning district and use for the land. The conditions of approval shall be:

1. The property will not be used for ministorage.
2. A Type A landscape buffer will be provided between the two GB uses.

And also conditions:

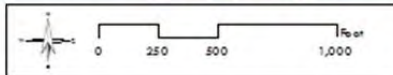
1. Building architecture and design features shall be consistent with the photographs submitted with the application to provide consistency and compatibility with the nearby county complex. (See Attached)
2. Residential uses shall only be allowed through a mixed use building to limit the density allowed in the airport approach zone to an appropriate level.
3. Place the fueling station/canopy to the side and/or rear of the fuel and convenience center building and move the building closer to Shortcut Road. This building front will be the most visible in the complex and should set the architectural tone and campus like setting of the proposed development along Shortcut Road, a major arterial street.
4. Provide a central courtyard with pedestrian features (i.e. benches, water feature) with buildings oriented inward towards the central courtyard to mimic the campus like feel and pedestrian activity between employment areas and the other uses as required by the Maple Barco Small Area Plan.
5. Provide a handicap accessible pedestrian connection to the mobile home park to encourage pedestrian activity between the uses.
6. Provide a minimum and maximum building square footage to ensure compatibility with the area.

7. Impose the suggested two story limit on all buildings because of the project's location in the airport approach zone.

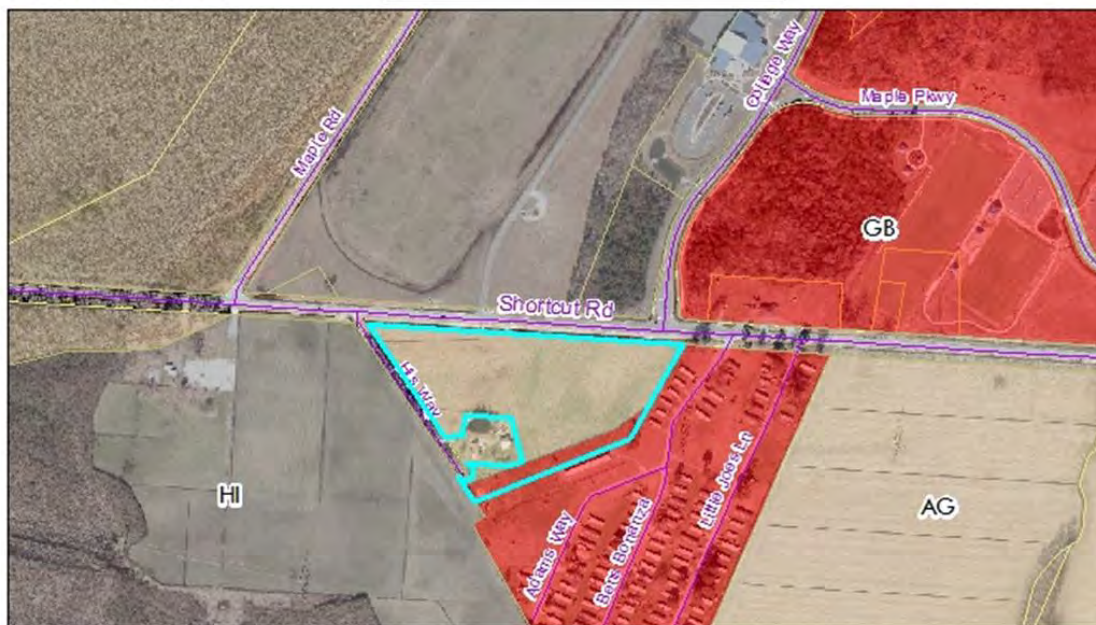
Mr. Thomas seconded the motion and the motion carried unanimously.



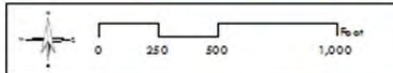
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
2016 Aerial Photography



Currituck County
Planning and
Community Development



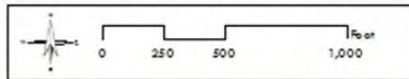
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
Zoning



Currituck County
Planning and
Community Development



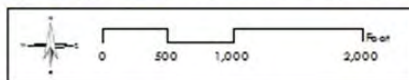
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
LUP Classification



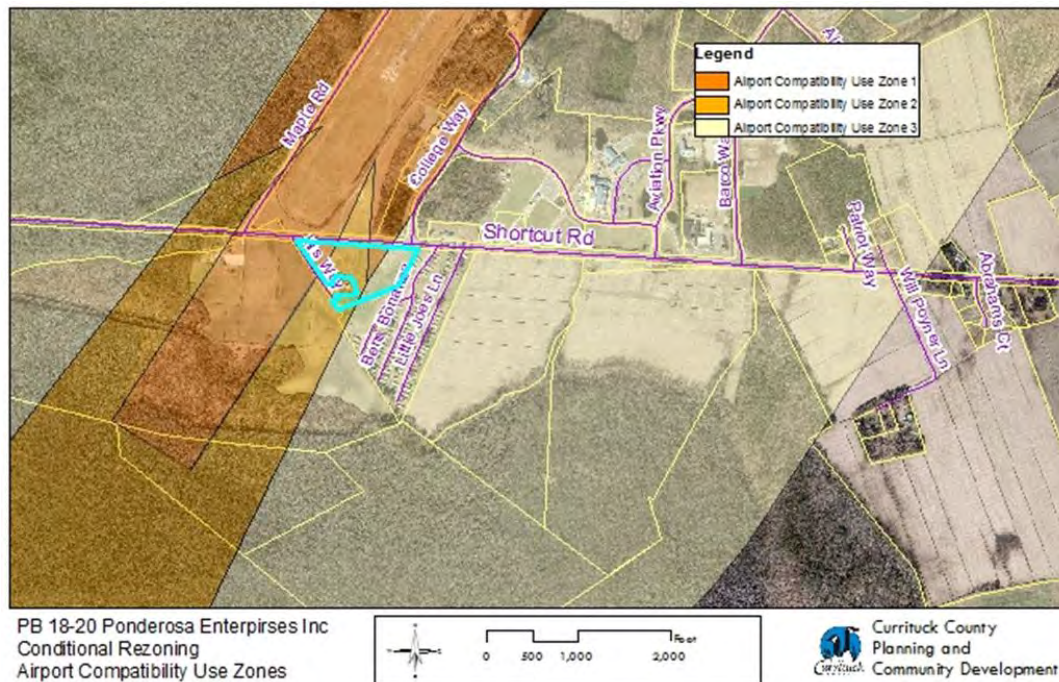
Currituck County
Planning and
Community Development



PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
Maple-Barco SAP Classification



Currituck County
Planning and
Community Development



Laurie LoCicero reviewed the request for conditional rezoning and recalled the last meeting when the Board initially considered the application and voiced concerns regarding possible uses in the General Business (GB) zone and the proximity of the proposed gas station to the airport. The Board had asked staff to work with the applicant to develop a list of allowable uses in the GB zone, and Ms. LoCicero said a list of uses developed were agreed to by the applicant. As there is no user for the property at this time, the uses listed were general in nature. Ms. LoCicero reviewed the uses with the Board.

Commissioner White noted prior concern with the proposed gas station location and Commissioners discussed potential growth of the airport. The Board discussed how enhancements to the airport might affect the overlay zone and whether approval could inhibit growth at the airport. Mr. Scanlon confirmed that a runway expansion would move it closer to the highway, as wetlands are located at the other end. As discussion concluded, Commissioner White expressed the importance of finding out the effects of the property's rezoning on the airport.

Eddie Hyman, speaking on behalf of the applicant, said a list was developed with staff as directed by the Board, and he believes the development plan would be a good fit and a valid use of the property. He addressed Board concerns with the airport overlay. He said the Board would have the opportunity to control what happens on the property should someone come forward with a site plan and asked the Board to consider approval. Mr. Hyman responded to Board questions relative to the conceptual design. He said no one is currently interested in the property. Commissioner Hall asked Mr. McRee if the Board could change the zoning again based on future airport activity or other circumstances going forward if the rezoning were approved. Mr. McRee was unsure if the Board has the unilateral ability to modify Conditional zoning as they do with General zoning.

Commissioner Beaumont said he believes maintaining safe traffic in and out of the airport enhances the county's appeal and its ability to secure grants for potential expansion. He said the county has other GB zones, and said he is not sure this rezoning is in the best interest of the airport.

Commissioner Beaumont moved to deny PB 18-20 because the request is not consistent with the LUP because due to its close proximity to the Currituck County's runway and airfield operations in and out and the expected growth of the airport will pose a public safety threat or issue. The request is not reasonable and not in the best interest because of the potential safety issues; furthermore, there may be impact with the ability to apply and receive grants to expand the airport and increase our operations.

Commissioner Payment seconded the motion. The motion passed 6-1, with Chairman Hanig opposed.

RESULT:	MOTION PASSED-ITEM DENIED [6 TO 1]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner
NAYS:	Bobby Hanig, Chairman

NEW BUSINESS

A) Board Appointments

1. Consider Kelsey Hall for Appointment to the Joint Nursing/Domiciliary Community Advisory Committee

Commissioner Hall requested recusal due to the nominee being a family member. Commissioner Gilbert made a motion to allow recusal and Commissioner White seconded. The motion passed unanimously and Commissioner Hall exited the meeting room.

Commissioner Gilbert moved for the appointment of Kelsey Hall to the Joint Nursing Community Advisory Committee. Commissioner Etheridge seconded the motion. The appointment was approved, 6-0. Commissioner Hall returned to the meeting room and rejoined the Board.

RESULT:	APPROVED [6 TO 0]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Bob White, Commissioner
RECUSED:	Mike D. Hall, Commissioner

2. Library Board of Trustees

Commissioner Etheridge moved to nominate Mike Fost to the Library Board of Trustees. Commissioner White seconded and the nominee was unanimously approved.

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

Reappointment-Library Board of Trustees

Commissioner Beaumont moved to nominate Leigh Dix for reappointment to the Library Board of Trustees. Commissioner White seconded the motion and the nominee was approved unanimously.

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

3. Planning Board

Commissioner Etheridge nominated Joanne DiBello to serve on the Planning Board, replacing John McColley. Commissioner Payment seconded and the nominee was unanimously approved.

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

4. Senior Citizens Advisory

Commissioner Beaumont nominated Mike Williams for appointment to the Senior Citizens Advisory. Commissioner Etheridge seconded and the nominee was unanimously approved.

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

B) Consent Agenda

Commissioner White moved for approval of the Consent Agenda. Commissioner Gilbert seconded and the motion passed unanimously.

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

1) Approval Of Minutes for October 15, 2018

1. Minutes for October 15, 2018

2. Budget Amendments

			Debit		Credit
<u>Account Number</u>	<u>Account Description</u>		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
10794-545000	PASS		\$ 2,000		
10794-545005	JCPC Council				\$ 2,000
			<u>\$ 2,000</u>		<u>\$ 2,000</u>
Explanation:	Juvenile Crime Prevention Control (10794) - To transfer budgeted funds from the JCPC certification budget to the PASS/Teen Court program to enable Currituck County Schools to employ a full-time position in that program. The 30% match will be from in-kind services matched through the Currituck County Schools. This recommendation has been approved by the JCPC Council.				
Net Budget Effect:	Operating Fund (10) - No change.				

		Debit		Credit	
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>		
61818-516000	Repairs and maintenance			\$	1,000
61818-553000	Dues and subscriptions	\$	1,000		
		<u>\$</u>	<u>1,000</u>	<u>\$</u>	<u>1,000</u>
Explanation:	Mainland Water (61818) - Transfer budgeted funds for annual payment for water lines under the railroad.				
Net Budget Effect:	Mainland Water Fund (61) - No change.				

				Debit		Credit
				Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>					
10460-502000	Salaries					\$ 650
10460-511010	Data Transmission			\$ 650		
				\$ 650		\$ 650
Explanation:	Public Works (10460) - Transfer budgeted funds fortwo aircards to access County server while out in the field.					
Net Budget Effect:	Operating Fund (10) - No change.					

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10410-557100	Software License Fee	\$ 117	
10531-557100	Software License Fee	20	
10535-557100	Software License Fee	4,182	
10540-561000	Professional Services	100	
10410-506000	Insurance Expense		117
10531-532000	Supplies		20
10535-506000	Insurance Expense		4,182
10540-506000	Insurance Expense		100
		<u>\$ 4,419</u>	<u>\$ 4,419</u>

Explanation: Administration (10410); Emergency Management (10531); Communications (10535); Inspections (10540) - Transfer budgeted funds for increases in software license fees and pre-employment screening.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50511-590001	Detention Sewer to MCP Sewer	\$ 375,000	
50390-495042	T F - Transfer Tax Capital Fund		375,000
		<u>\$ 375,000</u>	<u>\$ 375,000</u>

Explanation: County Government Facilities (50511) - Increase appropriations in the multi-year construction fund for connection of sewer from Maple Commerce Park to the detention facility. Funding was appropriated in the Transfer Tax Capital fund, which is annually budgeted.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$375,000.

3. Surplus Resolution-2004 Ford Ambulance

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be used as a trade-in.

County			
Asset Tag	Description (Year Make Model)	Mileage	Serial Number
5945	2004 Ford E-450	136,467	1FDXE45P34HB41662

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

ADOPTED, this 5th day of November, 2018.

Bobby Hanig	
County of Currituck, Board of Commissioners	

Leeann Walton
Clerk to the Board

(Seal)

4. Consideration for Funding the installation of an Instrument Landing System at Carova Beach Fire Station Helipad

5. 2018 Order of Collections-Tax Department

TO: Currituck County Board of Commissioners
CC: Sandra Hill, Finance Director
From: Tracy Sample, Tax Administrator
Date: October 16, 2018

RE: Order of Collections
2018 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

2018 REAL & PERSONAL PROPERTY TAX LEVY* \$ 35,470,016.42

PRIOR YEARS TAXES \$ 399,188.50**

TOTAL TAXES \$ 35,869,204.92

*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include taxes levied on registered motor vehicles which are collected by DMV, nor for tax discoveries, adjustments, releases, and deferred taxes. These are reported to the Finance Director as required throughout the year.

** Prior Year Taxes as of **OCTOBER 16, 2018**

STATE OF NORTH CAROLINA

COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes due, for the current year and the nine prior years, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this _____ day of _____, 20____.

_____(SEAL)

Chairman, Board of Commissioners of

Currituck County

ATTEST:

Clerk

6. Verizon Tower Equipment Amendment 1099 Ocean Trail

7. Currituck County Finance Department Request for disposal of Finance Records per the Record Retention Schedule

C) County Manager's Report

No report.

ADJOURN

Motion to Adjourn Meeting

There was no further business and Commissioner Etheridge moved for adjournment. Commissioner Beaumont seconded and the motion passed unanimously. The meeting of the Board of Commissioners adjourned at 8:42 PM.

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

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners sat as the Tourism Development Authority in a Special Meeting on November 5, 2018, immediately following adjournment of the 6:00 PM regular meeting of the Board. The purpose of the meeting was to consider budget amendments.

D. TDA: Budget Amendments

County Manager, Dan Scanlon, reviewed the budget amendments with the Board. After review, Commissioner Gilbert moved for approval and the motion was seconded by Commissioner Etheridge. The motion passed unanimously.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-590460	Capital Facility Projects	\$ 25,000	
15447-590460	Capital Facility Projects	\$ 10,000	
15320-415000	Occupancy Tax		\$ 35,000
		\$ 35,000	\$ 35,000
Explanation:	Occupancy Tax - Promotion (15442); Occupancy Tax - Tourism Related (15447) - Increase appropriations for emergency replacement of HVAC equipment at the Moyock Welcome Center and contingency for additional emergency repairs on aging systems.		
Net Budget Effect:	Occupancy Tax Fund (15) -Increased by \$35,000.		

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-516200	Vehicle Maintenance	\$ 1,500	
15447-516000	Repairs & Maintenance		\$ 1,500
		\$ 1,500	\$ 1,500
Explanation:	Occupancy Tax - Tourism Related (15447) - Transfer budgeted funds for vehicle repairs for staff that maintain facilities on the Currituck Outer Banks.		
Net Budget Effect:	Occupancy Tax Fund (15) -No change.		

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

ADJOURN SPECIAL MEETING

There was no further business and Commissioner Gilbert moved to adjourn. The motion was seconded by Commissioner White. The motion passed unanimously and the meeting of the Tourism Development Authority concluded at 8:43 PM.

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



Currituck County Schools

A Beacon for Excellence in Education

5.A.a

BOARD OF EDUCATION

WILLIAM DOBNEY, EdD, CHAIRMAN • DWAN CRAFT, VICE-CHAIRMAN
KAREN ETHERIDGE • JANET ROSE • WILLIAM CRODICK

MARK J. STEFAN
SUPERINTENDENT

To: Currituck County Board of Commissioners
Dan Scanlon, County Manager

From: Mark J. Stefanik

Re: Designated Funds for Safety Devices

Date: October 26, 2018

This past summer, the Currituck County School District implemented three safety upgrades that were recommended by the school district's Safety Committee. It was brought to my attention that the County Commissioners may be interested in designating specific funds for some of the safety devices that were recommended.

In order to seek those potential funds, I would like to make an official request for designated funds to purchase Night-Lock Devices (locally referred to as Jenna Locks, out of respect for former student school board member Jenna Akers, who introduced the devices to the School Board along with Sheriff Beickert). The Night-Lock Devices have been installed on virtually every interior door in all 10 of our school buildings. The cost for the purchase and installation of the Night-Lock Devices is \$57,000.

The implementation of the three safety upgrades will cost roughly \$320,000. The school district has utilized Capital Outlay funding and grant funding to cover the costs of the upgrades. If the Commissioners would like to assist with the Night-Lock Devices cost, that would be greatly appreciated.

Please let me know if you need additional information regarding this request. Thank you in advance for considering this partnership opportunity!

Attachment: BOE Funding Request-Safety Devices (School District Safety Upgrades Presentation)



STAFF REPORT
PB 18-22 ALLIED PROPERTIES
BOARD OF COMMISSIONERS
NOVEMBER 5, 2018

APPLICATION SUMMARY

Property Owner: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958 QHOC of Windswept Pines LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958	MCQ Builders, LLC-2 1060 Laskin Rd, Suite 15B Virginia Beach, VA 23454 Mark & Penny McCrary 131 Baxter Ln. Moyock, NC 27958	Applicant: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958
Case Number: 18-22	Application Type: Conditional Rezoning	
Parcel Identification Number: 0009000011L0000, 0009000006A0000, 009H00000SA-C0000, 009H0000001-120000, 009H0000042-580000	Existing Use: Residential Subdivision	
Land Use Plan Classification: Rural	Parcel Size (Acres): 66.8 acres	
Moyock Small Area Plan Classification: Full Service	Zoning History: A and GB (1989) C-MXR (2015)	
Current Zoning: C-MXR	Proposed Zoning: C-MXR	

STAFF ANALYSIS

REQUEST

The applicant originally requested, and was approved, for a Conditional C-MXR rezoning for these properties in 2015. The 2015 approved conditions and development plan indicated 59 total lots (including one existing parcel recombined to provide an entrance to Baxter Lane), commercial area, and a possible future development phase. The future development phase did not have a conceptual design layout, pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space, or approximate location of jurisdictional wetlands.

Since the 2015 conditional zoning approval, the applicant has designed and developed Windswept Pines. Windswept Pines Phase 1 is recorded and several homes are under construction. As part of the construction drawing application, the engineered stormwater plans were completed that resulted in additional stormwater retention area for Phase 2. The increased stormwater storage is proposed in the possible future development area of the 2015 conceptual development plan. The proposed changes are considered a material change and require a new conditional zoning application and conceptual development plan. The proposed plan identifies new stormwater facilities, slightly modifies the open space layout for the development, and recognizes shifts in open space and road layout for the subdivision.

The summary of the new conceptual development plan is as follows:

Total Area: 66.87 acre rezoning

59 residential lots (including the existing McCrary parcel)

Open Space - Required

15.39 acres required residential open space (51.32* acres x 30%)

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

** 14.07 acres future development excluded from the open space calculation*

Open Space – Provided

17.07* acres residential open space*

0.15 acres commercial open space

**14.07 acres future development not included in open space calculation*

A request to develop the area identified on the proposed plan as *Future Development Phase* will require an amendment to the conditional zoning plan and the preliminary plat.

EXISTING ZONING CONDITIONS

1. Proposed Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Perform an evaluation of existing main ditch along Truran/Ward property line from site to Baxter's Lane and if warranted, seek permission to improve ditch cross-section.
5. Explore the possibility of routing a portion of stormwater runoff to the northeast.
6. All residential development will be single family and will conform to sample building elevations provided.

The applicant proposes to remove condition 4.

COMMUNITY MEETING

A community meeting was held August 17, 2018 at the Moyock Library. Several comments were made regarding the existing drainage, road interconnectivity, and NCDOT road right of way and maintenance. A meeting summary is provided in the agenda packet.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conceptual development plan correction:

1. The Area Calculations on the conceptual development plan shall reflect the McCrary property in the required open space calculations as provided in the conceptual development plan summary above.

PLANNING BOARD

Mr. Ballance motioned to approve PB 18-22 Allied Properties, LLC for the requested conditional rezoning to allow for the two additional ponds because the request is in compliance with the 2006 Land Use Plan and it is in the public interest with the added agreed upon conditions of approval 1 through 5 as stated in the staff report:

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

Also, the calculation correction shall be included.

Ms. Overstreet seconded the motion and the motion carried unanimously.

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

ADOPTED PLANS	
The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed and other county services are limited development density should be limited to 1-2 units per acre. The proposed plan is in keeping with the policies of the plan, some of which are:	
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services. (summary)
The Moyock Small Area Plan identifies this this site as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surround land uses. The proposed plan is in keeping with the policies of the plan, some of which are:	
Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk sept downs, or other architectural and site planning measures that encourage harmony.

CONSISTENCY AND RESONABLENESS STATEMENT	
This conditional zoning request is consistent Moyock Small Area Plan in that it is compatible with the future land use map Full Service designation and densities (FLU1). In addition, the	

request is reasonable and in the public interest because the request is similar to the existing development plan and results in an orderly and logical development pattern.

CONDITIONS OF APPROVAL

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

Agreed upon conditions of approval:

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

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Planning Board: www.co.currituck.nc.us/planning_board.cfm

Planning Board Discussion – 10/9/2018

Donna Voliva, Assistant Planning Director, presented the staff report. Since the original 2015 conditional zoning, the applicant has designed and developed Windswept Pines. Windswept Pines Phase 1 is recorded and homes are under construction. As part of the construction drawing application, the engineered stormwater plans were completed that resulted in additional stormwater retention area for Phase 2. The request for conditional rezoning would allow two ponds that are necessary for this stormwater retention.. A community meeting was held and several people attended with concerns about the existing drainage, road interconnectivity, NCDOT road right of way and maintenance.

Mr. Craddock asked Ms. Voliva why the open space was exceeded and she replied that it was a minor error.

Mr. Bissell with Bissell Professional Group came before the board to represent Allied Properties, LLC. Mr. Bissell explained the calculations of water drainage in the ditches. Ditch F was the only one that carried a lot of water and was backing up in the ditch and on the site. The plan was to construct a new ditch along the west side and since the three existing ponds are insufficient, we will need to construct 2 additional ponds to allow for proper drainage. The storm water will be divided between the two new ponds.

Board members asked questions about the ditches locations, where the ditches drained to and if additional ponds beyond the two requested ones will be needed. Mr. Bissell said they plan on doing a Phase 3 and the ponds would then need to be enlarged.

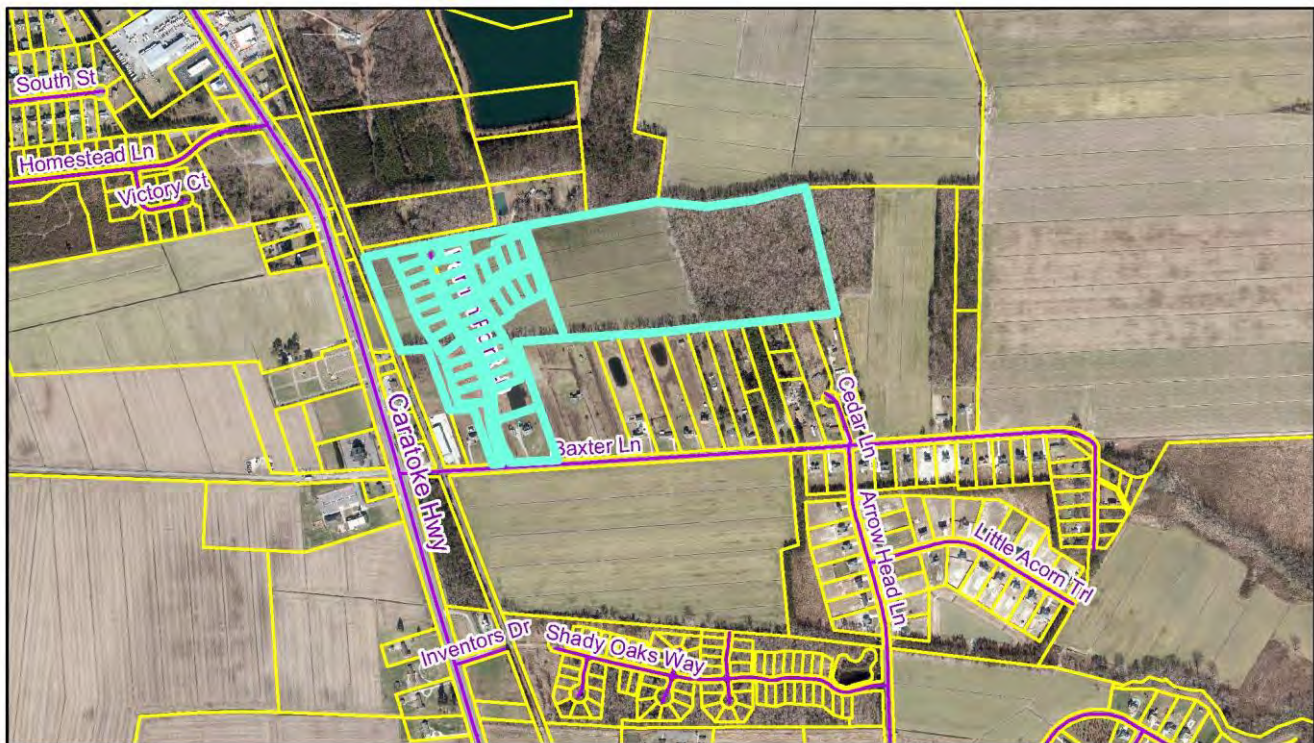
No other persons were signed up to speak. Chairman Whiteman asked for a motion.

Mr. Ballance motioned to approve PB 18-22 Allied Properties, LLC for the requested conditional rezoning to allow for the two additional ponds because the request is in compliance with the 2006 Land Use Plan and it is in the public interest with the added agreed upon conditions of approval 1 through 5 as stated in the staff report:

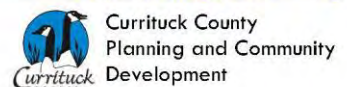
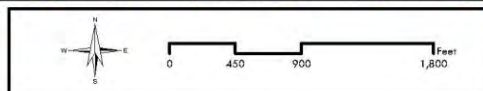
1. Proposed Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.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

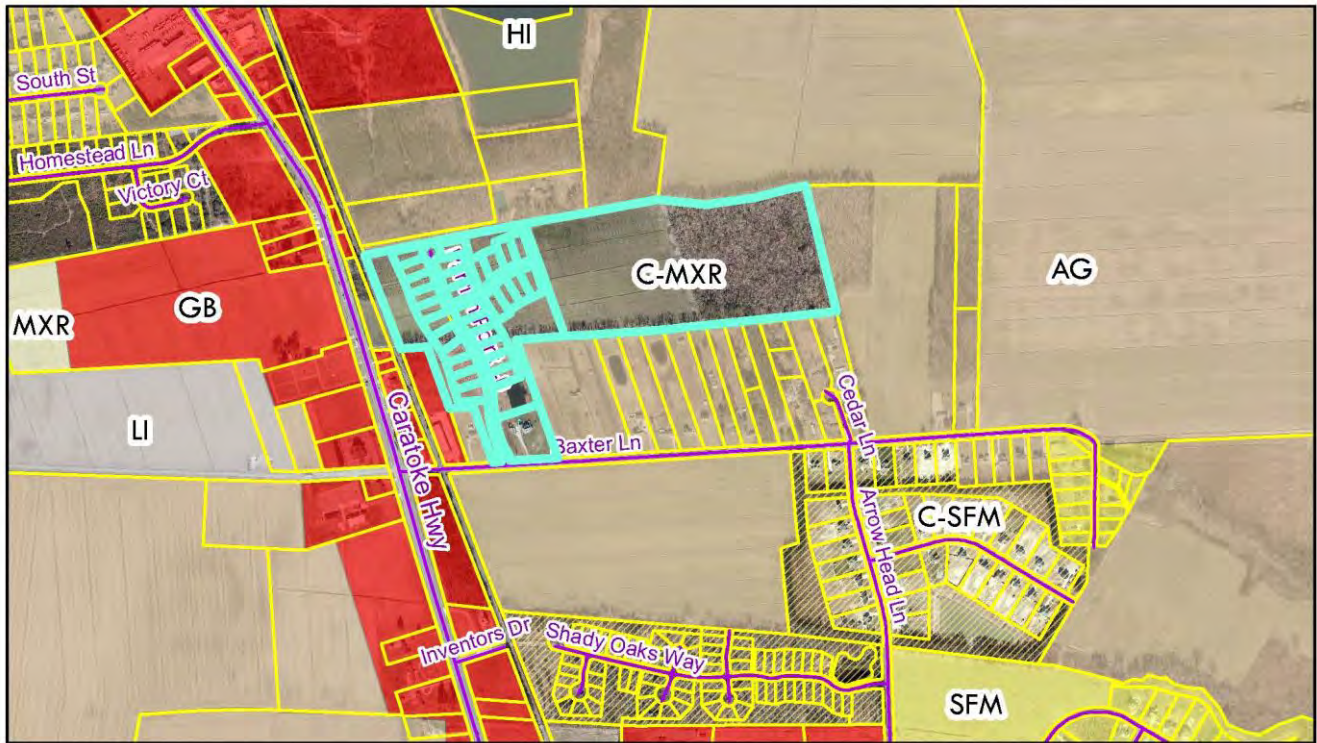
Also, the calculation correction shall be included.

Ms. Overstreet seconded the motion and the motion carried unanimously.

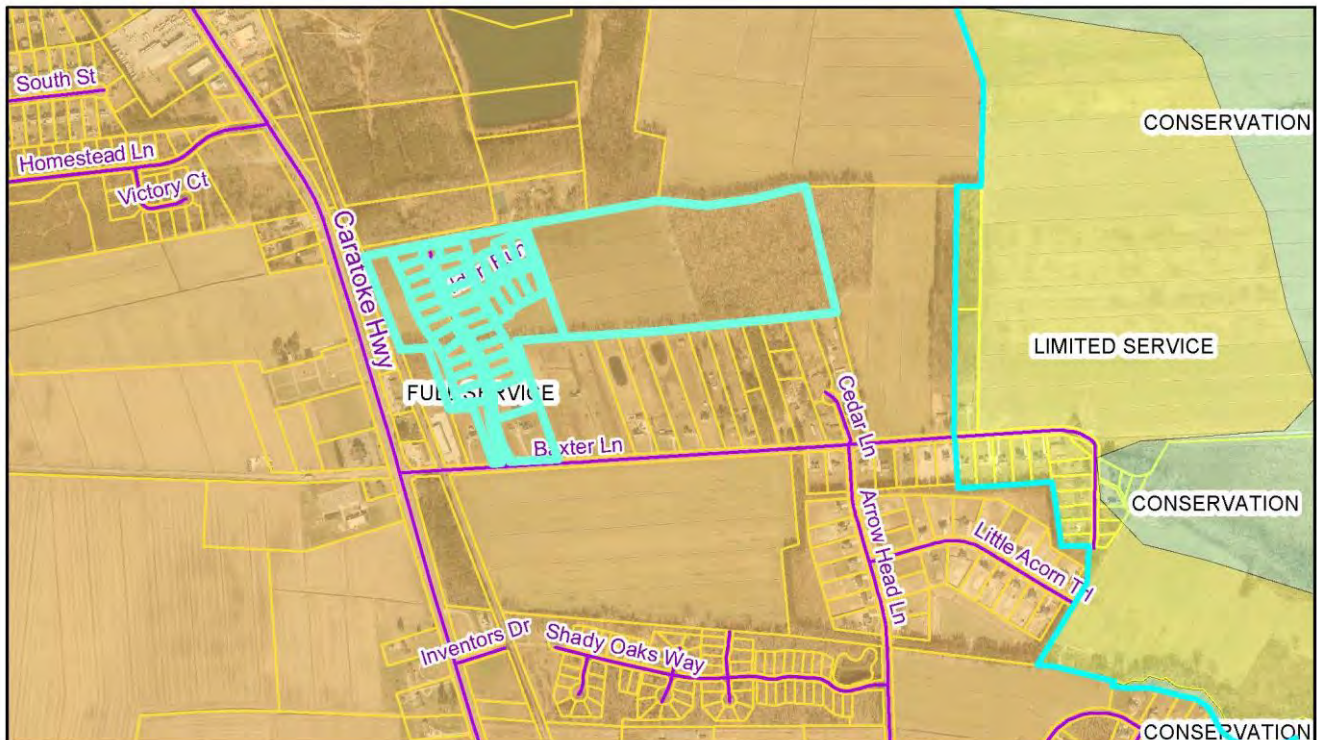
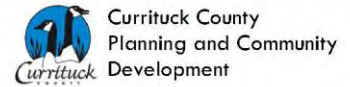
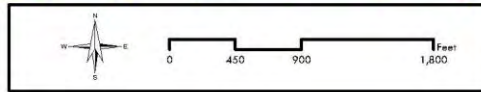


PB 18-22
Allied Properties, LLC
Aerial

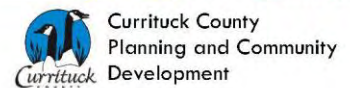
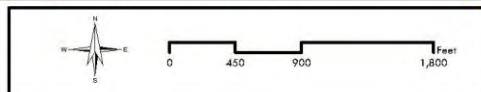




PB 18-22
Allied Properties, LLC
Zoning



PB 18-22
Allied Properties, LLC
Moyock SAP





Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: See Attached

Address: _____

Telephone: _____

E-Mail Address: _____

PROPERTY OWNER:

Name: See Attached

Address: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: NC 168 just north of Baxter Lane

Location: Moyock, NC

Parcel Identification Number(s): See Attached

Total Parcel(s) Acreage: 66.8

Existing Land Use of Property: Single Family Residential and Vacant

Request

Current Zoning of Property: MXR-Conditional District Proposed Zoning District: Same

Community Meeting

Date Meeting Held: August 17, 2018 Meeting Location: Moyock Library

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

Subdivision

Proposed Zoning Condition(s):

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

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

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

Property Owner(s)

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.

McQ Builders LLC-2

QHOC of Windswept Pines LLC

Mark McCrary

Conditional Rezoning Application
Page 6 of 8

Revised 7/1/2019

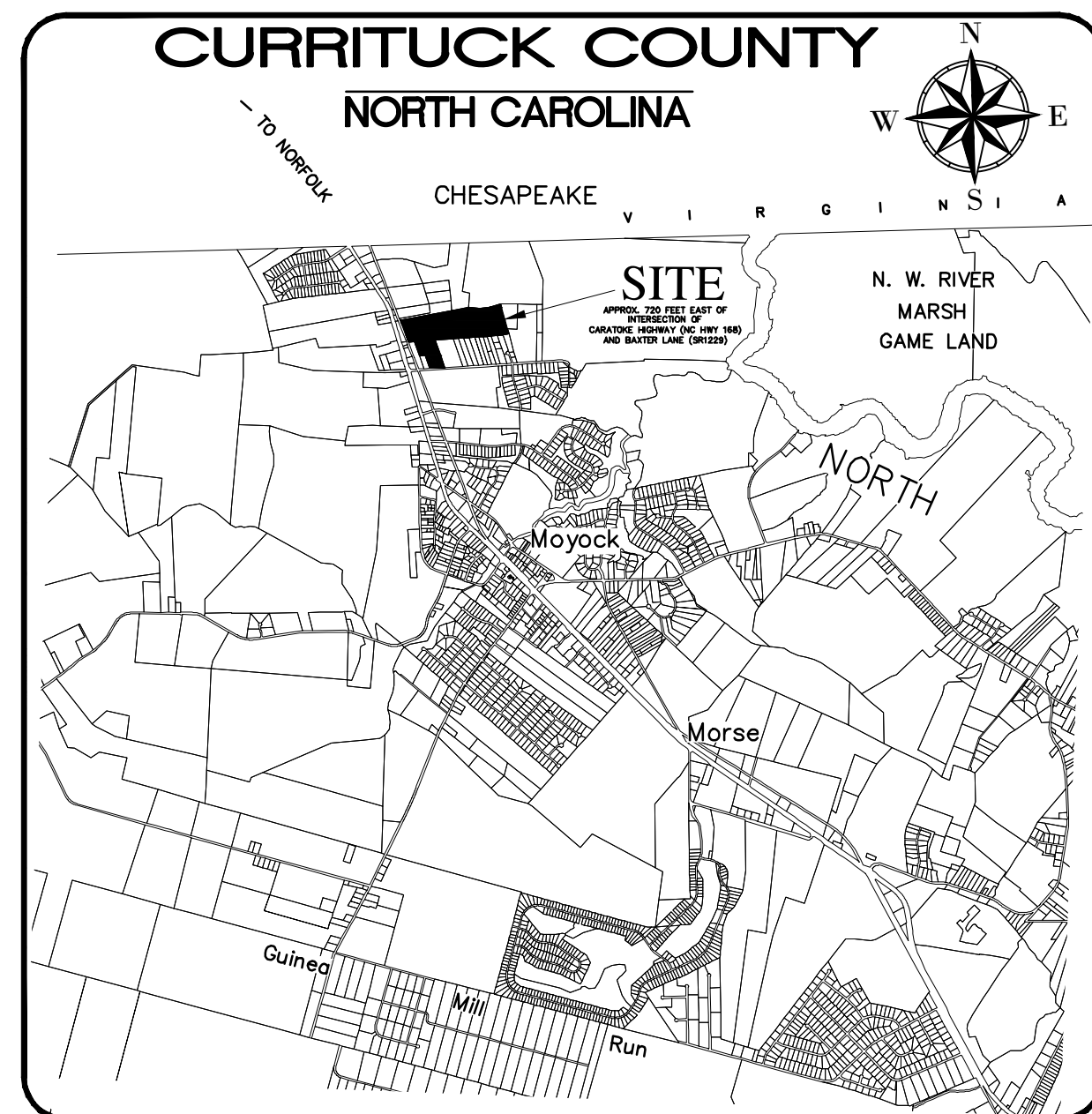
PROPERTY OWNERS and PARCEL IDENTIFICATION NUMBERS

Name: Allied Properties, LLC
Address: 417 Caratoke Hwy., Unit D
 Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoc.com
Parcels Owned: 0009-000-006A-0000, 009H-000-00SA-0000, 009H-000-00SB-0000,
 009H-000-00SC-0000, 009H-000-0001-0000, 009H-000-0002-0000,
 009H-000-0005-0000, 009H-000-0008-0000, 009H-000-0009-0000,
 009H-000-0012-0000, 009H-000-0045-0000, 009H-000-0046-0000,
 009H-000-0047-0000, 009H-000-0048-0000, 009H-000-0053-0000,
 009H-000-0054-0000, 009H-000-0056-0000, 009H-000-0057-0000,
 009H-000-0058-0000

Name: QHOC of Windswept Pines, LLC
Address: 417 Caratoke Hwy., Unit D
 Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoc.com
Parcels Owned: 009H-000-0004-0000, 009H-000-0006-0000, 009H-000-0010-0000,
 009H-000-0042-0000, 009H-000-0043-0000, 009H-000-0049-0000,
 009H-000-0050-0000, 009H-000-0051-0000, 009H-000-0052-0000,
 009H-000-0055-0000

Name: MCQ Builders LLC-2
Address: 1060 Laskin Rd., Suite 15-B
 Virginia Beach, VA 23454
Telephone: (757) 435-6319
Email Address: jmmqb1@aol.com
Parcels Owned: 009H-000-0003-0000, 009H-000-0007-0000, 009H-000-0011-0000,
 009H-000-0044-0000

Name: Mark & Penny McCrary
Address: 131 Baxter Ln.
 Moyock, NC 27958
Telephone: (252) 435-7576
Email Address: mmccrary819@aol.com
Parcels Owned: 0009-000-011L-0000



VICINITY MAP
SCALE: 1" = 5000'

PROPERTY OWNERS:				
NAME	ADDRESS		PHONE NUMBER	EMAIL
ALLIED PROPERTIES, LLC	416 CAROTAKE HWY UNIT D, MOYOCK, NC 27958		252-435-2718	JOLD@BOC.COM
MCO BUILDERS, LLC-2	1080 LASKIN RD, SUITE 15-B, VIRGINIA BEACH, VA 23454		757-435-6319	JMM061@AOL.COM
OHOC OF WINDSCAPT PINES, LLC	416 CAROTAKE HWY UNIT D, MOYOCK, NC 27958		252-435-2718	JOLD@BOC.COM
MARK & PENNY MCKEY	131 BAXTER LANE MOYOCK, NC 27958		252-435-7576	mmccray619@aol.com

[illegible]

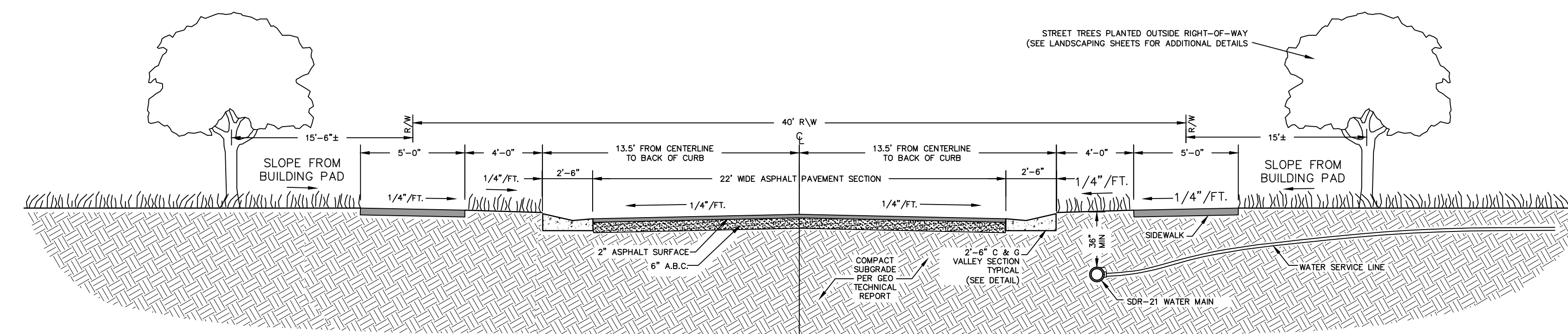
EXISTING PROPERTY ZONING: CD-MXR

TENTATIVE DEVELOPMENT SCHEDULE:	PHASE	LOTS	YEAR
	1	30	1
	2	29	2
	3	COMMERCIAL	3

STREET CONNECTIVITY INDEX = $\frac{7}{5} = 1.40$

AREA CALCULATIONS:

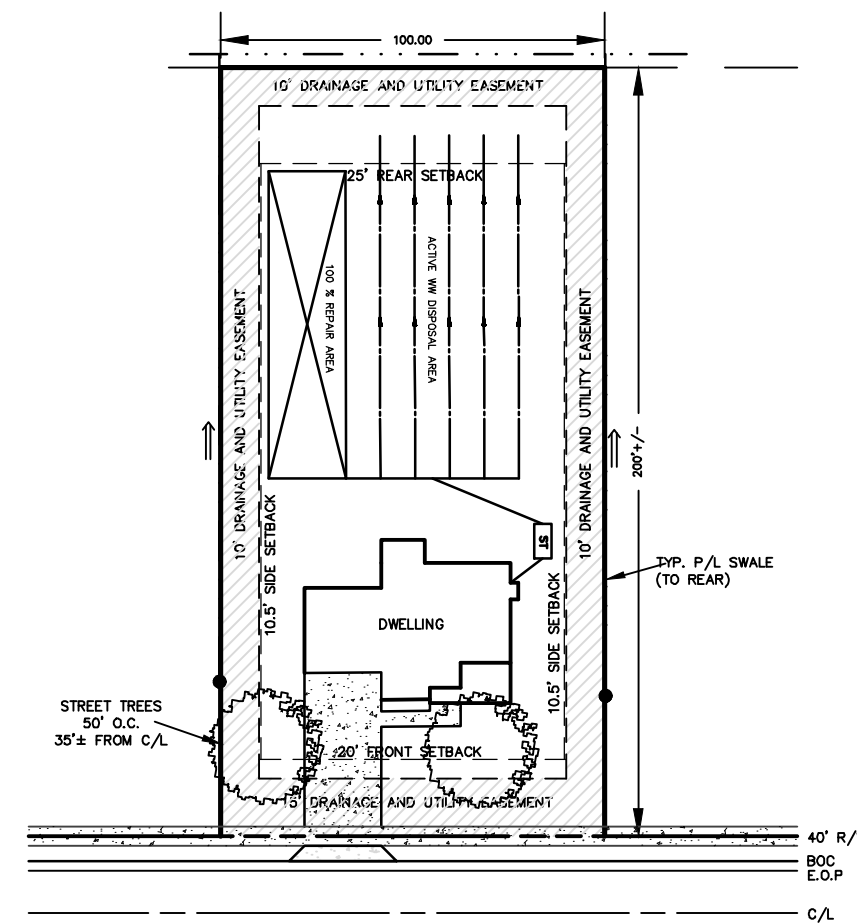
1. TOTAL PROPERTY AREA:	66.87 AC.
MCCARY LOT AREA:	
10.047 AC.	2.50 AC.
SUBDIVISION DEVELOPMENT AREA:	1.48 AC.
FUTURE DEVELOPMENT AREA:	4.82 AC.
DEVELOPMENT SUMMARY - PHASE 1	
LOT AREA:	13.41 AC.
MCCARY LOT AREA:	2.50 AC.
OPEN SPACE AREA:	10.47 AC.
N/W AREA:	2.28 AC.
TOTAL PHASE #1 AREA:	28.66 AC.
# OF LOTS:	
AVERAGE LOT AREA:	30.00 (INCLUDES 20.139 SF. LOT)
DEVELOPMENT SUMMARY - PHASE 2	
PROPOSED LOT AREA:	1.19 AC.
PROPOSED OPEN SPACE AREA:	6.81 AC.
PROPOSED N/W AREA:	14.87 AC.
TOTAL PHASE #2 AREA:	22.66 AC.
# OF PROPOSED LOTS:	
AVERAGE LOT AREA:	29.21
	21,322 SQ. FT.
RIGHT-OF-WAY WIDTH:	
PAVED HIGHWAY:	40 FT.
UNPAVED HIGHWAY:	27 FT. (W/ 6' C&G)
LINEAR FEET OF SUBDIVISION ROADWAY:	4,012 L.F.
OPEN SPACE SUMMARY:	
REQUIRED:	
TOTAL SUBDIVISION AREA:	51.322 AC. * 30% = 15.40 AC.
TOTAL COMMERCIAL AREA:	1.48 AC. * 10% = 0.15 AC.
PROVIDED:	
TOTAL SUBDIVISION OPEN SPACE AREA:	10.47 AC.
TOTAL COMMERCIAL OPEN SPACE AREA:	0.15 AC.



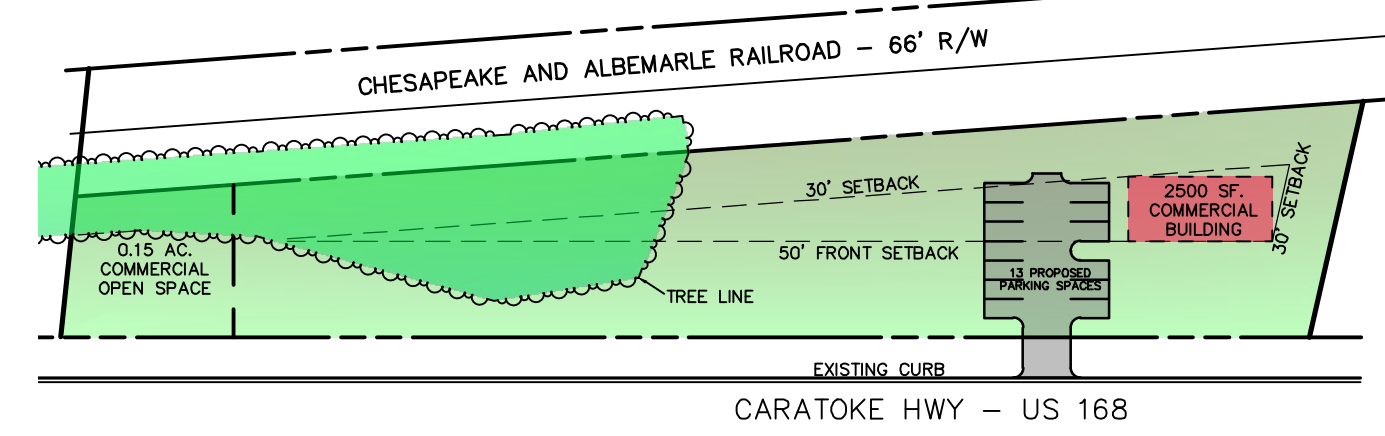
TYPICAL SUBDIVISION ROADWAY SECTION W/ UTILITIES
NOT TO SCALE SECTION VIEW



NC GRID NAD83(2011)



MINIMUM DIMENSIONAL STANDARDS
MINIMUM LOT SIZE = 20,000 S.F.



TYPICAL DIMENSIONAL STANDARDS
COMMERCIAL TRACT SIZE = 1.48 Acres
SCALE 1"=100'

LEGEND

- PROPERTY LINE
-  ADJACENT PROP LINE
-  RIGHT OF WAY
-  500' PROPERTY OFFSET BUFFER
-  SOILS BOUNDARY
-  EXISTING STRUCTURES
-  BASE ZONING LINE
- X 9.5 SPOT GROUND ELEVATIONS

SOIL TYPES

Ds	DRAGSTON LOAMY FINE SAND
Ro	ROANOKE FINE SANDY LOAM



1" = 200'
GRAPHIC SCALE

THE CAMBRIDGE

Opt. FROG full bath - 86 Sq



Packet Pg. 51



Shown with side entry garage, craftsman style porch post & metal roof accents.

THE PARKLIN

First Floor - 898 sq.
Second Floor - 1,344 sq.
Total Heated - 2,242 sq.
Garage - 495 sq.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in shaded areas. Individual homes may differ from the models or from each other depending on field conditions.

Packet Pg. 52



Currituck County

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

MEMORANDUM

To: Allied Properties, LLC
 Bissell Professional Group

From: Donna Voliva, Assistant Planning Director

Date: September 17, 2018

Re: PB 18-22 Allied Properties, LLC Conditional Zoning Request (Modification)

The following comments have been received for the September 19, 2018 Technical Review Committee meeting. The conditional rezoning will require Planning Board recommendation and Board of Commission's action. The comments listed below must be addressed and resubmitted by September 24, 2018 in order to be placed on the October 9, 2018 Planning Board meeting. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Donna Voliva, 252-232-6032)

Reviewed

1. The application shall include the following property owners:
 - a. Allied Properties, LLC
 - b. MCQ Builders LLC-2
 - c. QHOC of Windswept Pines, LLC
 - d. McCrary
2. The conditional zoning application removes the general layout for the commercial area along Caratoke Highway and indicates it is not a part. Please clarify.
3. The conditional zoning development overview plan indicates the residual acreage as 13.85. The amended preliminary plat indicates the same parcel to be 14.07 acres. Please clarify the difference.
4. The areas shown as not a part must seek a rezoning in order to be developed at a later date. A rezoning application is a legislative decision by the BOC and there are no assurances of approval.
5. Identify the open space, buffers, etc.

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

No Comment

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

Reviewed

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

No Comment

Attachment: 5- Allied Properties TRC Comments-18sept19 (PB 18-22 Allied Properties, LLC)

Currituck County Utilities - SOBWS (Benji Carawan, 252-453-2620)

No Comment

Albemarle Regional Health Services (Joe Hobbs, 252-232-1913)

Reviewed

1. PLEASE CONSULT WITH KEVIN CARVER RS A4 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION

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

No comment

Comments not received:

Currituck County Utilities (Eric Weatherly)**Currituck Soil and Water (Will Creef, 252-232-3360)****The following items are necessary for resubmittal:**

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

Windswept Pines at Currituck Property

Friday, August 17, 2018

Scheduled Time/Place: 4:00 pm, Moyock Library, Moyock, NC

We waited for late arrivals until about 4:05 pm

Attendees:
Nearby Property Owners (See attached sign-in sheet)
Donna Voliva, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

It was explained that the request was to amend the existing approved development plan to add stormwater ponds in the area that was originally set aside for Phase 3 to the east of the approved Phase 2 development. The stormwater ponds are needed to improve stormwater management for the project. The following comments and concerns were made and attempts to address them as follows:

Comments from the Community	How Addressed
There was a deed restriction recorded against further development of the McCrary land	The restriction was changed by amendment to the Covenants.
There was no problem with drainage until the Turan ditch was closed when that house was built	That was done many years ago and we are attempting to deal with what we have to work with to the best of our ability.
Why is the County allowing development without fixing existing drainage problems	Donna Voliva indicated that Currituck County does not have the right to enter and maintain ditches on private land. The County has greatly increased requirements for developers, but older developments have no such stormwater management requirements
The property line ditch is never dry	A site visit will be made to review the situation
3 culverts backflow to the north	The reason the plug was proposed in the ditch was to keep water that is flowing under 168 from the northwest from backing up that ditch, but the property owner refused to allow the plug to be installed.
There is a collapsed pipe on Baxter Extended that is causing stormwater to back up along Baxter Lane and backflow to the north side of Baxter which is flooding yards to the east of Turan’s property	In a subsequent conversation with NCDOT it was reported that the drainage pipe has been replaced.

The Jarvis property downstream of Baxter should be cleaned and snagged	It may be true but it is beyond the scope of this development.
There is dirt in the property line ditch	We will get the contractor to remove if it is an issue.
How much water flows to the northeast	Some water flows but not a great deal due to the limited capacity of the existing property line ditch. Existing conditions have been modeled.
Will there be road connectivity to the north	Yes, that will be required by Currituck County.
Does NCDOT have an easement to maintain the Baxter ditch along the south side of Baxter	In a subsequent conversation with Maple Maintenance, the answer is no they have no easement and cannot go on private property without permission.
There is a dip in the road where culverts were placed	There is a warranty and the dip will need to be repaired to NCDOT's satisfaction.
When will the request go to the County Commissioners	Probably in October. The County will mail a notice.

Summary:

There being no further discussion, the meeting was adjourned at approximately 5:10 pm.



August 7, 2018

RE: Community Meeting for Amended Conditional Rezoning & Amended Preliminary Plat Application for Windswept Pines

Dear Property Owner:

We would like to invite you and nearby property owners to another community meeting regarding a proposed amendment to the Conditional Rezoning and an amendment to the Preliminary Plat/Use Permit that have already been approved for Windswept Pines. The purpose of the amendment is to provide additional stormwater management facilities in the area east of the approved development, previously labeled "Possible Future Development." Allied Properties, LLC is in the process of developing approximately 64.3 acres into a residential subdivision. The property is described as Windswept Pines subdivision located off Baxter Lane in Moyock, NC.

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

Since the last community meeting, comments regarding drainage have been considered, and additional design work has been completed to improve the existing drainage system. We look forward to the opportunity to share the latest plan with the community.

The community meeting will be held on Friday, August 17, 2018 at 4:00 pm sharp, at the Moyock Library located on Campus Drive off Tulls Creek Road.

Sincerely,
Bissell Professional Group
(Agent for the Applicant)

By: Mark S. Bissell

cc: Currituck County Planning and Community Development

P.O. Box 1068 • 3512 N. Croatan Hwy. • Kitty Hawk, NC 27949
252-261-3266 • Fax: 252-261-1760 • E-mail: bpg@bissellprofessionalgroup.com

Attachment: 6- 8-17-18 Community Meeting Summary (PB 18-22 Allied Properties, LLC)

Windswept Pines Community Meeting- Outline of Presentation

August 17, 2018

A. Housekeeping –

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

B. What is the Request?

- Amendments to Conditional Zoning and Preliminary Plat
- Next step in the approval process –before construction plans

C. The Process:

- Pre-application meeting with County
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

Then:

- Construction drawing application
- Construction
- Final plat application

D. The Plan:

- The street and lot layout is unchanged (Still proposing 20,000 sq ft minimum lots)
- Increasing open space to provide more stormwater ponds
- Woodlands behind – future phase

E. Questions & Comments

Community Meeting Sign-In Sheet
For Windswept Pines
08/17/18

NAME	ADDRESS	TELEPHONE	E-MAIL
Mark Bissell	PO Box 1068 Kitty Hawk NC	(252) 261-3266	mark@bissellprofessionalgroup.com
Richard Calderon	540 Puddin Ridge Rd	757-8979299	rcalderon@kwshomes.com
Roy Carter right	114 Cedar L.N.	252-771-5785	
Richard T. Ruman	151 BATTLE LANE	252-435-7143	
Nathan Morales	173 Barker Ln	757 335 1529	NathanCMorales@gmail.com
Artelle VARETTA	189 CARATOKE	252 435 6406	
Kathy Kemp	189 CARATOKE	252-619-7148	Kkemp1@outlook.com
Bertrille Bright Lomax	433 Neck Road	804-888-0070	Lomax4@aol.com.
Donna Volvia	CC Planning + CD	252232-6032	Donna.Volvia@cumfuchcountync.gov

	Parcel ID Number	Global PIN	Owner Name 1	Owner Name 2	Owner Name 3	Billing Address	Billing Address Continued	Billing City	Billing State	Billing ZIP Code	Owner Name 4	Owner Name 5	Owner Name 6	Owner Name 7	Owner Name 8	Owner Name 9	Owner Naem 10
1	000900000040000	8022-79-1121	KEMP, CHARLES ALLISON JR	KEMP, KATHLEEN BROOKS		189 CARATOKE HWY		MOYOCK	NC	27958							
2	000900000030000	8022-69-4087	VAUGHAN, ARLENE W			187 CARATOKE HWY		MOYOCK	NC	27958							
3	000900000050000	8022-58-9866	N C DEPT OF TRANSPORTATION			DISTRICT ENGINEERS OFFICE	1929 NORTH ROAD ST	ELIZABETH CITY	NC	27909							
4	00090000006A0000	8022-88-2772	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
5	000900000070000	8022-68-2120	SHADE TREE CUSTOM HOMES & DEVEL LLC			231 CARATOKE HWY		MOYOCK	NC	27958							
6	000900000080000	8022-68-2052	COLEMAN, B DOUGLAS			110 JAE CT		MOYOCK	NC	27958							
7	000900000090000	8022-67-3814	COLEMAN, B DOUGLAS			110 JAE CT		MOYOCK	NC	27958							
8	0009000011H0000	8022-67-8526	HARGREAVES, TIFFANY G			119 BAXTER LN		MOYOCK	NC	27958							
9	0009000011K0000	8022-67-4464	ABLX LLC			152 SAWYER TOWN RD		MOYOCK	NC	27958							
10	0009000025A0000	8022-76-9874	JARVIS HARVEST LLC			ATTN: CHARLES T BUSBY	701 BLUE POINT DR	WILMINGTON	NC	28411							
11	0009000011L0000	8022-77-2505	MCCRARY, MARK A	MCCRARY, PENNY K		131 BAXTER LN		MOYOCK	NC	27958							
12	009H00000OSC0000	8022-68-9817	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
13	009H00000060000	8022-68-6782	QHOC OF WINDSWEPT PINES LLC			417 D CARATOKE HWY		MOYOCK	NC	27958							
14	009H00000050000	8022-68-6893	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
15	009H000000SA0000	8022-78-3423	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
16	009H00000510000	8022-77-0947	QHOC OF WINDSWEPT PINES LLC			417 D CARATOKE HWY		MOYOCK	NC	27958							
17	009H00000500000	8022-78-0016	QHOC OF WINDSWEPT PINES LLC			417 D CARATOKE HWY		MOYOCK	NC	27958							
18	009H00000040000	8022-68-3798	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
19	009H00000030000	8022-68-4639	MCQ BUILDERS LLC-2			1060 LASKIN RD	SUITE 15-B	VIRGINIA BEACH	VA	23454							
20	009H00000010000	8022-68-5511	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
21	009H00000020000	8022-68-4670	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
22	009H00000560000	8022-68-6262	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
23	009H00000580000	8022-68-5451	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
24	009H00000570000	8022-68-5392	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
25	009H00000520000	8022-67-8835	QHOC OF WINDSWEPT PINES LLC			417 D CARATOKE HWY		MOYOCK	NC	27958							
26	009H00000550000	8022-68-7123	QHOC OF WINDSWEPT PINES LLC			417 D CARATOKE HWY		MOYOCK	NC	27958							
27	009H00000540000	8022-68-7064	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
28	009H00000530000	8022-67-7994	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							
29	009H000005B0000	8022-68-3433	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK	NC	27958							

Attachment: 6- 8-17-18 Community Meeting Summary (PB 18-22 Allied Properties, LLC)

	Parcel ID Number	Global PIN	Owner Name 1	Owner Name 2	Owner Name 3	Billing Address	Billing Address Continued	Billing City	Billing State	Billing ZIP Code	Owner Name 4	Owner Name 5	Owner Name 6	Owner Name 7	Owner Name 8	Owner Name 9	Owner Naem 10
1	000800000180000	8023-90-1113	BRIGHT, JOE W	BRIGHT, ETTA M	BRIGHT, JOE W JR	437 NECK RD		CHESAPEAKE VA		23322	LOMAX, BERTRILLE V						
2	000800000170000	8023-70-5173	BRYANT, C W	CARSON H & CATHERINE BRYANT REV TRUST		652 INDEPENDENCE PKWY	STE 110	CHESAPEAKE VA		23320							
3	000900000040000	8022-79-1121	KEMP, CHARLES ALLISON JR	KEMP, KATHLEEN BROOKS		189 CARATOKE HWY		MOYOCK NC		27958							
4	000900000030000	8022-69-4087	VAUGHAN, ARLENE W			187 CARATOKE HWY		MOYOCK NC		27958							
5	000900000240000	8022-98-7389	HILL, PAULETTE R	NELSON, VERA JEAN	DOXIE, ADDIE	16457 NC HWY 32 NORTH		ROPER NC		27970	JACOBS, ELRETTA						
6	000900000220000	8022-98-3102	CARTWRIGHT, ROY LEE			123 CARTWRIGHT RD		SOUTH MILLS NC		27976							
7	000900000200000	8022-98-1130	WISE, MELINDA			2710 IKE STREET #58		CHESAPEAKE VA		23324							
8	000900000170000	8022-88-9204	VAUGHAN, WILLIAM H.			C/O RICHARD L RHINE	PO BOX 72	MOYOCK NC		27958							
9	000900000160000	8022-87-8961	EISEL, MICHAEL A	RUSSELL, KATHRYN N		205 BAXTER LN		MOYOCK NC		27958							
10	000900000140000	8022-88-6079	JONES, LYNWOOD LEE, JR			201 BAXTERS LN		MOYOCK NC		27958							
11	000900000130000	8022-87-6910	CRAINER, DAVID B TRUSTEE	CRAINER, ELLEN F TRUSTEE		933 TWO GATES CIR		CHESAPEAKE VA		23322							
12	000900000120000	8022-87-4889	HIGGERSON, HUNTER H			191 BAXTER LN		MOYOCK NC		27958							
13	00090000011A0000	8022-87-3849	KLEIN, ROBERT	KLEIN, LEANNE		183 BAXTER LN		MOYOCK NC		27958							
14	00090000011B0000	8022-87-1897	WYATT, DUSTIN A	STRYCZEK, ANETA		179 BAXTER LN		MOYOCK NC		27958							
15	00090000011C0000	8022-87-0836	MORALES, KRISTEN A			173 BAXTER LN		MOYOCK NC		27958							
16	00090000011D0000	8022-77-8875	JOHNSON, CHRISTIANA M	JOHNSON, LINDA C	SETZER, RANDON J	167 BAXTER LN		MOYOCK NC		27958	JOHNSON, ERVIN R	SETZER, CYNTHIA C					
17	00090000011F0000	8022-77-5832	TRURAN, RICHARD R	TRURAN, KATE W		151 BAXTER LN		MOYOCK NC		27958							
18	00090000006A0000	8022-88-2772	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK NC		27958							
19	GAP	8022-88-8364															
20	009H00000110000	8022-78-0860	MCQ BUILDERS LLC-2			1060 LASKIN RD	SUITE 15-B	VIRGINIA BEACH VA		23454							
21	009H00000120000	8022-78-1864	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK NC		27958							
22	009H00000OSC0000	8022-68-9817	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK NC		27958							
23	009H00000OSA0000	8022-78-3423	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK NC		27958							
24	009H00000420000	8022-78-2631	QHOC OF WINDSWEPT PINES LLC			417 D CARATOKE HWY		MOYOCK NC		27958							
25	009H00000430000	8022-78-1547	ALLIED PROPERTIES LLC			422-A CARATOKE HWY #2		MOYOCK NC		27958							



STAFF REPORT PB 16-06 WINDSWEEP PINES BOARD OF COMMISSIONERS NOVEMBER 5, 2018

APPLICATION SUMMARY

Property Owner: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958 QHOC of Windswept Pines LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958	MCQ Builders, LLC-2 1060 Laskin Rd, Suite 15B Virginia Beach, VA 23454 Mark & Penny McCrary 131 Baxter Ln. Moyock, NC 27958	Applicant: Allied Properties, LLC 417 Caratoke Hwy, Unit D Moyock, NC 27958
Case Number: 16-06	Application Type: Major Subdivision, Amended Preliminary Plat/ Use Permit (Type II)	
Parcel Identification Number: 0009000011L0000, 0009000006A0000, 009H00000SA-C0000, 009H0000001-120000, 009H0000042-580000	Existing Use: Residential Subdivision	
Land Use Plan Classification: Rural and Full Service Moyock Small Area Plan: Full Service	Parcel Size (Acres): 66.87 acres (total) 15.55 acres (not a part of the development) 51.32 acres (development area)	
Number of Units: 59 residential lots (including one existing, developed lot)	Project Density: 1.15 units/acre (59 lots/51.32 acres)	
Required Open Space: 15.40 acres (30% residential development)	Provided Open Space: 17.07 acres (33%)	

SURROUNDING PARCELS

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

STAFF ANALYSIS

REQUEST

The applicant is requesting amended preliminary plat/use permit approval of a 59 lot residential subdivision (including one existing parcel recombined to provide an entrance to Baxter Lane). The proposed amendment includes a change in the zoning conditions and the development plan that will provide additional stormwater retention area (open space) for Phase 2. The stormwater retention

ponds are planned in an area previously identified as future development. The proposed amendment will add 0.99 acres to the development area and, the area will be identified as open space. The proposed amendment **does not** include an increase in the total number of lots.

A community meeting was held August 17, 2018 at the Moyock Library. Several comments were made regarding the existing drainage, road interconnectivity, and NCDOT road right of way and maintenance.

The property is conditionally zoned C-MXR and the following zoning conditions apply to this development:

- Use: Subdivision
- All lots to be greater than or equal to 20,000 square feet.
- Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
- ~~Perform an evaluation of existing main ditch along Truran/Ward property line from site to Baxter's Lane and if warranted, seek permission to improve ditch cross-section.~~
- Explore the possibility of routing a portion of stormwater runoff to the northeast.
- All Residential development will be single family and will conform to sample building elevations provided.

INFRASTRUCTURE		
Water	Public	
Sewer	On-site septic	
Transportation	Streets: Curb and gutter	
	Pedestrian: 5' wide sidewalks installed along both sides of the streets	
	Connectivity Score: 1.4	
Stormwater/Drainage	Curb and gutter and ponds	
Schools	Elementary Students Generated: 14 students (84% capacity)	
	Middle School Students Generated: 4 students (80% capacity)	
	High School Students Generated: 7 students (83% capacity)	
Lighting	Street lights (full cut off)	
Recreation and Park Area Dedication	1.48 acres – Payment in lieu of dedication will be accepted.	
Riparian Buffers	30' riparian buffer is required adjacent to all 404 jurisdictional wetlands (excluding man-made ditches)	
Schools - Adequate Public Facilities		
Actual Capacity – August 2018		Students Generated by this Development
Moyock Elementary Shawboro Elementary Central Elementary	84%	Elementary: 14 students
Moyock Middle Currituck Middle	80%	Middle: 4 students
Currituck High JP Knapp Early College	83%	High: 7 students

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

1. The Technical Review Committee recommends adoption of the use permit and approval of the preliminary plat.
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Additional stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements.
2. Albemarle Regional Health Services evaluated the new lots for suitability for wastewater disposal and provisionally approved each lot as being capable of properly treating domestic wastewater with properly filled and drained lots.
3. The project is being designed in accordance with the NC Department of Energy, Mineral and Land Resources sedimentation and erosion control standards, and will therefore minimize erosion and will contain siltation onsite.
4. For safety reasons, all lots are being accessed from interior streets.

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

Preliminary Applicant Findings:

1. Land to the west has been developed into single family homes; the land to the north is farmland and residential; land to the south is farmland and single family lots. Land to the east is farmland and woodland. This tract will be developed similarly to the adjacent Phase 1 subdivision. Values will be similar to those in the adjacent subdivisions. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.

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

Preliminary Staff Findings:

1. The Moyock Small Area plan classifies this area as Full Service. The proposed development density is only 1.15 units per acre, well below the densities of 1.5 to 3 units per acre envisioned in the Moyock Small Area Plan.

Relevant MSAP and 2006 LUP Policies:

1. 2006 LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the

site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

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

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

Preliminary Staff Findings:

1. Based on the average daily membership and school capacity, the Currituck County schools (northern mainland) at the following capacity:

Actual Capacity – August 2018	
Moyock Elementary Shawboro Elementary Central Elementary	84%
Moyock Middle Currituck Middle	80%
Currituck High JP Knapp Early College	83%

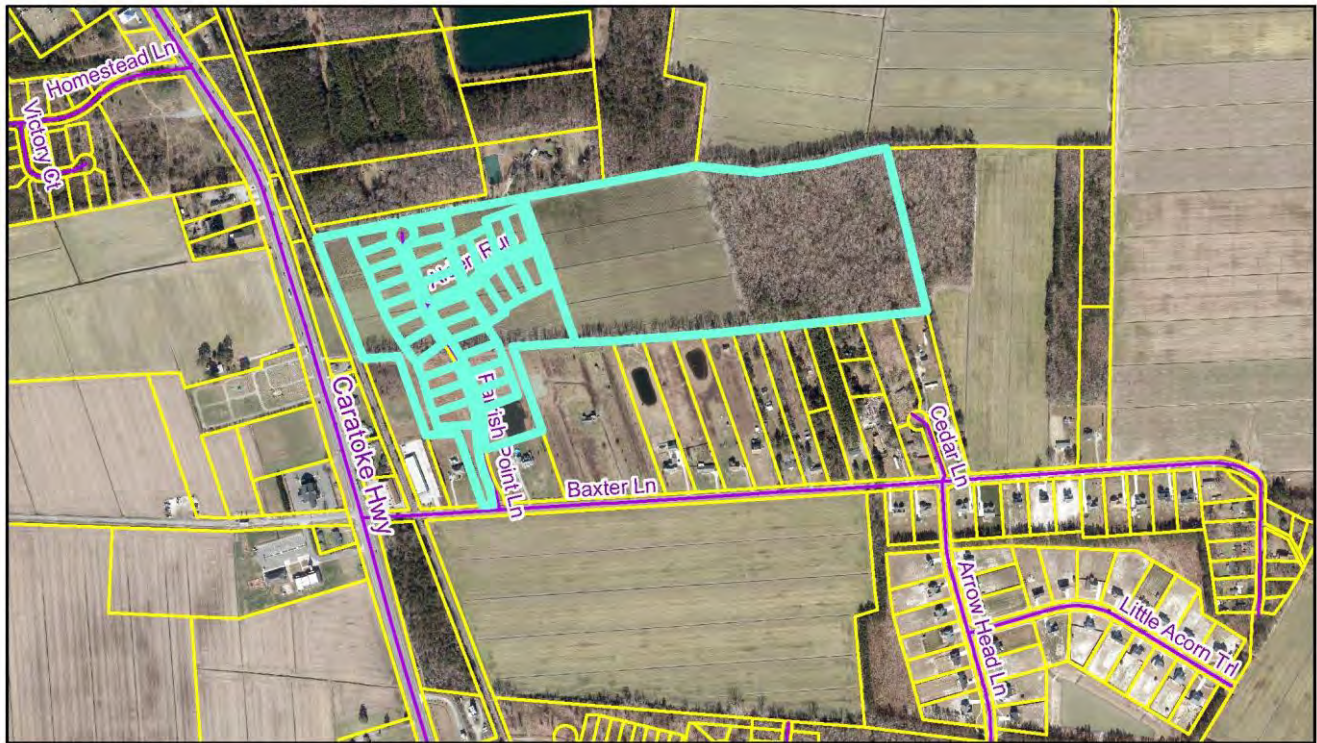
Source: Currituck County Schools

2. Based on the 2004 Tischler Student Generation Rate Study, the proposed subdivision is projected to generate the following students:

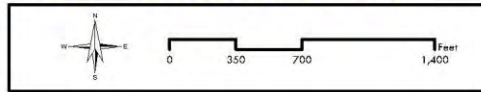
Students Generated by this Development	
Elementary	14 students
Middle	4 students
High	7 students

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

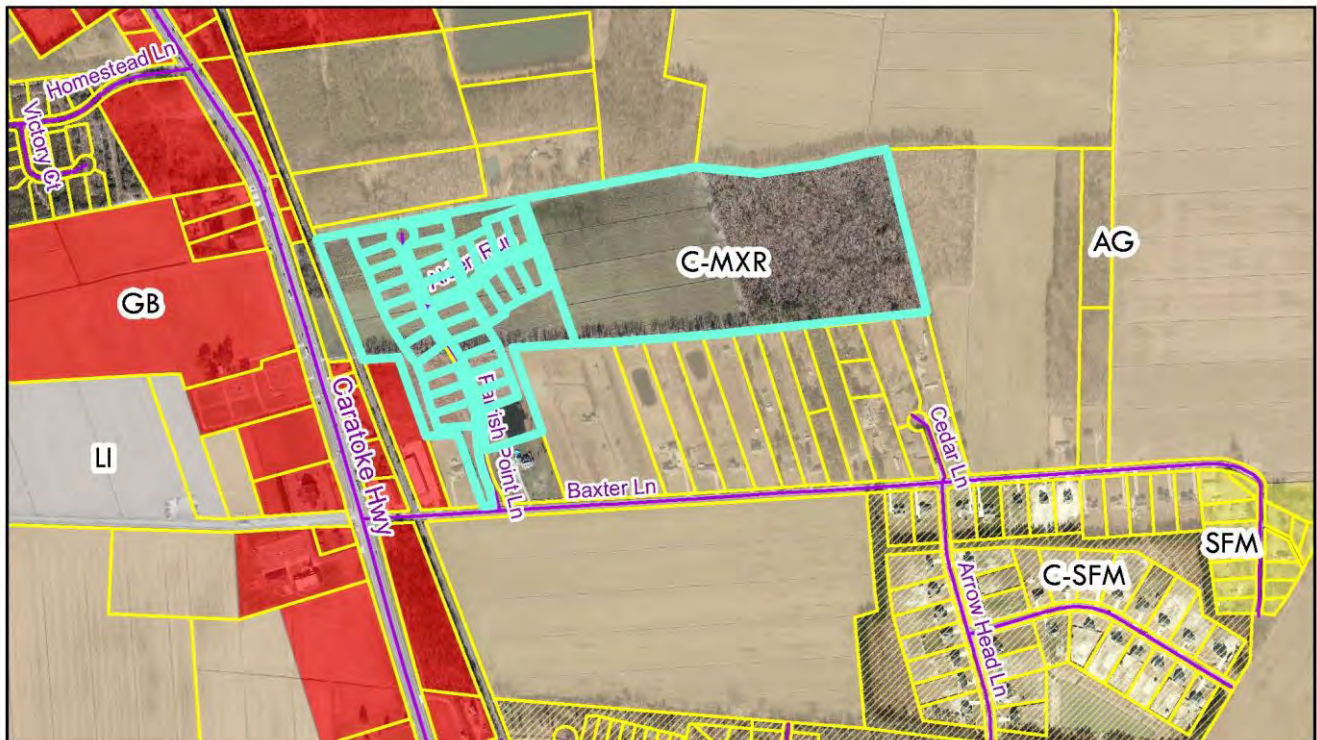
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



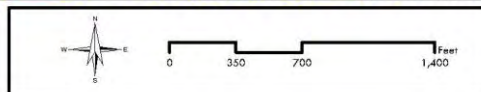
PB 16-06
Windswept Pines
Aerial



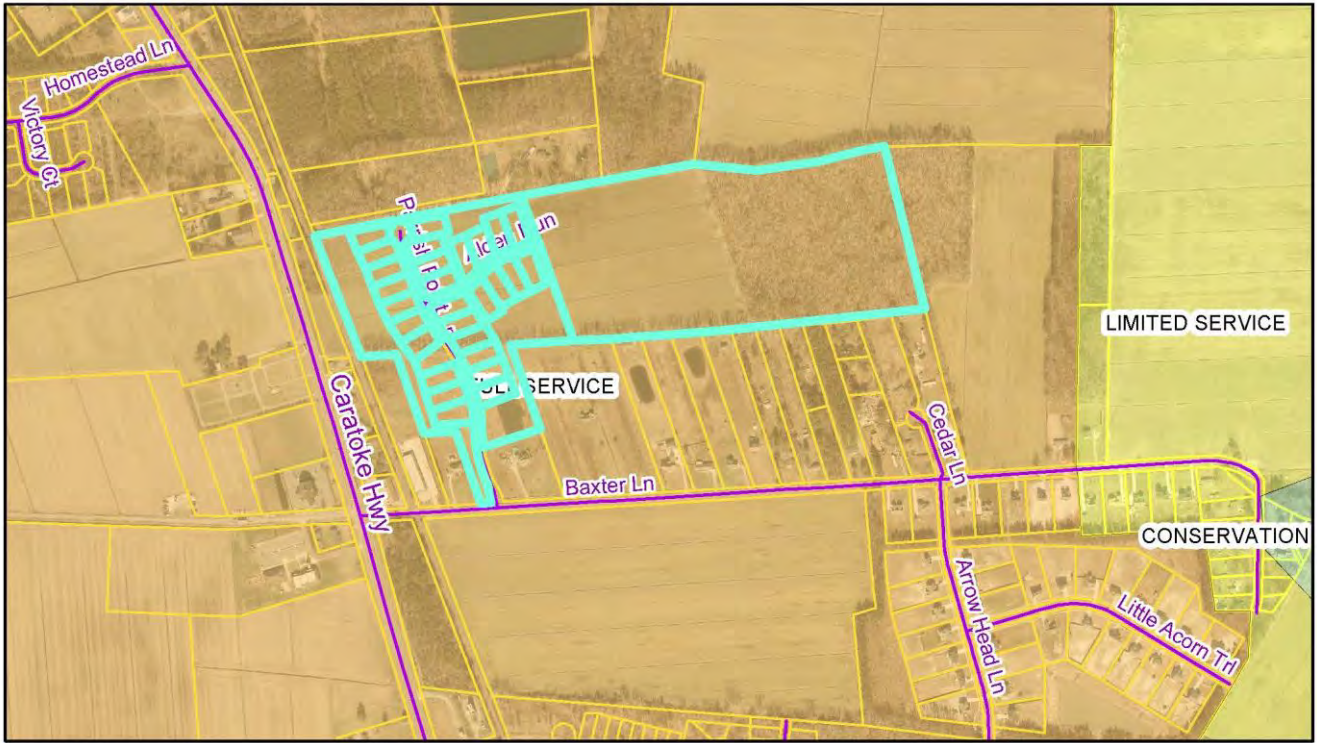
Currituck County
Planning and Community
Development



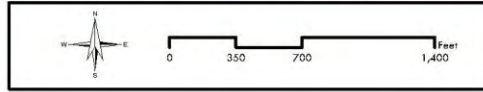
PB 16-06
Windswept Pines
Zoning



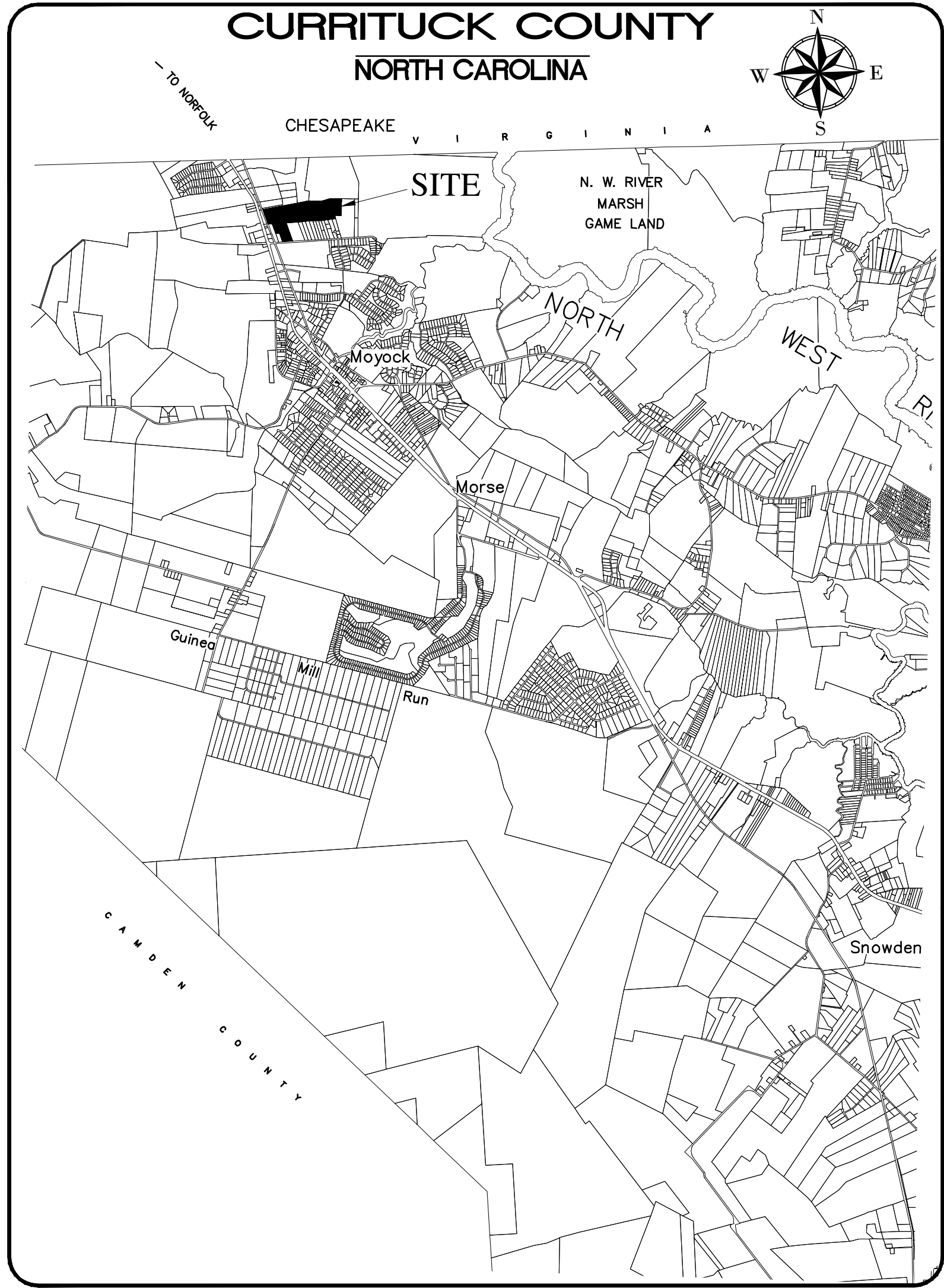
Currituck County
Planning and Community
Development



PB 16-06
Windswept Pines
MSAP Future Land Use Map



Currituck County
Planning and Community
Development



VICINITY MAP
SCALE: 1" = 5000'

STORMWATER STATEMENT
NO MORE THAN 30% OF ANY LOT SHALL BE COVERED BY IMPERVIOUS STRUCTURES AND MATERIALS, INCLUDING ASPHALT, GRAVEL, CONCRETE, BRICK, STONE, SLATE, OR SIMILAR MATERIAL, NOT INCLUDING WOOD DECKING OR THE WATER SURFACE OF SWIMMING POOLS. THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE WITH THE STORMWATER PERMIT NUMBER _____ ISSUED BY THE STATE OF NORTH CAROLINA. THE COVENANT MAY NOT BE CHANGED OR DELETED WITHOUT THE CONSENT OF THE STATE. FILLING IN OR PIPING OF ANY VEGETATIVE CONVEYANCES (DITCHES, SWALES, ETC.) ASSOCIATED WITH THIS DEVELOPMENT, EXCEPT FOR AVERAGE DRIVEWAY CROSSINGS, IS STRICTLY PROHIBITED BY ANY PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

REVIEW OFFICER CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

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

DATE _____ REVIEW OFFICER _____

PUBLIC STREETS DIVISION OF HIGHWAY DISTRICT ENGINEER CERTIFICATE
I HEREBY CERTIFY THAT THE PUBLIC STREETS SHOWN ON THIS PLAT ARE INTENDED FOR DEDICATION AND HAVE BEEN DESIGNED OR COMPLETED IN ACCORDANCE WITH AT LEAST THE MINIMUM SPECIFICATIONS AND STANDARDS OF THE NC DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF SUBDIVISION STREETS ON THE NC HIGHWAY SYSTEM FOR MAINTENANCE.

DATE _____ DISTRICT ENGINEER _____

- GENERAL NOTES:**
- PROJECT NAME: WINDSWEPT PINES SUBDIVISION
 - APPLICANT: ALLIED PROPERTIES, LLC
 - OWNER: OWNER: ALLIED PROPERTIES, LLC; MARK A. & PENNY K. McCRARY
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
 - PROPERTY DATA:
PARCEL ID#: 0009-000-0006-0000, 0009-000-011L-0000
PRIMARY ADDRESS: 209 CARATOKE HWY, MOYOCK, NC
RECORDED REFERENCES: D.B. 1391, PG. 861; P.C. O, SL. 157
PROPERTY ZONING: C-MXR – MIXED RESIDENTIAL
 - F.I.R.M. DATA:
ZONES X & SHADED X F.E.M.A. F.I.R.M. MAP# 3721802200 J, CID 370078,
EFFECTIVE DATE DECEMBER 16, 2005. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
 - THIS PROPERTY CONTAINS ACOE "404" JURISDICTIONAL WETLANDS AS SHOWN AND CONFIRMED BY USACOE ACTION ID# SAW 2014-02217, DATED 12-04-2014 AND MAY REQUIRE U.S. CORP OF ENGINEERS APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.
 - A 10' EASEMENT FOR UTILITIES AND DRAINAGE ALONG REAR AND SIDE PROPERTY LINES AND A 15' EASEMENT ALONG FRONT PROPERTY LINE IS HEREBY ESTABLISHED. PEDESTRIAN AND STREET TREE EASEMENTS MAY BE REQUIRED.
 - A 25' DRAINAGE EASEMENT SHALL BE ESTABLISHED ALONG ALL MAJOR DRAINAGEWAYS SERVING MORE THAN 5 ACRES. A BLANKET DRAINAGE EASEMENT SHALL BE ESTABLISHED ACROSS ALL OPEN SPACE AREAS.
 - EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:
 - 2015 FIELD SURVEY DATA OBTAINED BY BISSELL PROFESSIONAL GROUP
 - 2012 AERIAL IMAGERY OBTAINED FROM NCONEMAP.COM
 - FIELD TOPOGRAPHIC SURVEY DATA BY BISSELL PROFESSIONAL GROUP
 - ELEVATIONS ARE REFERENCED TO NAVD 1988 VERTICAL DATUM.
 - SECTION 7.6.5 OF THE CURRITUCK U.D.O. SUBSTANTIALLY RESTRICTS DEVELOPMENT WITHIN A 30' RIPARIAN BUFFER.
 - ALL UTILITIES ARE TO BE UNDERGROUND.
 - NEAREST HYDRANT FLOW TESTED AT 1,146 GPM. DESIGN FIRE FLOW IS 1,000 GPM. NEW CONSTRUCTION TO MEET ISO STANDARDS FOR NFF<4,800 S.F.

DEVELOPMENT NOTES:
TRACT SUMMARY:
McCRARY TRACT 2.50 AC.
ALLIED PROPERTIES, LLC RESIDENTIAL AREA: 62.89 AC.
ALLIED PROPERTIES, LLC COMMERCIAL AREA: 1.48 AC.
TOTAL AREA OF TRACTS: 66.87 AC.

AREA NOT BEING DEVELOPED AT THIS TIME:
FUTURE COMMERCIAL AREA: 1.48 AC.
RESIDUAL RESIDENTIAL AREA: 14.07 AC.
TOTAL AREA NOT A PART: 15.55 AC.

TOTAL SUBDIVISION DEVELOPMENT AREA: 51.32 AC.

DEVELOPMENT AREA SUMMARY:
PROPOSED LOT AREA: 30.10 AC.
PROPOSED R/W AREA: 4.15 AC.
REQUIRED OPEN SPACE (30%): 15.40 AC.
OPEN SPACE PROVIDED: 17.07 AC.

OF PROPOSED LOTS: 59 (0.8698 LOTS/ACRE)
AVERAGE LOT AREA: 22,225 SQ. FT.

PROPOSED RIGHT-OF-WAY WIDTH: 40 FT.
PROPOSED PAVED ROADWAY WIDTH: 22 FT. (TYPICAL), 27 FT. B.O.C. – B.O.C.
LINEAR FEET OF ONSITE ROADWAY: 3,820 L.F.±

LOT DEVELOPMENT CONFIGURATION:
LOT AREAS: VARY FROM 20,000 TO 108,900 SQUARE FEET.
MINIMUM LOT WIDTH (CORNER OR INTERIOR LOTS): 100'.

SETBACKS:
FRONT 20'
REAR 25'
SIDE 10'

RECREATION/PARKLAND FEE-IN-LIEU IS \$12,113. (TOTAL TAX VALUE \$527,200 / 65.64 ACRES = \$8,190 PER ACRE X 1.479 ACRES (58 LOTS X .0255) = \$12,113)

STREET CONNECTIVITY INDEX = 7 LINKS/5 NODES = 1.40

SURVEY LEGEND	
SCM	SET CONCRETE MONUMENT
SIR	SET IRON ROD
EIR	EXISTING IRON ROD
EIP	EXISTING IRON PIPE
CP	CALCULATED POINT
M.B.L.	MAXIMUM BUILDING LIMIT
N.T.S.	NOT TO SCALE
P.C.	PLAT CABINET
D.B.	DEED BOOK
SL	SLIDE
SF	SQUARE FEET
AC	ACRES

LEGEND	
---	ROADWAY CENTERLINE
---	RIGHT-OF-WAY
---	PROPERTY BOUNDARY
---	ADJOINING PROPERTY LINE
---	EXISTING DITCH CENTERLINE
---	EXISTING DITCH TOP OF BANK
---	PROPOSED SWALE W/ FLOW ARROW
---	PROPOSED SWALE HIGH POINT
---	FEMA BOUNDARY LINE
---	EXISTING 404 BOUNDARY
---	EXISTING GRADE CONTOUR
---	30' UNDISTURBED BUFFER (COUNTY)
---	50' WETLANDS BUFFER (COUNTY)
---	EXISTING RAILROAD TRACKS
---	EXISTING CULVERT
---	PROPOSED CULVERT
---	EXISTING UTILITY POLE
---	EXISTING OVERHEAD TRANSMISSION LINES
---	EXISTING WATER LINE
---	PROPOSED WATER LINE (SIZE AS NOTED)
---	PROPOSED FIRE HYDRANT ASSEMBLY
---	PROPOSED WATER SERVICE
---	PROPOSED BLOW-OFF ASSEMBLY
---	PROPOSED VALVE
---	PROPOSED REDUCER
---	PROPOSED SIDEWALK

WINDSWEPT PINES

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

AMENDED 8/22/18 TO PROVIDE ADDITIONAL STORMWATER

Sheet Number	Sheet Title
1	COVER SHEET, DEVELOPMENT NOTES AND SITE LOCATION
2	EXISTING CONDITIONS AND SITE FEATURES PLAN
3	OVERALL BOUNDARY AND PLAN OF SUBDIVISION
4	STORMWATER MANAGEMENT AND DRAINAGE PLAN
5	WATER MAIN EXTENSION, WATER SERVICE & WASTEWATER PLAN
6	LANDSCAPING, BUFFERING AND SIGNAGE PLAN
7	TYPICAL CONSTRUCTION DETAILS

ZONING CONDITIONS:

- ALL LOTS TO BE GREATER THAN OR EQUAL TO 20,000 SQUARE FEET.
- INSTALL A NEW CULVERT UNDER BAXTER'S LANE TO IMPROVE OFF-SITE DRAINAGE, SIZE TO BE DETERMINED AFTER ENGINEERING EVALUATION.
- EXPLORE THE POSSIBILITY OF ROUTING A PORTION OF STORMWATER RUNOFF TO THE NORTHEAST.
- ALL RESIDENTIAL DEVELOPMENT WILL BE SINGLE FAMILY AND WILL CONFORM TO SAMPLE BUILDING ELEVATIONS PROVIDED.

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

DATE _____ OWNER _____
I, _____, A NOTARY PUBLIC
OF _____ COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT

PERSONALLY
APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

APPROVAL CERTIFICATE
I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE CURRITUCK COUNTY TECHNICAL REVIEW COMMITTEE AND SIGNED BY THE ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE CURRITUCK COUNTY REGISTRY WITHIN 90 DAYS OF THE DATE BELOW.

DATE _____ ADMINISTRATOR _____

REVIEW OFFICER CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

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

DATE _____ REVIEW OFFICER _____

REQUIRED IMPROVEMENTS CERTIFICATE
I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY BISSELL PROFESSIONAL GROUP, AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS.

DATE _____ REGISTERED LAND SURVEYOR/ENGINEER _____

REGISTRATION NUMBER _____

SURVEYOR'S CERTIFICATION
I, MICHAEL D. BARR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED AND DESCRIPTION RECORDED IN BOOKS REFERENCED); THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000 AND VERTICAL ACCURACY IS ± 0.05"; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 2-CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING REAL TIME KINEMATIC AND TRADITIONAL TRAVERSE; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-C-1AND FURTHER THAT IT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)."

THIS IS TO CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____

DAY OF _____, A.D., 2017.

SIGNATURE L-1756

Bissell Professional Group
Firm License # C-046
Surveyor License # 1008
P.O. Box 1008
Kitty Hawk, North Carolina 27949
Tel: (252) 281-1760
Fax: (252) 281-1760
BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

COVER SHEET, DEVELOPMENT
NOTES AND SITE LOCATION

WINDSWEPT PINES
CURRITUCK COUNTY
MOYOCK TOWNSHIP

PRELIMINARY SUBDIVISION PLANS

REVISIONS		DATE	DESCRIPTION	BY	CHK
1	REVISION	02/25/16	REVISION	N/A	N/A
2	REVISION	02/25/16	REVISION	N/A	N/A
3	REVISION	02/25/16	REVISION	N/A	N/A
4	REVISION	02/25/16	REVISION	N/A	N/A
5	REVISION	02/25/16	REVISION	N/A	N/A
6	REVISION	02/25/16	REVISION	N/A	N/A
7	REVISION	02/25/16	REVISION	N/A	N/A
8	REVISION	02/25/16	REVISION	N/A	N/A
9	REVISION	02/25/16	REVISION	N/A	N/A
10	REVISION	02/25/16	REVISION	N/A	N/A

**PRELIMINARY
DO NOT USE FOR
CONSTRUCTION**

DATE: 02/25/16 SCALE: N/A
DESIGNED: BPG CHECKED: MSB
DRAWN: KFW APPROVED: BPG
SHEET: 1 OF 7
CAD FILE: 455800P2
PROJECT NO: 4558



DATE: 02/25/16	SCALE: N/A
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET: 2 OF 7	
CAD FILE: 455800PP2	
PROJECT NO: 4558	



CURVE TABLE						CURVE TABLE						CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	16.33'	25.00'	16.04'	S39° 52' 52"E	37° 25' 41"	C34	21.33'	60.00'	21.22'	S31° 58' 08"W	20° 22' 07"	C67	79.16'	775.00'	79.13'	S34° 51' 52"E	5° 51' 09"
C2	26.53'	60.00'	26.32'	S45° 55' 36"E	25° 20' 12"	C35	27.02'	25.00'	25.72'	S11° 11' 22"W	61° 55' 39"	C68	20.85'	825.00'	20.85'	S37° 04' 24"E	1° 26' 54"
C3	91.81'	60.00'	83.11'	S10° 34' 37"W	87° 40' 16"	C36	31.59'	24.99'	29.53'	S55° 58' 02"E	72° 24' 35"	C69	100.13'	825.00'	100.06'	S32° 51' 52"E	6° 57' 13"
C4	121.68'	60.00'	101.87'	N4° 36' 52"W	116° 11' 45"	C37	19.71'	1025.00'	19.71'	N88° 23' 27"E	1° 08' 07"	C70	100.01'	825.00'	99.94'	S25° 54' 55"E	6° 58' 43"
C5	9.94'	25.00'	9.88'	S42° 05' 29"W	22° 47' 03"	C38	155.93'	947.16'	155.76'	N84° 26' 42"E	9° 25' 57"	C71	43.78'	825.00'	43.78'	S20° 55' 28"E	3° 02' 26"
C6	22.62'	25.14'	21.87'	N4° 45' 58"E	51° 32' 46"	C39	35.40'	947.16'	35.39'	S78° 39' 29"W	2° 08' 28"	C72	33.51'	325.00'	33.49'	S16° 26' 58"E	5° 54' 25"
C7	39.27'	25.00'	35.36'	N66° 10' 01"W	90° 00' 00"	C40	61.61'	947.16'	61.60'	N75° 43' 29"E	3° 43' 38"	C73	75.89'	325.00'	75.71'	N6° 48' 29"W	13° 22' 42"
C8	56.66'	335.33'	56.59'	S63° 59' 17"W	9° 40' 50"	C41	109.89'	875.00'	109.82'	N77° 40' 42"E	7° 11' 44"	C74	136.77'	790.00'	136.60'	S5° 04' 38"E	9° 55' 09"
C9	20.16'	335.00'	20.16'	N57° 22' 35"E	3° 28' 53"	C42	44.09'	25.00'	38.60'	N30° 45' 03"E	101° 03' 01"	C75	173.74'	789.96'	173.39'	N16° 20' 13"W	12° 36' 03"
C10	91.02'	335.00'	90.74'	S47° 52' 35"E	15° 34' 05"	C43	38.92'	325.00'	38.90'	N23° 12' 18"W	6° 51' 40"	C76	29.42'	200.00'	29.39'	N26° 51' 04"W	8° 25' 38"
C11	13.08'	365.00'	13.08'	S41° 06' 40"W	2° 03' 12"	C44	23.55'	25.00'	22.69'	S53° 37' 10"E	53° 58' 05"	C77	34.23'	1016.38'	34.23'	N31° 03' 53"W	1° 55' 47"
C12	119.02'	365.00'	118.49'	S51° 28' 57"W	18° 40' 58"	C45	79.75'	60.00'	74.01'	S42° 31' 29"E	76° 09' 36"	C78	69.10'	140.17'	68.40'	N17° 54' 27"W	28° 14' 38"
C13	96.06'	365.00'	95.78'	S68° 21' 48"W	15° 04' 45"	C46	45.50'	60.00'	44.41'	S17° 16' 46"W	43° 26' 47"	C79	45.16'	190.93'	45.05'	N15° 46' 49"W	13° 33' 03"
C14	4.35'	285.00'	4.35'	S75° 27' 55"W	0° 52' 32"	C47	39.97'	60.00'	39.24'	S58° 05' 21"W	38° 10' 23"	C80	322.75'	832.07'	320.73'	S11° 24' 14"E	22° 13' 27"
C15	75.91'	285.00'	75.68'	S67° 23' 51"W	15° 15' 36"	C48	48.87'	60.00'	47.53'	S79° 29' 11"E	46° 40' 11"	C81	95.93'	285.00'	95.48'	N9° 45' 37"W	19° 17' 06"
C16	24.41'	407.81'	24.41'	S61° 00' 18"W	3° 25' 46"	C49	52.04'	60.00'	50.43'	S31° 18' 18"E	49° 41' 41"	C82	95.93'	285.00'	95.48'	N9° 45' 37"W	19° 17' 06"
C17	34.44'	565.00'	34.43'	S63° 59' 20"W	3° 29' 32"	C50	43.72'	60.00'	42.78'	S14° 25' 05"W	41° 44' 53"	C83	9.48'	769.10'	9.48'	N19° 45' 32"W	0° 42' 24"
C18	99.60'	566.03'	99.47'	S70° 46' 48"W	10° 04' 53"	C51	27.02'	25.00'	25.72'	S4° 19' 42"W	61° 55' 39"	C84	100.13'	784.82'	100.11'	N23° 45' 22"W	7° 18' 50"
C19	105.61'	565.98'	105.46'	S81° 11' 40"W	10° 41' 30"	C52	43.71'	378.98'	43.68'	S23° 12' 18"E	6° 36' 28"	C85	136.53'	785.00'	136.35'	N32° 23' 42"W	9° 57' 53"
C20	104.93'	835.10'	104.86'	S82° 56' 42"W	7° 11' 56"	C53	32.65'	25.00'	30.38'	S57° 11' 13"E	74° 49' 32"	C86	5.66'	785.00'	5.66'	N37° 35' 02"W	0° 24' 48"
C21	76.72'	835.00'	76.70'	S76° 42' 46"W	5° 15' 52"	C54	183.22'	525.00'	182.29'	N75° 24' 09"E	19° 59' 43"	C87	97.68'	815.00'	97.62'	N34° 21' 26"W	6° 52' 01"
C22	25.96'	1015.00'	25.96'	S74° 48' 48"W	1° 27' 56"	C55	35.10'	525.00'	35.10'	S63° 29' 22"W	3° 49' 52"	C88	100.00'	815.00'	100.00'	N27° 24' 24"W	7° 02' 04"
C23	105.75'	1015.00'	105.70'	S78° 31' 51"W	5° 58' 10"	C56	16.55'	525.00'	16.55'	N60° 40' 15"E	1° 48' 23"	C89	38.72'	959.76'	38.72'	N22° 31' 41"W	2° 16' 42"
C24	105.91'	1015.00'	105.86'	S84° 30' 17"W	5° 58' 42"	C57	91.53'	325.00'	91.22'	N67° 50' 07"E	16° 08' 08"						
C25	25.65'	1015.00'	25.65'	S88° 13' 04"W	1° 26' 52"	C58	7.42'	325.00'	7.42'	N75° 14' 55"E	11° 32' 32"						
C26	71.06'	986.99'	71.05'	S86° 55' 41"W	4° 07' 31"	C59	104.19'	325.00'	103.74'	N65° 24' 36"E	18° 22' 05"						
C27	45.75'	25.00'	39.63'	N32° 39' 12"E	104° 51' 19"	C60	91.56'	325.00'	91.26'	N48° 09' 19"E	16° 08' 30"						
C28	23.55'	25.00'	22.69'	N46° 45' 30"W	53° 58' 05"	C61	8.66'	375.00'	8.66'	N40° 44' 47"E	1° 19' 26"						
C29	85.99'	60.00'	62.71'	N42° 14' 03"W	63° 00' 59"	C62	100.42'	375.00'	100.12'	N49° 04' 46"E	15° 20' 33"						
C30	48.36'	57.83'	46.97'	S12° 18' 51"W	47° 54' 53"	C63	20.00'	375.00'	20.00'	N58° 16' 44"E	3° 03' 23"						
C31	47.68'	60.00'	46.44'	S58° 07' 13"W	45° 32' 05"	C64	59.07'	375.00'	59.07'	S64° 18' 12"W	8° 03' 33"						
C32	55.19'	60.00'	53.26'	N72° 45' 38"W	52° 41' 59"	C65	41.60'	25.00'	36.96'	S21° 09' 53"W	85° 20' 11"						
C33	71.42'	60.00'	67.27'	N12° 18' 49"W	68° 11' 49"	C66	73.51'	775.00'	73.48'	S29° 13' 15"E	5° 28' 08"						

LINE TABLE		
LINE	LENGTH	BEARING
L1	35.89'	N80° 17' 29"E
L2	3.99'	S10° 57' 47"E
L3	50.50'	N69° 28' 17"E
L4	51.79'	N88° 16' 20"E
L5	13.47'	S14° 32' 50"E
L6	40.00'	N76° 35' 51"E
L7	18.28'	N85° 50' 08"E
L8	83.21'	N86° 04' 43"W
L9	67.97'	S9° 00' 17"E

Bissell Professional Group
Firm License # C-065
P.O. Box 1008
Kitty Hawk, North Carolina 27949
Tel: (252) 281-1760
Fax: (252) 281-1760

OVERALL BOUNDARY AND PLAN OF SUBDIVISION

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WINDSWEEP PINES
CURRITUCK COUNTY
MOYOCK TOWNSHIP
PRELIMINARY SUBDIVISION PLANS

Attachment: 2.10-29-18-windswEEP-pines-app-plan-set (PB 16-06 Windswept Pines)

NO.	DATE	DESCRIPTION	BY	CHKD.
1	2/25/16	DESIGNED PER STAFF REPORT	KFL	KFL
2	2/25/16	GENERAL REVISIONS	KFL	KFL
3	2/25/16	GENERAL REVISIONS	KFL	KFL
4	2/25/16	GENERAL REVISIONS	KFL	KFL
5	2/25/16	GENERAL REVISIONS	KFL	KFL
6	2/25/16	GENERAL REVISIONS	KFL	KFL
7	2/25/16	GENERAL REVISIONS	KFL	KFL

DATE: 02/25/16 SCALE: N/A
DESIGNED: BPG CHECKED: MSB
DRAWN: KFW APPROVED: BPG
SHEET: 3 OF 7
CAD FILE: 455800P2
PROJECT NO: 4558

PRELIMINARY
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BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

**STORMWATER MANAGEMENT
AND DRAINAGE PLAN**

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WINDSWEEP PINES
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

REVISIONS	
NO.	DATE
1	02/25/16
2	02/25/16
3	02/25/16
4	02/25/16
5	02/25/16
6	02/25/16

**PRELIMINARY
DO NOT USE FOR
CONSTRUCTION**

DATE:	02/25/16	SCALE:	1"=100'
DESIGNED:	BPG	CHECKED:	MSB
DRAWN:	KFW	APPROVED:	MSB
SHEET:	4	OF	7
CAD FILE:	455800PP2		
PROJECT NO:	4558		

WATER MAIN EXTENSION, WATER SERVICE & WASTEWATER PLAN

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WINDSWEPT PINES
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

	NO.	DATE	DESCRIPTION	BY
	1	5/6/76	REVISED PER START REPORT	KW
	2	4/7/77	GENERAL REVISIONS	KW
	3	6/16/77	GENERAL REVISIONS	KW
	4	8/22/77	COUNTY COMMENTS	DWK
	5	9/27/78	AUD BMAPS 4A & 4B	DWK
	6	9/25/78	NOD EASEMENT	DWK

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE: 02/25/16	SCALE: 1"=100'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: MSB

SHEET:
5 OF 7

CAD FILE:
455800PP2

PROJECT NO:
4558

LANDSCAPING, BUFFERING AND SIGNAGE PLAN

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WINDSWEPT PINES
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

Attachment: 2-10-29-18-windswept-pines-app-plan-set (PB 16-06 Windswept Pines)

	No.	Date	Description	R/Y
	1	5/6/18	REVISED PER STAFF REPORT	KW
	2	4/7/17	GENERAL REVISIONS	KW
	3	8/23/17	COUNTY COMMENTS	KW
	4	8/22/18	ADD BMP - A&A/B MAJOR ARTERIAL NO E DMRK	E
	5	9/24/18	ADD EASEMENT	DMRk

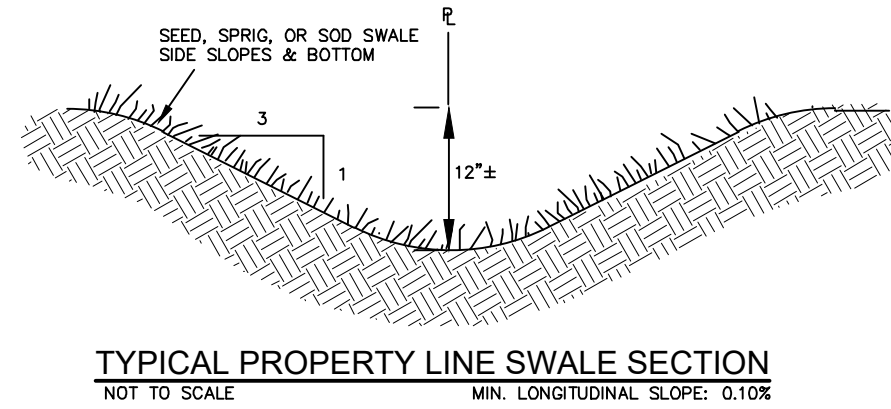
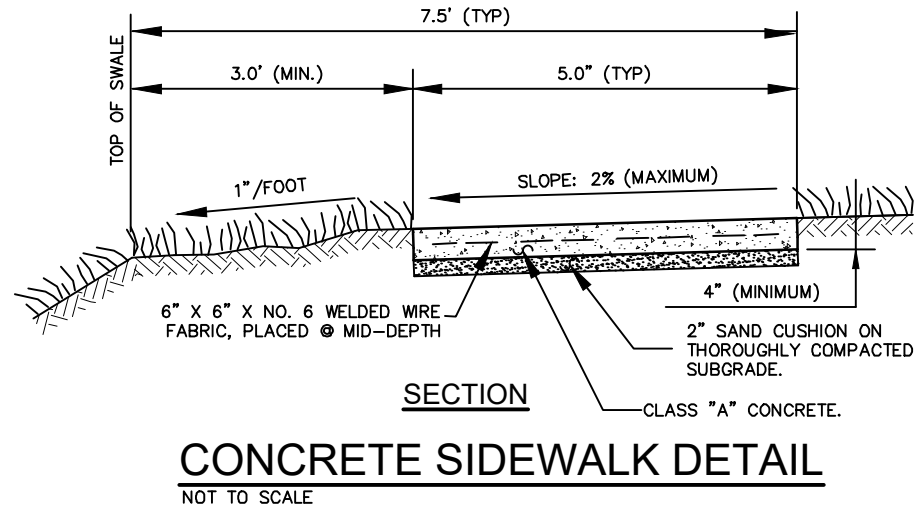
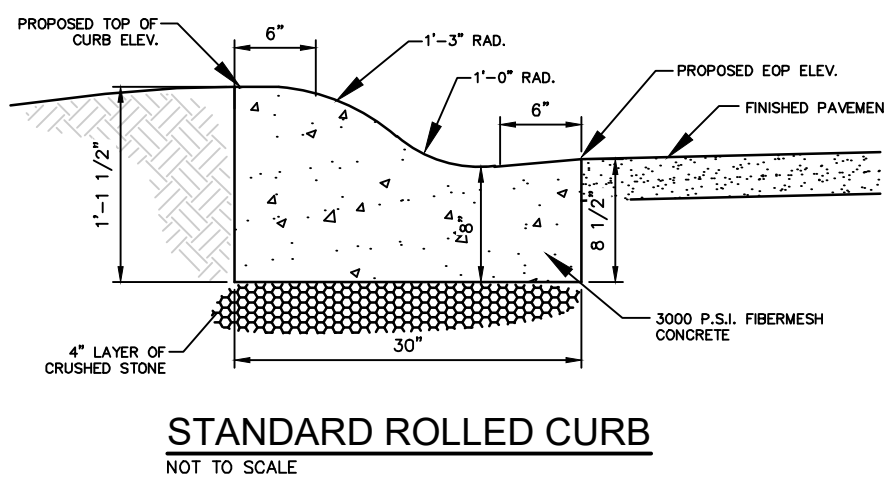
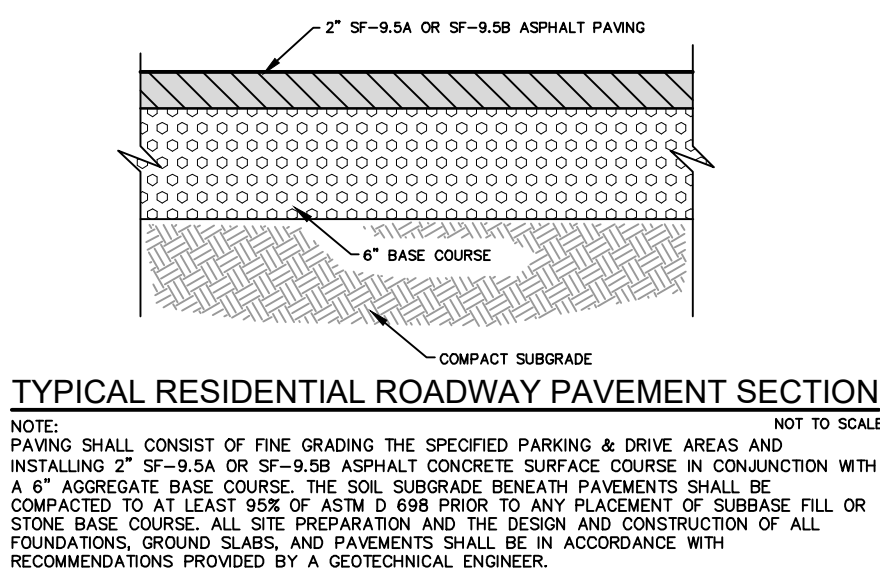
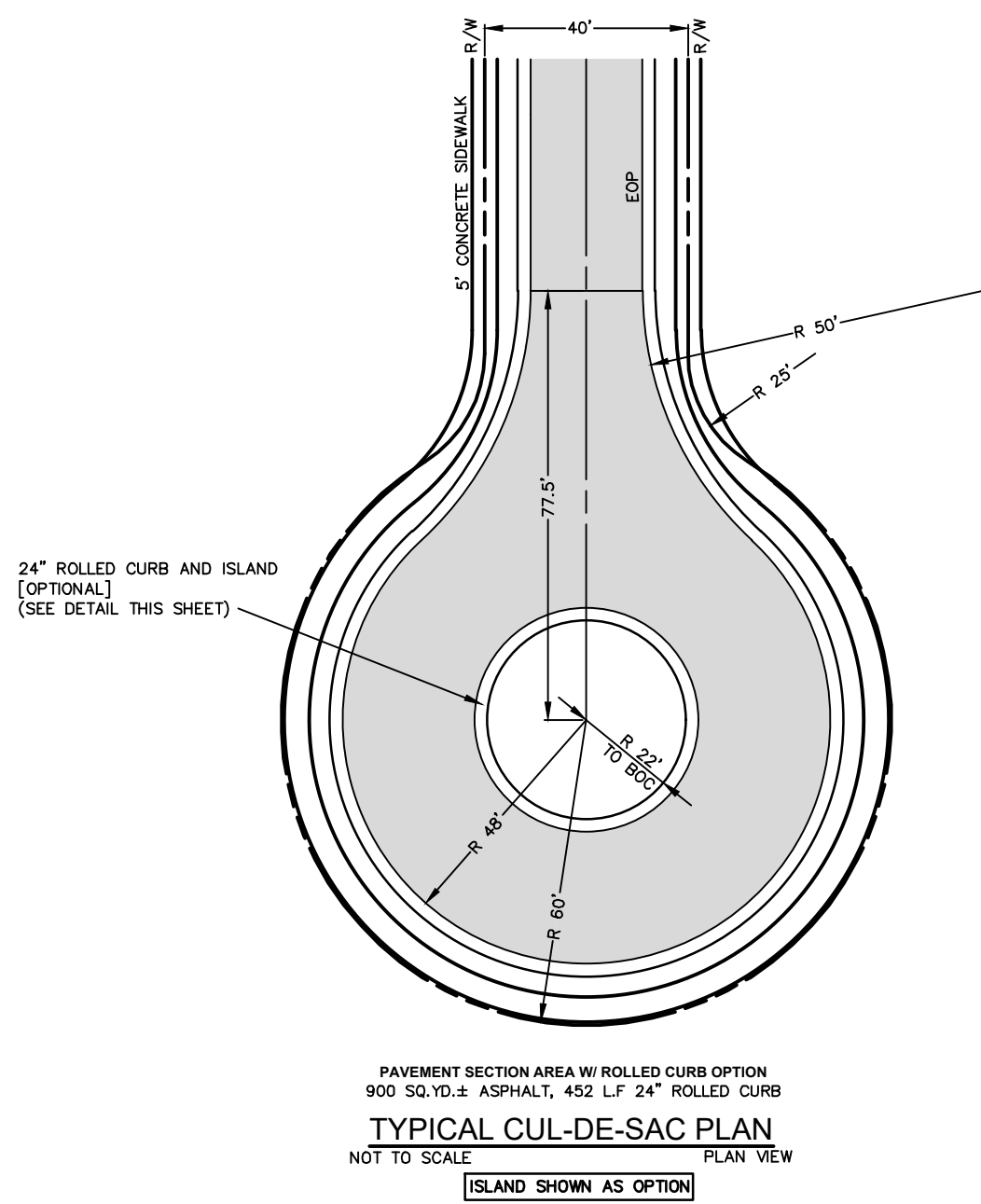
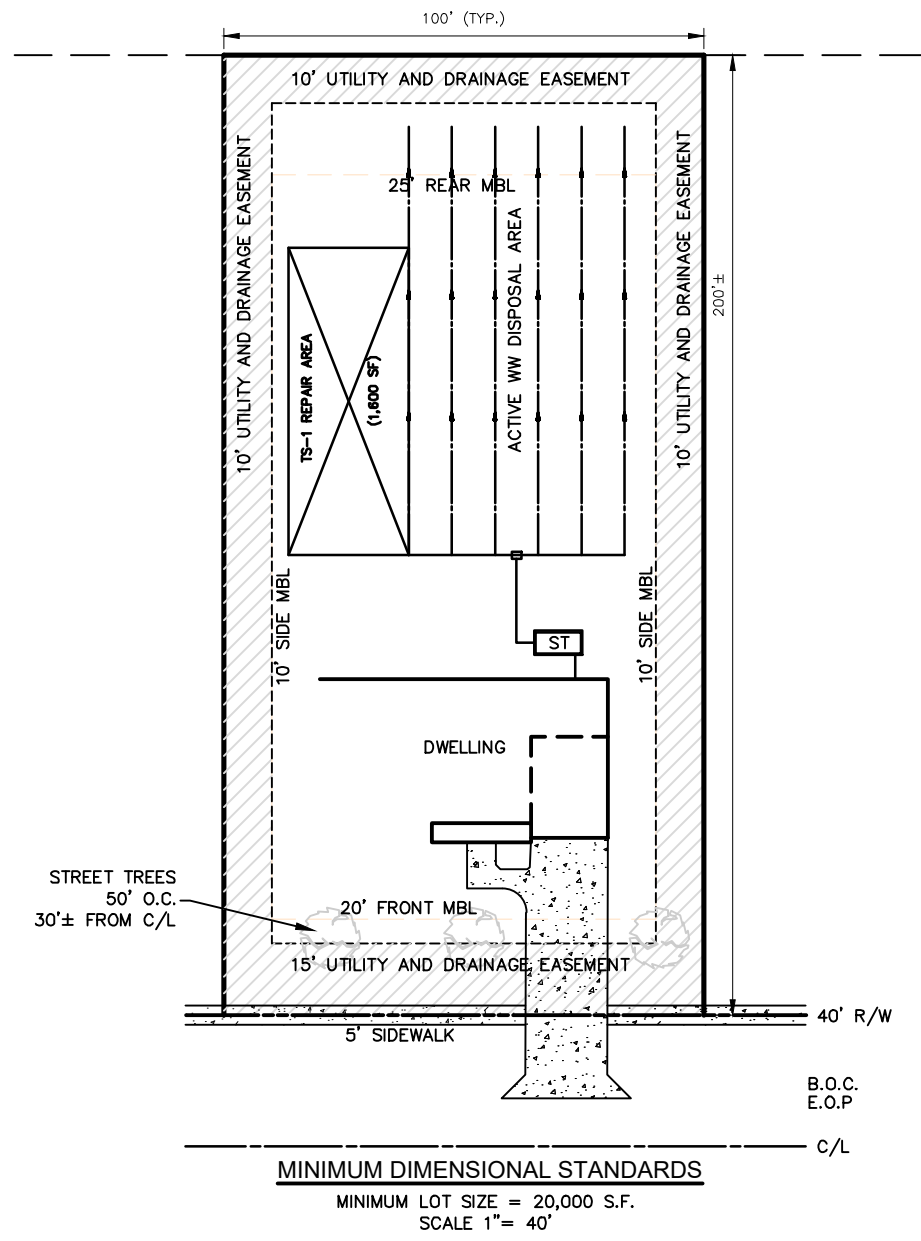
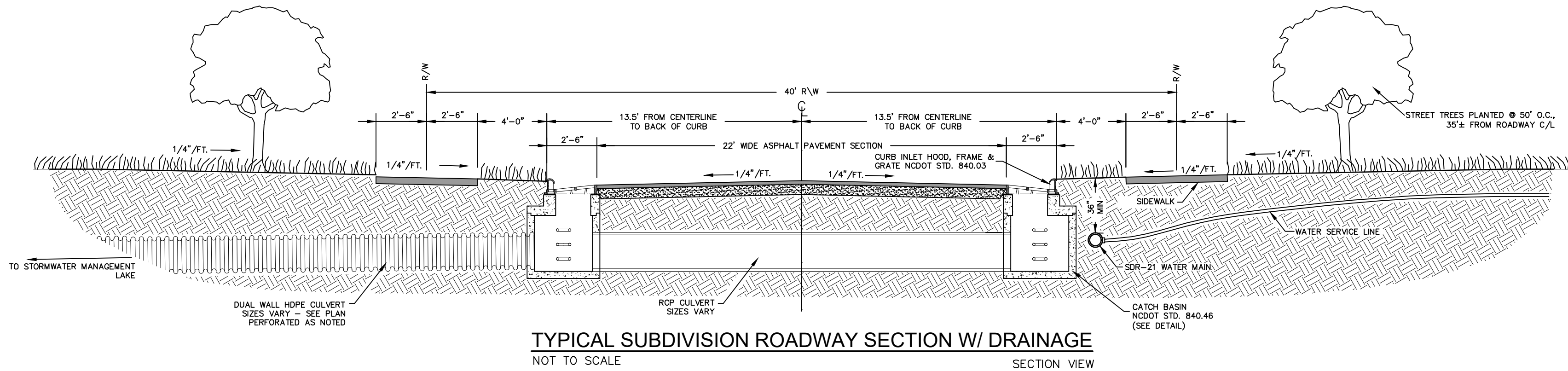
PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE: 02/25/16	SCALE: 1"=100'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: MSB
SHEET:	

CAD FILE:
455800PP2

PROJECT NO:
4558





Bissell Professional Group
Firm License # C-254
Professional Engineer
P.O. Box 1088
2252 201st Avenue
(252) 201-2266
FAX (252) 201-1760

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

WINDSWEEP PINES
CURRITUCK COUNTY
MOYOCK TOWNSHIP
NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

REVISIONS		DATE	DESCRIPTION
1	02/25/16	02/25/16	GENERAL REVISIONS
2	02/25/16	02/25/16	GENERAL REVISIONS

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE:	02/25/16	SCALE:	1"=100'
DESIGNED:	BPG	CHECKED:	MSB
DRAWN:	KFW	APPROVED:	MSB
SHEET:	7	OF	7
CAD FILE:	455800PP2		
PROJECT NO:	4558		



Major Subdivision Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

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

PROPERTY OWNER:

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

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Request

Physical Street Address: Alden Run, Moyock, NC

Parcel Identification Number(s): 0009-000-006A-0000

Subdivision Name: Windswept Pines

Number of Lots or Units: 29

Phase: 2

TYPE OF SUBMITTAL

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

TYPE OF SUBDIVISION

- ☒ Traditional Development
- ☐ Conservation Subdivision
- ☐ Planned Unit Development
- ☐ Planned Development

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

[Signature]
 Property Owner(s)/Applicant*

7-16-18

Date

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

Community Meeting, if applicable

Date Meeting Held: _____ Meeting Location: _____

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

Please see attached sheet.

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

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

Please see attached sheet.

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

Please see attached sheet.

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

Please see attached sheet.

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

Please see attached sheet.

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



Property Owner(s)/Applicant*

10-23-18

Date

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

**Windswept Pines Amended Preliminary Plat
Attachment to Use Permit Application**

Purpose:

The Windswept Pines development proposes the division of approximately 65 acres into an MXR subdivision of 58 including the existing McCrary lot. 20,000 square foot single-family lots are proposed with residual open space areas and buffers to adjacent properties.

Suggested Findings:

- A. The use will not endanger the public health or safety due to the following:
 1. Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Additional stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements.
 2. Albemarle Regional Health Services has evaluated each of the 57 new lots for suitability for wastewater disposal and has provisionally approved each lot as being capable of properly treating domestic wastewater with properly filled and drained lots.
 3. The project is being designed in accordance with the NC Department of Energy, Mineral and Land Resources sedimentation & erosion control standards, and will therefore minimize erosion and will contain siltation on site.
 4. For safety reasons, all lots are being accessed from interior streets.
- B. Land to the west has been developed into single family homes; the land to the north is farmland and residential; land to the south is farmland and single family lots. Land to the east is farmland and woodland. This tract will be developed similarly to the adjacent Phase 1 subdivision. Values will be similar to those in the adjacent subdivisions. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.
- C. The Moyock Small Area Plan classifies this area as Full Service. The proposed development density is only 1.24 units per acre, well below the densities of 1.5 to 3 units per acre envisioned in the Moyock Small Area Plan.

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

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

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

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

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE

AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development.

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

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

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

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

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



Shown with optional dormer



Elevation B shown with optional dormer

THE ANFIELD

First Floor - 1,493 sq
 Second Floor - 927 sq
 Total Heated - 2,420 sq
 Garage - 528 sq
 Opt Dormer - 68 sq



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in dashed illustrations. Individual homes may differ from the models or from each other depending on field conditions.

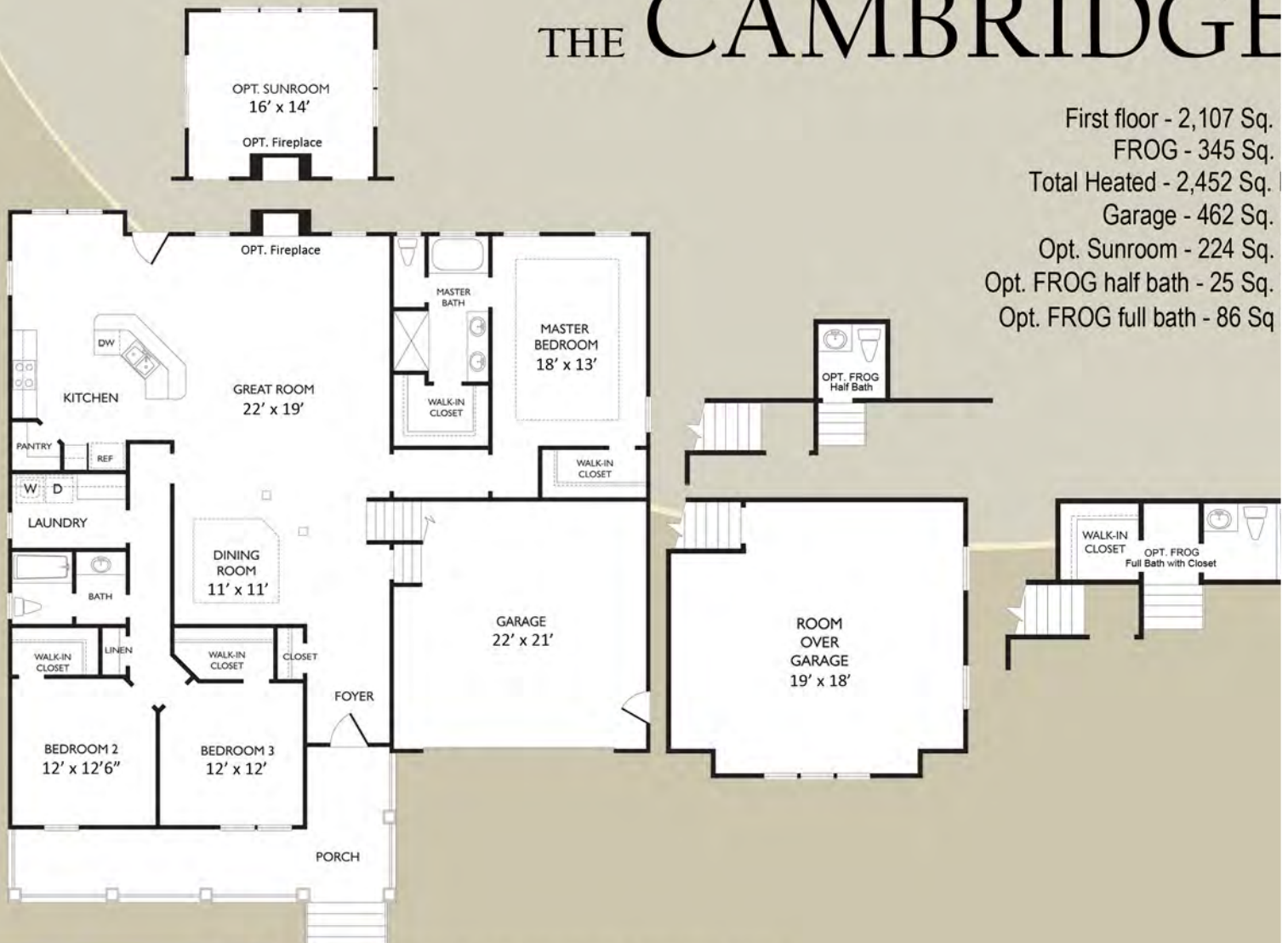
Packet Pg. 80



Shown with decorative gable option

THE CAMBRIDGE

First floor - 2,107 Sq.
 FROG - 345 Sq.
 Total Heated - 2,452 Sq.
 Garage - 462 Sq.
 Opt. Sunroom - 224 Sq.
 Opt. FROG half bath - 25 Sq.
 Opt. FROG full bath - 86 Sq.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in separate illustrations. Individual homes may differ from the models or from each other depending on field conditions.

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Shown with side entry garage, craftsman style porch post & metal roof accents.

THE PARKLIN

First Floor - 898 sq.
Second Floor - 1,344 sq.
Total Heated - 2,242 sq.
Garage - 495 sq.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in separate illustrations. Individual homes may differ from the models or from each other depending on field conditions.

Packet Pg. 82

U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action Id. SAW-2017-01621 County: Currituck U.S.G.S. Quad: Moyock SE

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Windswept Pines / Allied Properties, LLC

Address: 417 Caratoke Hwy, Unit D

Moyock, North Carolina 27958

Telephone Number: 252-435-2718

Size (acres) 13.8-acres
Nearest Waterway Northwest River
USGS HUC 03010205

Nearest Town Moyock
River Basin Pasquotank
Coordinates Latitude: 36.543968 N
Longitude: -76.181195 W

Location description: Property is an approximate 13.8-acre parcel located at the terminus of Alden Run, in the Windswept Pines Subdivision, adjacent to Shingle Landing Creek, in the Town of Moyock, Currituck County, North Carolina. Currituck County Deed Book 1391. Pages 856 & 861. The Project Area includes drainage of 200 linear feet from each existing drainage ditch.

Indicate Which of the Following Apply:

A. Preliminary Determination

PWA There are waters, including wetlands, on the above described property that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.

- There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

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

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

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

SAW-2017-01621 Windswept Pines Ditches

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

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

- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- PWS** ☒ The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC at 252-264-3901 to determine their requirements.

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

C. Basis For Determination: The delineated wetlands on this site meets the wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual. The wetlands are a part of a broad continuum of wetlands connected to Shingle Landing Creek and the Northwest River.

D. Remarks: Department of the Army authorization is required to work within any jurisdictional waters and or wetlands on the property. There is a 200 linear foot drainage setback off of each of the existing drainage ditches in this wooded parcel in this area.

E. Attention USDA Program Participants

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

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

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

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

SAW-2017-01621 Windswept Pines Ditches

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by March 30, 2017.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: _____

R. D. W. Bland, P.W.S.

Date: July 9, 2018

Expiration Date: N/A for PJD

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

Copy Furnished: CESA W/RG-W/Bland

Attachment: 6-Windswept Pines Wetland Determination (PB 16-06 Windswept Pines)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Windswept Pines	File Number: SAW 2017-01621	July 9, 2018
Attached is:		See Section below
☐ INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
☐ PROFFERED PERMIT (Standard Permit or Letter of permission)		B
☐ PERMIT DENIAL		C
☐ APPROVED JURISDICTIONAL DETERMINATION		D
☒ PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or Corps regulations at 33 CFR Part 331.

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

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

Attachment: 6-Windswept Pines Wetland Determination (PB 16-06 Windswept Pines)

SAW-2017-01621 Windswept Pines Ditches

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

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

**District Engineer, Wilmington Regulatory Division,
Attn: Raleigh W. Bland, PWS
2407 West 5th Street
Washington, North Carolina 27889
910-252-4558**

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

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

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

Signature of appellant or agent.	Date:	Telephone number:
----------------------------------	-------	-------------------

For appeals on Initial Proffered Permits send this form to:

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

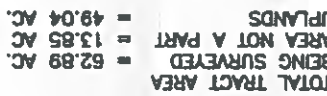
For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

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

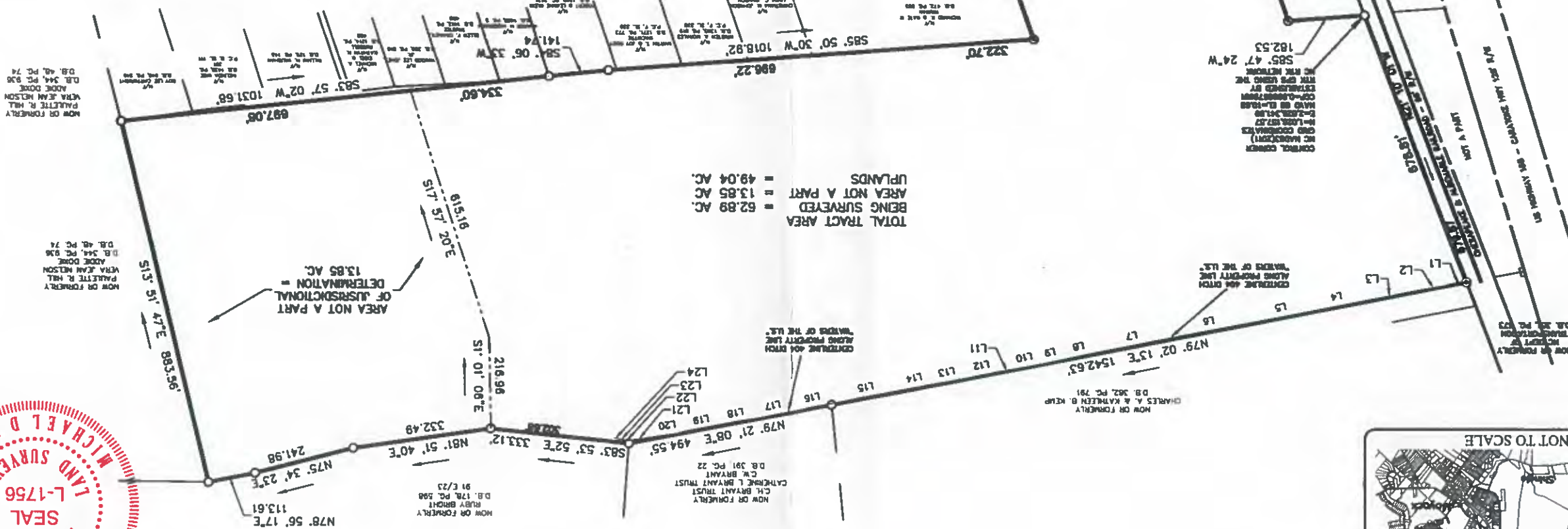
Attachment: 6-Windswept Pines Wetland Determination (PB 16-06 Windswept Pines)

NOTES:

1. AREA DETERMINED BY COORDINATE METHOD.
2. IRON PINS AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED HEREON.
3. THIS PLAT REFLECTS LOCATION OF FIELD LOCATED 404 DITCHES.



LINE TABLE		
LINE	LENGTH	BEARING
L21	50.83	N82° 18' 18"E
L22	8.57	S89° 00' 46"E
L23	18.07	S81° 32' 36"E
L24	10.70	S75° 28' 31"E



IT CERTIFIES THAT THIS COPY OF THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE JURISDICTION OF SECTION 404 OF THE CLEAN WATER ACT IN THE AREAS IMPACTED BY THE PRESENT PROPOSED ACTIVITY, AS DETERMINED BY AND PUBLISHED ON THIS DATE. THERE HAVE NOT BEEN CHANGES SINCE THE LAST CHANGE IN THE LAW OR OUR PUBLISHED EVALUATIONS. THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE APPLIED UPON FOR A PERIOD NOT TO EXCEED FIVE YEARS FROM THIS DATE. SUCH DETERMINATION WAS MADE UTILIZING THE APPROXIMATE REGIONAL MAPS SUPPLEMENT TO THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL.

EVALUATORY OFFICIAL _____
DATE _____
TITLE _____
FACILITY ACTION ID _____

S-22-1618
2017.06.21
[Signature]

NC NAD 83(2011) GRID NORTH



SURVEYOR'S CERTIFICATION

I, Michael D. Barr, certify that this plat was drawn under my supervision and on actual survey made under my supervision (deed and description recorded in Books referenced); that the boundaries not surveyed are clearly indicated as drawn from information found in Books referenced; that the ratio of precision or positional accuracy is 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)."

Witness my original signature, registration number and seal this 14 day of May, 2018

Professional Land Surveyor
1-1756

[illegible]

PROJECT **ALLIED PROPERTIES LLC**
 NOYOK CURRITUCK COUNTY NORTH CAROLINA
 404 WETLAND SURVEY

BSSSELL

PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

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Bissell Professional Group
Farm License # G-865
2012 North Canadian Highway
P.O. Box 10080
Raleigh, North Carolina 27604
(252) 281-1700
FAX (252) 281-1760

Windswept Pines at Currituck Property

Friday, August 17, 2018

Scheduled Time/Place: 4:00 pm, Moyock Library, Moyock, NC

We waited for late arrivals until about 4:05 pm

Attendees:
Nearby Property Owners (See attached sign-in sheet)
Donna Voliva, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

It was explained that the request was to amend the existing approved development plan to add stormwater ponds in the area that was originally set aside for Phase 3 to the east of the approved Phase 2 development. The stormwater ponds are needed to improve stormwater management for the project. The following comments and concerns were made and attempts to address them as follows:

Comments from the Community	How Addressed
There was a deed restriction recorded against further development of the McCrary land	The restriction was changed by amendment to the Covenants.
There was no problem with drainage until the Truran ditch was closed when that house was built	That was done many years ago and we are attempting to deal with what we have to work with to the best of our ability.
Why is the County allowing development without fixing existing drainage problems	Donna Voliva indicated that Currituck County does not have the right to enter and maintain ditches on private land. The County has greatly increased requirements for developers, but older developments have no such stormwater management requirements
The property line ditch is never dry	A site visit will be made to review the situation
3 culverts backflow to the north	The reason the plug was proposed in the ditch was to keep water that is flowing under 168 from the northwest from backing up that ditch, but the property owner refused to allow the plug to be installed.
There is a collapsed pipe on Baxter Extended that is causing stormwater to back up along Baxter Lane and backflow to the north side of Baxter which is flooding yards to the east of Truran’s property	In a subsequent conversation with NCDOT it was reported that the drainage pipe has been replaced.

Attachment: 7-Windswept Pines APP Community Meeting (PB 16-06 Windswept Pines)

The Jarvis property downstream of Baxter should be cleaned and snagged	It may be true but it is beyond the scope of this development.
There is dirt in the property line ditch	We will get the contractor to remove if it is an issue.
How much water flows to the northeast	Some water flows but not a great deal due to the limited capacity of the existing property line ditch. Existing conditions have been modeled.
Will there be road connectivity to the north	Yes, that will be required by Currituck County.
Does NCDOT have an easement to maintain the Baxter ditch along the south side of Baxter	In a subsequent conversation with Maple Maintenance, the answer is no they have no easement and cannot go on private property without permission.
There is a dip in the road where culverts were placed	There is a warranty and the dip will need to be repaired to NCDOT's satisfaction.
When will the request go to the County Commissioners	Probably in October. The County will mail a notice.

Summary:

There being no further discussion, the meeting was adjourned at approximately 5:10 pm.



August 7, 2018

RE: Community Meeting for Amended Conditional Rezoning & Amended Preliminary Plat Application for Windswept Pines

Dear Property Owner:

We would like to invite you and nearby property owners to another community meeting regarding a proposed amendment to the Conditional Rezoning and an amendment to the Preliminary Plat/Use Permit that have already been approved for Windswept Pines. The purpose of the amendment is to provide additional stormwater management facilities in the area east of the approved development, previously labeled "Possible Future Development." Allied Properties, LLC is in the process of developing approximately 64.3 acres into a residential subdivision. The property is described as Windswept Pines subdivision located off Baxter Lane in Moyock, NC.

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

Since the last community meeting, comments regarding drainage have been considered, and additional design work has been completed to improve the existing drainage system. We look forward to the opportunity to share the latest plan with the community.

The community meeting will be held on Friday, August 17, 2018 at 4:00 pm sharp, at the Moyock Library located on Campus Drive off Tulls Creek Road.

Sincerely,
Bissell Professional Group
(Agent for the Applicant)

By: Mark S. Bissell

cc: Currituck County Planning and Community Development

P.O. Box 1068 • 3512 N. Croatan Hwy. • Kitty Hawk, NC 27949
252-261-3266 • Fax: 252-261-1760 • E-mail: bpg@bissellprofessionalgroup.com

Attachment: 7-Windswept Pines APP Community Meeting (PB 16-06 Windswept Pines)

Windswept Pines Community Meeting- Outline of Presentation

August 17, 2018

A. Housekeeping –

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

B. What is the Request?

- Amendments to Conditional Zoning and Preliminary Plat
- Next step in the approval process –before construction plans

C. The Process:

- Pre-application meeting with County
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

Then:

- Construction drawing application
- Construction
- Final plat application

D. The Plan:

- The street and lot layout is unchanged (Still proposing 20,000 sq ft minimum lots)
- Increasing open space to provide more stormwater ponds
- Woodlands behind – future phase

E. Questions & Comments

Community Meeting Sign-In Sheet
For Windswept Pines
08/17/18

NAME	ADDRESS	TELEPHONE	E-MAIL
Mark Brisieu	PO Box 1068 Kirby Avenue	(252) 261-3266	maek@bissellprofessionalsgroup.com
Richard Calderon	540 Puddin Ridge Rd	757-8979295	rcalderon@kuhomes.com
Roy Carter Right	114 Cedar L.N.	252-771-5785	
Richard Furman	157 BARTLEMAN	252-435-7143	
Nathan Morales	173 Barker Ln	157 335 1529	NathanC.Morales@gmail.com
Arlette Vargus	187 Carthage	252 435 6406	
Kathy Kemp	189 Carthage	252-619-7148	KKemp@outlook.com
Bertrille Bright Lomax	433 Neck Road	804-888-0070	Lomax4@aol.com
Donna Voliva	CC Planning + CD	252232-6032	Donna.Voliva@cum-fuckcounty.nc.gov



Currituck County

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

MEMORANDUM

To: Allied Properties, LLC
 Bissell Professional Group

From: Donna Voliva, Assistant Planning Director

Date: September 17, 2018

Re: PB 16-06 Windswept Pines, Phase 2 Amended Preliminary Plat/Use Permit

The following comments have been received for the September 19, 2018 Technical Review Committee meeting. Due to the recent events associated with the hurricane, many of the TRC members were out of their offices and were unable to submit comments in advance of the meeting. Additional comments will be received at the TRC meeting. The amended plat and use permit are tentatively scheduled before the BOC on November 5, 2018. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Donna Voliva, 252-232-6032)

Reviewed

1. An easement shall be extended to the 14.07 acre residual parcel.
2. The outfall for the proposed stormwater ponds release into ditches that meander off-site and onto adjacent properties. Further discussion may be necessary.

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

Reviewed

1. Fire hydrants must be within 500' of all road frontages.
2. Cul de sacs must be 96' in width curb to curb at the center of the cul de sac.
3. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
4. Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.
5. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
6. Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
7. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
8. By general statute parking is not allowed within 15' of a fire hydrant. (FDC)

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

Reviewed

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

No Comment

Currituck County Utilities - SOBWS (Benji Carawan, 252-453-2620)

No Comment

Albemarle Regional Health Services (Joe Hobbs, 252-232-1913)

Reviewed

1. PLEASE CONSULT WITH KEVIN CARVER RS A4 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION

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

No comment

Comments not received:

Currituck County Utilities (Eric Weatherly)**Currituck Soil and Water (Will Creef, 252-232-3360)****The following items are necessary for resubmittal:**

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

Attachment: 8-Windswept Pines APP TRC Comments-18sept19 (PB 16-06 Windswept Pines)



Currituck County

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

To: Board of Commissioners
 From: Planning Staff
 Date: November 5, 2018
 Subject: PB 18-24 Currituck County

Currituck County received modified flood hazard determinations on June 21, 2018; to remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to December 21, 2018. Additionally, the county is required to adopt floodplain management regulations that meet the standards of the NFIP.

The enclosed text amendment is intended to revise several chapters of the Unified Development Ordinance to incorporate revisions to the Flood Damage Prevention Ordinance. The changes are intended to ensure conformity with the North Carolina Department of Public Safety's most recently updated Coastal Model Flood Ordinance.

In addition to the enclosed text amendment, staff recommends an increase to our current regulatory flood protection elevation (RFPE). The RFPE is the base flood elevation plus freeboard. Our current freeboard is one foot and staff suggests raising this requirement to two feet. This increase, in addition to providing greater protection for structures constructed within the special flood hazard area, will decrease flood insurance premiums for property within the special flood hazard area.

Planning Board Recommendation 10/9/2018: Approval (Unanimous)

Motion:

Mr. Craddock motioned to approve PB 18-24 Currituck County Flood Maps and Ordinance because the requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)
- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

And this will possibly be changed if the staff receives notice about criminal verses civil and the Planning Board recommends a freeboard of two feet.

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

Planning Board Discussion

Donna Voliva, Assistant Planning Director, presented the staff report. Currituck County received modified flood hazard determinations on June 21, 2018; to remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to December 21, 2018. Also, the county is required to adopt floodplain management regulations that meet the standards of the NFIP. Within the floodplain management regulations, the state regulations use criminal for enforcement. We feel that civil citations works best for us and we are hoping the NFIP will accept our use of civil instead of criminal for enforcement.

Board members asked staff questions concerning the amount of properties in special flood zone areas and whether there was an increase or decrease in the amounts. Ms. LoCicero said there was a 90% decrease in our V zone properties with the new flood maps.

Mr. Craddock asked about the effective date of the changes in flood zones and Ms. LoCicero said December 21, 2018 for insurance purposes.

Ms. LoCicero stated along with this text amendment for changes in the flood maps, staff recommends an increase to our current regulatory flood protection elevation (RFPE). The current freeboard is one foot and staff suggests raising this requirement to two feet. This will give us added protection against structures flooding within the special flood hazard area and will also decrease flood insurance premiums for property within the special flood hazard area.

Ms. Voliva asked Ms. Turner to talk about bulkheads and staff's concerns over not limiting the height of bulkheads used for non-shoreline protection.

Discussion was held on bulkheads, FEMA technical bulletins, grade requirements for V zones in the ocean hazard areas verses the mainland and freeboard.

Chairman Whiteman asked for a motion.



STAFF REPORT
PB 18-24 CURRITUCK COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 5, 2018

Amendment to the Unified Development Ordinance Chapter 1: General Provisions, Chapter 2: Administration, Chapter 7: Environmental Protection, Chapter 9: Enforcement, and Chapter 10: Definitions and Measurement to be consistent with the National Flood Insurance Program and the Coastal Model Flood Ordinance.

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 1: General Provisions is amended by deleting the strikethrough language, adding the underlined language and renumbering according:

1.7.2. Incorporated by Reference

- A. The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.
- B. ~~The Flood Insurance Rate Maps (FIRM) prepared by the State and the associated Flood Insurance Study (FIS) that were adopted on December 16, 2005 (as amended), are incorporated herein by reference and made part of this Ordinance. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared to be part of this ordinance.~~

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated **EFFECTIVE DATE** (as amended). The FIS for Currituck County and associated DFIRM panels, including any digital data developed as part of the FIS, are adopted by reference and declared a part of this Ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared a part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three months.

Item 2: That Chapter 2. Administration is amended by deleting the following strikethrough language, adding the underlined language, and renumbering accordingly:

Attachment: PB 18-24 Flood Ordinance TA (PB 18-24 Currituck County Flood Maps and Ordinance)

2.2.6. Planning Director

The Planning Director shall have the following powers and duties:

A. Powers and Duties

(1) Application Review and Decision

To review and decide applications for the following:

- (a) Minor site plans;
- (b) Minor subdivisions;
- (c) Zoning compliance permits;
- (d) Sign permits;
- (e) Temporary use permits;
- (f) Floodplain development permits;
- (g) Clear-cutting permits;
- (h) Administrative adjustments; and
- (i) Interpretations.

(2) Recommendation Authority

To review and make recommendations on applications for the following:

- (a) Text amendments;
- (b) Zoning map amendments; and
- (c) Variances.

(3) Floodplain Administrator

The Planning Director shall serve as the Floodplain Administrator, and shall perform the following duties:

- (a) Administer, implement, and coordinate compliance with the provisions of this Ordinance and the National Flood Insurance Program.
- (b) Review all floodplain development applications for receipt of all necessary State and Federal permits and issue floodplain development permits for all proposed development within special flood hazard areas.
- (c) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood

Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (e) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood damage prevention provisions of Section 7.4, Flood Damage Prevention, are met.
- (f) Obtain actual elevation (in relation to ~~mean-sea-level~~ NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures in accordance with Section 7.4.5, Flood Certificates.
- (g) Obtain actual elevation (in relation to ~~mean-sea-level~~ NAVD 1988) to which all new and substantially improved structures and public utilities have been floodproofed, in accordance with the standards in Section 7.4.5, Flood Certificates
- (h) Obtain actual elevation (in relation to ~~mean-sea-level~~ NAVD 1988) of all public utilities in accordance with the provisions of Section 7.4.5, Flood Certificates.
- (i) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 7.4.5, Flood Certificates, and Section 7.4.6, Standards.
- (j) Interpret the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary may appeal the interpretation in accordance with Section 2.4.17, Appeal.
- (k) When base flood elevation data has not been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any base flood elevation data, along with floodway data or non-encroachment area data available from a Federal,

State, or other source, including data developed pursuant to Section 7.4.6 E, Standards for Riverine Floodplains without Established Floodways or Non-encroachment Area, in order to administer the standards of this ordinance.

- (l) When base flood elevation data is provided but no floodway or non-encroachment area data has been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the standards of this ordinance.
- (m) Permanently maintain all records that pertain to the administration of the flood damage prevention provisions and make these records available for public inspection, except for any information protected by the Privacy Act of 1974.
- (n) Make on-site inspections of work in progress, issue stop-work orders, or revoke floodplain development permits, as required.
- (o) Make periodic inspections throughout the special flood hazard area.
- (p) Maintain a current map repository to include, but not limited to, the FIS Report, historical and effective FIRM, ~~FIRM~~, Letters of Map Change, and other official flood maps and studies.
- (q) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- (r) Coordinate with the Building Inspector on applications to improve, alter, move, enlarge, replace, repair, change occupancy, or other improvements to existing buildings and structures and:
 - (i) Estimate market value as defined by this Ordinance;
 - (ii) Compare the cost to perform the improvement, repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs to market value of the building;

- (iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and,
- (iv) Notify the applicant if it is determined the work constitutes substantial improvement or repair of substantial damage, and compliance with the flood resistant construction requirements of the NC Building Code and this Ordinance is required.

(4) Additional Duties

The Planning Director shall have the following additional duties:

- (a) Establish application content requirements and a submission schedule for review of applications and appeals;
- (b) Compile and maintain an Administrative Manual;
- (c) Conduct pre-application conferences in accordance with Section 2.3.2, Pre-Application Conference.
- (d) Review applications and submit staff reports to advisory and decision-making bodies;
- (e) Maintain the Official Zoning Map and related materials;
- (f) Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request;
- (g) Maintain a record of all permits and approvals on file, and make copies available upon request;
- (h) Enforce this Ordinance in accordance with Chapter 9: Enforcement; and
- (i) Keep copies of all applications on file.

2.4.12. Floodplain Development Permit

A. Purpose

The purpose of the floodplain development permit is to establish procedures and standards for the review of development located within the special flood hazard area, to reduce the potential for damage to property and life from flooding or floodwaters.

B. Applicability

All development proposed in the special flood hazard area shall obtain a floodplain development permit and applicable flood certificates/certifications in accordance with this section and Section 7.4, Flood Damage Prevention, prior to or concurrent with an application for a site plan, building permit, or zoning compliance permit, as appropriate.

C. Floodplain Development Permit Procedure**(1) Pre-Application Conference**

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.12.D, Floodplain Development Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Floodplain Development Permit Review Standards

A floodplain development permit shall be approved only upon a finding that all of the following standards are met:

- (1)** The permit is issued prior to the commencement of development;
- (2)** The development proposed within the special flood hazard area complies with the standards in Section 7.4, Flood Damage

Prevention, and all other applicable standards in this Ordinance and the County Code of Ordinances; and

- (3) The floodplain development permit includes:
- (a) A description of development to be permitted under the floodplain development permit.
 - (b) The special flood hazard area determination for the proposed development in accordance with available data specified in Section 7.4, Flood Damage Prevention.
 - (c) The regulatory flood protection elevation required for the reference level, all attendant utilities, and the protection of all public utilities, as applicable.
 - (d) All certification submittal requirements with appropriate timelines.
 - (e) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (f) Flood openings requirements, if in flood zones A or AE.
 - (g) Use limitations of below RFPE enclosures.
 - (h) A statement that if in a VE-zone there shall be no alteration of sand dunes which will increase potential flood damage.
 - (i) A statement that if in a VE-zone there shall be no fill used for structural support.
 - (j) A statement that all materials below RFPE must be flood resistant materials.

E. Effect of Approval

Approval of a floodplain development permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with construction following issuance of a building permit.

F. Amendment of Approval

Applicable (see Section 2.3.14).

G. Expiration of Approval

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

2.4.14. Variance

A. Purpose

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the county's flood damage prevention standards in Section 7.4.

B. Applicability

The variance procedure may be used to seek hardship relief from the dimensional, numerical, and flood damage prevention standards in this Ordinance. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or increases the number of a particular type of sign beyond that allowed by signage standards. In addition, no variance may be sought that would permit a use not allowed in a zoning district, or would have the effect of allowing a prohibited use or a prohibited sign.

C. Variance Procedure

(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not Applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.16.D, Variance Review Standards.

(4) Staff Review and Action

Applicable (see Section 2.3.5).

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision–Making Body Review and Decision

Applicable (see Section 2.3.10). The Board of Adjustment, following a quasi-judicial public hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision–Making Body Review and Decision, Section 2.4.16.D, Variance Review Standards, or Section 2.4.16.2.F, Standards for Flood Damage Prevention Ordinances, as appropriate.

D. Variance Review Standards

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

- (1) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;
- (2) The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances;
- (3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
- (4) The hardship is not the result of the applicant's own actions;
- (5) The variance will not authorize the initiation of a nonconforming use of land; and
- (6) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

E. Not Grounds for a Variance

The following factors do not constitute sufficient grounds for approval of a variance:

- (1) A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- (2) Hardships resulting from factors other than application of standards of this Ordinance;

- (3) The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
- (4) The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts; or
- (5) Financial hardship.

F. Variances from Flood Damage Prevention Standards

(1) Eligibility for Variance

The following forms of development are eligible to request a variance from the flood damage prevention standards in Section 7.4, Flood Damage Prevention:

- (a) Repair or rehabilitation of historic structures, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
- (b) Functionally dependent facilities, provided they are protected by methods that minimize flood damage during the base flood and create no additional threats to public safety; or
- (c) Any other type of development, provided it meets the standards of this section.

(2) Standards for Flood Damage Prevention Variances

- (a) A flood damage prevention variance shall be approved on a finding the applicant demonstrates all of the following standards are met:
 - (i) There is a good and sufficient cause to grant the variance.
 - (ii) Failure to grant the variance would result in exceptional hardship.
 - (iii) The variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (iv) Approval of the variance will not render the building in violation of applicable Federal, State, or local requirements.

- (v) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with this Ordinance.
 - (vi) Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge.
 - (vii) The variance is issued prior to development permit approval.
- (b) A flood damage prevention variance for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities located in special flood hazard areas shall be approved on a finding the applicant demonstrates the following standards are met:
- (i) The use serves a critical need in the community.
 - (ii) No feasible location exists for the use outside the special flood hazard area.
 - (iii) The reference level of any structure is elevated or floodproofed to at least the RFPE.
 - (iv) The use complies with all other applicable Federal, State, and local laws.
 - (v) At least 30 days prior to granting a variance, the Planning Director has notified the Secretary of the North Carolina Department of Public Safety of the intention to grant a variance.

(3) Grounds for Denial of a Flood Damage Prevention Variance Request

All of the following factors shall be taken into account when denying a request for a flood damage prevention variance:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location as a functionally-dependent facility;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the Land Use Plan and the county's floodplain management program;
- (i) The safety of access to the use in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(4) Conditions of Approval

Upon consideration of the standards in Section (2) above and the purposes of this Ordinance, the BOA may attach such conditions to the variance as it deems necessary to further the purposes and objectives of this Ordinance.

(5) Notification Regarding Flood Insurance Costs

- (a) Any applicant to whom a flood damage prevention variance is granted shall be given written notice specifying the difference between the ~~base flood elevation (BFE)~~ regulatory flood protection elevation (RFPE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage.

- (b) Such notification shall be maintained with the record of the variance action.

(6) Records

Upon request, the Planning Director shall report any flood damage prevention variance approvals to the Federal Emergency Management Agency and the State of North Carolina.

G. Effect of Development Approval

Approval of a variance authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development permits or approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

H. Amendment of Development Approval

Applicable (see Section 2.3.14).

I. Expiration of Development Approval

Unless it expires in accordance with Section 2.3.15, Expiration of a Development Approval, a variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

Item 3: That Chapter 7. Environmental Protection, Section 7.4. Flood Damage Prevention is amended by deleting the following strikethrough language, adding the underlined language, and renumbering accordingly:

7.4 FLOOD DAMAGE PREVENTION

7.4.1 Purpose and Intent

The purpose and intent of the flood damage prevention standards is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

7.4.2 Applicability

The standards in this section shall apply to all lands within the special flood hazard area, as depicted in the Flood Insurance Rate Maps (FIRM) for Currituck County and incorporated by reference into this Ordinance.

7.4.3. Floodplain Development Permit Required

- A. Development subject to the standards in this section shall obtain a floodplain development permit (see Section 2.4.12) prior to the commencement of ~~construction or any land-disturbing~~ development activities.
- B. Development subject to these standards shall not be established, extended, converted, altered, or occupied in any way without full compliance with the requirements of this section.

7.4.4. Special Flood Hazard Area Zones

All lands within the Currituck County special flood hazard area are located within one of four different special flood hazard area zones, as depicted on the county's FIRM maps. Each flood zone is a geographic area in the county subject to a unique type and severity of flood. Each flood zone has unique standards, elevation certificate requirements, or both. Applicants for development within the special flood hazard area should consult the FIRM to determine the applicable flood zone where their land is located. The different flood zones are described below.

A. VE Zone

Lands within a VE zone are areas generally adjacent to a body of water that may experience flooding as well as wave action. Lands in a VE zone are subject to the coastal high hazard zone standards in addition to the general flood damage prevention standards in Section 7.4.6, Standards.

B. AE Zone

Lands within AE zone are areas that may experience flooding, but no wave action. The FIRM maps indicate a base flood elevation in this zone below which habitable residential space is prohibited.

C. A Zone (No Base Flood Elevation)

Lands within A zones are areas that may be subject to flooding, but not subject to wave action during a storm event. Lands in an A Zone are subject to the standards for floodplains without established base flood elevations in addition to general flood damage prevention standards in Section 7.4.6, Standards.

D. AEFW Zone (Floodway)

Lands within the AEFW zone are areas adjacent to a river or stream that are located within a floodway or other non-encroachment area. Areas within the AEFW may or may not have an established base flood elevation depicted on the FIRM map, and are subject to the standards in Section 7.4.6.C, or 7.4.6.D, (as appropriate) as well as the general flood damage prevention standards in Section 7.4.6.A, General Standards.

7.4.5. Flood Certificates /Certifications

All development within a special flood hazard area shall obtain all required flood certificates or certifications in accordance with this section and Table 7.4.5, Flood Certificates.

TABLE 7.4.5: FLOOD CERTIFICATES

CERTIFICATE TYPE	TYPE OF DEVELOPMENT SUBJECT TO REQUIREMENT	FLOOD ZONE WHERE REQUIRED	TIMING
Elevation Certificate	All residential and nonresidential development [1]	A, AE, VE, AEFW [3]	Under Construction– ~~required~~ prior to scheduling rough in inspection; ~~As-built~~ <u>Finished</u>

TABLE 7.4.5: FLOOD CERTIFICATES

CERTIFICATE TYPE	TYPE OF DEVELOPMENT SUBJECT TO REQUIREMENT	FLOOD ZONE WHERE REQUIRED	TIMING
			~~Construction~~ – required prior to ~~occupancy~~ <u>scheduling final inspection</u>
Floodproofing Certificate	All nonresidential development with floor area below ~~base flood elevation~~ <u>regulatory flood protection elevation</u> [1] [2]		~~Prior to start of construction~~ <u>Design Elevation – Prior to issuance of floodplain development permit;</u> <u>Finished Construction – Prior to scheduling final inspection</u>
Foundation Certification	Manufactured home with chassis 36 inches or more above grade	A, AE	Prior to issuance of ~~building permit~~ <u>floodplain development permit</u>
Watercourse Alteration Certification	Development seeking to alter or relocate a watercourse	A, AE, AEFW, VE	Prior to <u>issuance of</u> floodplain development permit
V-Zone Certificate	All residential and nonresidential development	VE	~~Required as part of Building Permit~~ <u>Prior to issuance of floodplain development permit</u>

NOTES:

[1] Recreation vehicles, temporary structures, and accessory structures less than 150 square feet in area in the A and AE flood zones must comply with the standards of this section, but are exempted from elevation and flood-proofing certificate requirements

[2] Development subject to a floodproofing certificate is not required to obtain an elevation certificate

[3] Floodproofing is not permitted within the VE zone

A. Elevation Certificate (FEMA Form ~~81-31-086-0-33~~)

(1) Building Under Construction

- (a) Prior to scheduling rough in inspection, the applicant shall submit a certification of the elevation of the reference level, in relation to mean ~~sea level~~ NAVD 1988 to the Planning Director.

- (b) The Planning Director shall review the certificate and note any errors. Errors shall be corrected prior to further work proceeding. Any work done ~~within the seven day period or~~ prior to submission of the reference level certification shall be at the applicant's risk.
- (c) Failure to submit the certification or make required corrections shall result in issuance of a stop-work order for the development.

(2) **Finished Construction**

- (a) Prior to scheduling final inspection, the applicant shall submit a ~~final as-built~~ finished construction certification of the elevation of the reference level and all associated utilities to the Planning Director. The Planning Director shall review the certificate and note any errors.
- (b) Errors shall be corrected by the permit holder prior to occupancy of the building. In some instances, an additional certification may be required to certify the corrected as-built construction.
- (c) Failure to submit the certification or make required corrections shall delay occupancy of the building.
- (d) The finished construction certification shall include at least 2 photographs showing the front and rear of the building taken within 90 days of the date of certification. The photographs shall confirm the building description and diagram number provided on the FEMA form. The photographs shall be in color and measure at least 3" x 3".

B. Floodproofing Certificate (FEMA Form ~~81-65~~ 086-0-34)

(1) **Design Elevation**

- (a) Applicants for new nonresidential development employing floodproofing to meet regulatory flood protection elevation requirements within a special flood hazard area shall submit a certification of the floodproofed design elevation, in relation to ~~mean sea level~~ NAVD 1988, with supporting data, an operational plan, and an inspection and maintenance plan, to the Planning Director prior to issuance of a Floodplain Development Permit.

- (b) The certification of the floodproofed design elevation of the reference level and all attendant utilities in relation to ~~mean sea level~~ NAVD 1988 shall be prepared by a professional engineer or architect.
- (c) The Planning Director shall review the certificate, operational plan, and inspection and maintenance plan and note any errors.
- (d) Errors shall be corrected by the applicant prior to issuance of a Floodplain Development Permit.
- (e) Failure to submit the certification or make required corrections shall result in denial of a floodplain development permit application.
- (f) Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of occupancy compliance.

(2) Finished Construction

Prior to scheduling a final inspection, the applicant shall submit a finished construction floodproofing certificate with supporting data, operational plan, and inspection and maintenance plan to the Planning Director.

C. Foundation Certification

If a manufactured home is placed within A or AE flood zones, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification shall be required prior to issuance of a building permit in accordance with the standards of Section 7.4.6.A.4, Manufactured Homes.

D. Watercourse Alteration Certification (No-Rise)

Relocation or alteration of a watercourse shall require submittal of a map showing the location of the proposed watercourse alteration or relocation, description of the extent, and a certified report from a professional engineer on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream.

E. V-Zone Certificate

- (1) Applicants for new development within coastal high hazard area (VE zone) shall submit a V-Zone certificate, prepared by a

professional engineer or architect, with accompanying design plans and specifications, demonstrating the standards of this subsection are met prior to issuance of a floodplain development permit.

- (2) Development within coastal high hazard areas shall also be required to provide an elevation certificate in accordance with subsection (A) above, where applicable.

7.4.6. Standards

A. General Standards

(1) Standards Applied to All Development

- (a) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the current Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of

floodwaters into the systems and discharges from the systems into flood waters.

- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (h) Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on January 1, 2013 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- (i) All developments shall be consistent with the need to minimize flood damage.
- (j) All developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (k) All developments shall have adequate drainage provided to reduce exposure to flood hazards.
- (l) All developments shall have received all necessary permits required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (m) When a new structure is partially located in the special flood hazard area, the entire structure shall meet the requirements in this section.
- (n) When a structure is located in multiple flood zones or in a flood zone with multiple base flood elevations, the provisions for the more restrictive flood zone and the highest base flood elevation shall apply.
- ~~(o) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the standards of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.~~
- (p) New solid waste facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage

facilities shall not be permitted, except by variance as specified in Section 2.4.14.F, Variance from Flood Protection Standards. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the standards of this ordinance.

(2) Residential Development

In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(3) Nonresidential Development

- (a)** In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.
- (b)** Structures located in A or AE flood zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation, provided that all areas of the structure, together with attendant utility and sanitary facilities, below the ~~base flood elevation~~ regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (c)** A professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied in accordance with Section 7.5.4.B, Flood-Proofing Certificate.

(4) Manufactured Homes

In addition to the general standards applied to all development in (1) above, new and replacement manufactured homes in a special flood hazard area shall:

- (a) Be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.
- (b) Be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15.
- (c) Be supported by reinforced piers or an engineered foundation when the chassis is elevated 36 inches or less above grade.
- (d) Be subject to a foundation certification (see Section 7.4.5) when the chassis is elevated more than 36 inches above grade.
- (e) Ensure all enclosures or skirting below the lowest floor meet the requirements of Section 7.4.6.A.8, Elevated Buildings.
- (f) Be subject to an evacuation plan approved by the Planning Director and the county's Emergency Management Coordinator if located within a new, substantially improved, or substantially damaged manufactured home park or subdivision.

(5) Accessory Structures

In addition to the general standards applied to all development in (1) above, accessory structures (sheds, detached garages, etc.) in the special flood hazard area shall comply with the following standards:

- (a) Portions of an accessory structure below the ~~base flood elevation~~ regulatory flood protection elevation shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Portions of an accessory structure below the ~~base flood elevation~~ regulatory flood protection elevation shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;

- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored to prevent floatation, collapse, and lateral movement;
- (f) All service facilities, such as electrical service, shall be installed to prevent water from entering or accumulating within the components; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below the regulatory flood protection elevation (see Section 7.4.6.A.8, Elevated Buildings).

(6) Temporary Nonresidential Structures

Prior to the issuance of a floodplain development permit for a temporary nonresidential structure in the special flood hazard area, the applicant shall submit a plan for the removal of the structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification that includes the following:

- (a) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (b) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (c) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (d) The location outside the special flood hazard area where the temporary structure will be moved.
- (e) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year.

(7) Recreational Vehicles

Recreational vehicles shall:

- (a) Be on site for fewer than 90 consecutive days, be fully licensed, and ready for highway use (i.e., be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities, and have no permanently attached additions); or

- (b) Meet the requirements in this section for new residential construction.

(8) Elevated Buildings

Any fully enclosed area of new construction or substantially improved structure which is below the lowest floor shall:

- (a) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises;
- (b) Be served by access that is the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
- (c) Not be finished or partitioned into separate rooms, except to enclose storage areas;
- (d) Be constructed entirely of flood resistant materials, in accordance with Technical Bulletin 2: Flood Damage Resistant Materials Requirements, at least to the regulatory flood protection elevation;
- (e) Include flood openings, when located in the A and AE flood zones, that automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this standard, the openings must either be certified by a professional engineer or architect to meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they

permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above; ~~and~~

(f) Be either free of obstruction or constructed with breakaway walls, open wood latticework, or insect screening, when located in a VE zone. To meet this standard, breakaway walls shall not be part of the structural support of the building and be designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building, in accordance with the following:

(i) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or

(ii) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(9) Additions or Improvements to Existing Buildings

Repairs, additions, or alterations to an existing building in the special flood hazard area shall be subject to the following standards:

(a) **Substantial Additions or Improvements**

(i) **Pre-FIRM Buildings**

- (A) A substantial improvement with improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (B) An addition that is a substantial improvement with no modification to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

(ii) **Post-FIRM Buildings**

- (A) Improvements qualifying as substantial improvements or alterations that worsen an existing nonconformity must comply with the standards for new construction.
- (B) An addition that is a substantial improvement with no modification to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

(b) **Non-Substantial Additions or Improvements**

(i) **Pre-FIRM Buildings**

Additions or improvements to a portion of a pre-FIRM building that are not substantial are not required to comply with the standards in Section 7.4.6., Standards, but must be designed to minimize flood damage and shall not worsen any existing nonconformities with respect to the building's compliance with the flood damage prevention standards.

(ii) Post-FIRM Building Additions

All additions to post-FIRM buildings shall comply with the standards for new construction.

(iii) Post-FIRM Building Improvements

~~Improvements—qualifying—as—substantial improvements or alterations that worsen an existing nonconformity must comply with the standards for new construction.~~

(c) Timing of Post-FIRM Structures

Development having a start of construction date of November 1, 1984 shall be considered as a post-FIRM structure for the purposes of these standards.

(10) Tanks

Gas and liquid storage tanks located in the special flood hazard area shall comply the following standards:

(a) Underground Tanks

Underground tanks shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) Above-ground Tanks

(i) Above-ground tanks shall be elevated to or above the regulatory flood protection elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(ii) Above-ground tanks that do not meet the elevation requirements of Section 7.4.6.A.(3) Non-Residential Development, shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without

release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(c) Tank Inlets, Fill Openings, Outlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

- (i)** Installed at or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and,
- (ii)** Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including effects of buoyancy, during conditions of the design flood.

(11) Other Development

- (a)** Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall comply with the standards in Section 7.4.6.D., Standards for Floodways and Non-Encroachment Areas.
- (b)** Retaining walls, sidewalks, and driveways in regulated floodways and non-encroachment areas that include the placement of fill shall comply with the standards in Section 7.4.6.D., Standards for Floodways and Non-Encroachment Areas.
- (c)** Roads and watercourse crossings, including bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of the watercourse to the other that encroach into regulate floodways shall meet the standards in Section 7.4.6.D., Standards for Floodways and Non-encroachment Areas.

B. Standards for Coastal High Hazard Areas (VE Zones)

VE flood zones have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new

construction and substantial improvements or alterations shall comply with the standards in Section 7.4.6.A., General Standards, and the following requirements:

(1) CAMA Setbacks

Development shall comply with all applicable CAMA setback requirements, including a location landward of the mean high tideline and the first line of stable natural vegetation;

(2) Base Flood Elevation

Development shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation (floodproofing shall not be utilized on any structures in the VE zone);

(3) Free of Obstruction

Development shall ensure the space below the lowest floor remains free of obstruction so as not to impede the flow of flood waters, with the following exceptions:

- (a)** Open wood latticework or insect screening below the lowest floor for aesthetic purposes only provided it is designed to wash away in the event of abnormal wave action;
- (b)** Breakaway walls, provided they comply with the standards in Section 7.4.6.A.8, Elevated Buildings; or
- (c)** Development constructed at grade when the grade elevation exceeds the applicable regulatory flood protection elevation, provided it utilizes grade-beam or pile-supported slab construction.

(4) Foundations

- (a)** Development shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- (b)** A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the standards in this section.
- (c)** In determining the load calculations:

- (i) Water loading values used shall be those associated with the base flood.
- (ii) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(5) Use of Non-Structural Fill and Grading

~~Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used outside the perimeter of a building, provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation and not cause any adverse impacts by wave ramping or deflection to the subject structure or adjacent properties.~~

- (a) Fill may not be used for structural support. Minor grading and placement of minor quantities of non-structural fill may be permitted for landscaping and drainage under and around buildings; and for support of parking slabs, pool decks, patios, and walkways.
- (b) Fill material must be similar and consistent with natural soils in the area.
- (c) Site compatible and non-structural fill located under or around an elevated building is limited to two feet. Fill greater than two feet shall include a analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave run-up and wave deflection that would increase damage to adjacent elevated buildings and structures.
- (d) Non-structural fill slopes steeper than five units horizontal and one unit vertical shall include a analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave run-up and wave deflection that would increase damage to adjacent elevated buildings and structures.

(6) Alteration of Dunes

There shall be no alteration of sand dunes which would increase potential flood damage.

(7) Concrete Pads

Concrete pads, including patios, decks, parking pads, walkways, driveways and pool decks shall comply with the following standards:

- (a) Be structurally independent of the primary structural foundation and shall not adversely affect structures through redirection of floodwaters or debris;
- (b) Be constructed to breakaway cleanly during design flood conditions, be frangible, and not produce debris capable of causing damage to any structure. Concrete installed or scored in small segments (i.e. 4'x4') that will easily break-up during the base flood event complies with this standard. Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential concrete pad being a source of debris; and,
- (c) Pad thickness shall not exceed 4 inches; or
- (d) Provide a registered design professional's certification stating that the alternate design and method of construction to be used meets the applicable standards of this section.

(8) Swimming Pools and Spas

- (a) Swimming pools and spas shall be designed to withstand all flood related loads, load combinations, and comply with the following standards:
 - (i) Be elevated so that the lowest horizontal structural member is elevated above the regulatory flood protection elevation; or
 - (ii) Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to another structure; or
 - (iii) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.
- (b) A registered professional engineer or architect shall certify that a pool or spa beneath or near a VE zone building will not be subject to flotation or displacement that will damage

building foundations or elevated portions of the building or any nearby buildings during a coastal flood.

- (c) Pool equipment shall be located above the regulatory flood protection elevation whenever practicable. Pool equipment shall not be located beneath an elevated structure.

(9) Elevators and Lifts

- (a) Elevators, vertical platform lifts and chair lifts shall be designed to withstand hydrodynamic and hydrostatic forces as well as erosion, scour and waves.
- (b) Equipment shall not be mounted on, pass through, or be located along breakaway walls.
- (c) Equipment shall be elevated above the regulatory flood protection elevation or constructed using flood damage resistant components.
- (d) Shafts and enclosures that extend below the regulatory flood protection elevation shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage shall be provided for the elevator pit.
- (e) Flood damage resistant materials can be used inside and outside the elevator cab to reduce flood damage. Use only stainless steel doors and door frames below the RFPE. Grouting the door frame and sills is recommended.
- (f) Elevators designed to provide access to areas below the RFPE shall be equipped with a float switch system that will activate during a flood to send the elevator cab to a floor above the regulatory flood protection elevation.

(10) Decks and Patios

- (a) A deck structurally attached to a building or structure shall be elevated so that the bottom of the lowest horizontal structural member is no lower than the regulatory flood protection elevation. Supporting members that extend below the regulatory flood protection elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to

accommodate increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certificate required in Section 7.4.5., Flood Certificates/Certifications.

- (b) A deck or patio located below the regulatory flood protection elevation shall:
 - (i) Be structurally independent from buildings or structures and their foundation system; and,
 - (ii) Be designed and constructed either to remain intact and in place during design flood conditions or break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or adjacent buildings and structures.

(11) Allowed Uses Other Development

- (a) No manufactured homes shall be permitted in the coastal high hazard flood zone, except for replacement manufactured homes located in existing manufactured home parks and subdivisions permitted by this ordinance subject to the standards in Section 7.4.6.A.4.
- (b) Recreational vehicles are permitted in the coastal high hazard flood zone, subject to the standards in Section 7.4.6.A.7, Recreational Vehicles.
- (c) No more than four electrical outlets and no more than four electrical switches may be permitted below the regulatory flood protection elevation unless required by the building code.
- (d) Development activities, other than buildings and structures, shall be permitted only if authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by a qualified registered design professional to demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such development activities include but are not limited to:

- (i) Bulkheads, seawalls, retaining walls, revetments or similar erosion control structures; and,
- (ii) Solid fences and privacy walls, and fences prone to trapping debris unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.

C. Standards for Floodplains without Established Base Flood Elevations

The following standards shall apply to all development within A Flood zones where no base flood elevation data has been provided by FEMA:

- (1) The standards in Section 7.4.6.A.1, Standards Applied to All Development.
- (2) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within an area located 20 feet from top of a stream bank or five times the width of the stream, whichever is greater, unless a professional engineer certifies the encroachment shall not increase flood levels during the occurrence of the base flood discharge.
- (3) The base flood elevation used in determining the minimum regulatory flood protection elevation shall be determined based on the following:
 - (a) When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section 7.4.6.A, General Standards.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements in Sections 7.4.6.A.2-9, and 7.4.6.D, Standards for Floodways and Non-encroachment Areas.
 - (c) All development of more than five acres, 50 lots, or 50 dwelling units shall provide base flood elevation data that will be used in implementing these standards.

D. Standards for Floodways and Non-encroachment Areas

Areas designated as floodways or non-encroachment can be extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. Development within these areas shall comply with the following standards:

- (1) The standards in Section 7.4, Flood Damage Prevention, all other applicable standards in this ordinance, and the Currituck County Administrative Manual;
- (2) No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

E. Standards for Riverine Floodplains without Established Floodways or Non-encroachment Areas

All development along rivers and streams where base flood elevation data is available but floodway and non-encroachment areas are not identified on the FIRM or in the FIS report, shall comply with the following standards:

- (1) The standards in Section 7.4.6.A, General Standards;
- (2) No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted until:
 - (a) A regulatory floodway or non-encroachment area is designated; or
 - (b) Certification is provided by a registered professional engineer that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Item 4: That Chapter 9. Enforcement is amended by deleting the following strikethrough language, adding the bold and underlined language and renumbering accordingly in Section 9.6:

CHAPTER 9.

9.6. REMEDIES AND PENALTIES

The county may use any combination of the following remedies and enforcement powers to administer and enforce this Ordinance.

9.6.2. Criminal Penalties

Violations of the provisions of the Section 7.4, Flood Damage Prevention or failure to comply with any of its requirements, including a violation of conditions and safeguards established in connection with a variance or special exception, shall constitute a Class 1 misdemeanor pursuant to NCGS 143-215.58. Any person who violates Section 7.4, Flood Damage Prevention or fails to comply with any of its requirements shall, upon conviction, be fined not more than \$100 or imprisoned for not more than 30 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Currituck County from taking such other lawful action as is necessary to prevent or remedy any violation.

Item 5: That Chapter 10. Definitions and Measurement is amended by deleting the following strikethrough language and adding the underlined language in Section 10.4:

CHAPTER 10.

10.4. DEFINITIONS

ALTERATION OF WATERCOURSE

A dam, impoundment, channel, relocation, change in channel, alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of base flood.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation.

CHEMICAL STORAGE FACILITY

For purposes of Section 7.4. Flood Damage Prevention, a building, portion or a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

COASTAL AREA MANAGEMENT ACT (CAMA)

North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

COASTAL A ZONE (CAZ)

An area within the special flood hazard area, landward of the V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A zones are not normally designed on FIRMs. (See Limit of Moderate Wave Action LiMWA)).

DEVELOPMENT ACTIVITY

Any activity defined as development which will necessitate a Flood Development Permit. This includes buildings, structures, and non-structural

items, including but not limited to fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)

The digital official map of Currituck County issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

EXISTING BUILDING

For the purposes of Section 7.4, Flood Damage Prevention, any building and/or structure for which the start of construction commenced before November 4, 1984.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map issued by Federal Emergency Management Agency on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN OR FLOOD PRONE AREA

~~Any land area susceptible to being inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (One Hundred Year Flood) on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency and dated November 4, 1992, and also November 2, 1992, as revised, a copy of which is on file in the administrator's office. This area shall comprise the Floodplain Overlay Zoning District established in this ordinance.~~ Any land area susceptible to being inundated by water from any source.

FLOOD-RESISTANT MATERIAL

Any building product (material, component, or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable

flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, ~~dated 8/08~~, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY ENCROACHMENT ANALYSIS

An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The elevation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

FREEBOARD

The height added to base flood elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation (RFPE).

HISTORIC STRUCTURE

For the purposes of Section 7.4 Flood Damage Prevention, any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- d. Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

JUNKYARD

An establishment or place of business which is maintained, operated or used for sorting, keeping, buying or selling junk or recoverable materials.

~~For the purposes of section 7.4, Flood Damage Prevention, any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.~~

LETTER OF MAP CHANGE (LOMC)

An official determination issued by Federal Emergency Management Agency that amends or revises an effective Flood Insurance Program map or Flood Study. LOMC shall include:

- (a) Letter of Map Amendment (LOMA): an official amendment, by letter to an effective NFIP map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with this Ordinance.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM

or Flood Insurance Study; upon submission and approval of certified as-built documentation, a LOMR may be issued by Federal Emergency Management Agency to revise the effective FIRM.

LIGHT DUTY TRUCK

For the purposes of Section 7.4., Flood Damage Prevention, any motor vehicle rated at 8,500 lbs. Gross Vehicular Weight Rating or less which has a vehicular curb rate of 6,000 lbs. or less and which has a basic vehicle frontal area of 45 square feet or less as defined in Title 40 US Code of Federal Regulations at Subpart 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or,
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or,
- (c) Available with special features enabling off-street or off-highway operation and use.

LIMIT OF MODERATE WAVE ACTION (LIMWA)

The boundary line given by Federal Emergency Management Agency on coastal map studies marking the extents of Coastal A Zones (CAZ).

LOWEST ADJACENT GRADE

For the purposes of Section 7.4, Flood Damage Prevention, the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

MAP REPOSITORY

The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data for FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

MEAN SEA-LEVEL

~~The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.~~

NEW CONSTRUCTION

For the purposes of Section 7.4, Flood Damage Prevention, structures for which the “start of construction” commenced on or after the effective date of

the initial floodplain management regulations and includes any subsequent improvements to such structures.

NON-ENCROACHMENT AREA (NEA)

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

OTHERWISE PROTECTED AREA (OPA)

See “Coastal Barrier Resources System” (CBRS).

RECREATIONAL VEHICLE

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; ~~and~~
- (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.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE)

The base flood elevation plus freeboard. In special flood hazard areas where base flood elevations have been determined, this elevation shall be the base flood elevation plus ~~one foot~~ two feet of freeboard. In special flood hazard areas where no base flood elevation has been established, this elevation shall be at least two feet above the highest adjacent grade.

SOLID WASTE DISPOSAL FACILITY

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

SOLID WASTE DISPOSAL SITE

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method, as defined in NCGS 130A-290 (a)(36).

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET

A Federal Emergency Management Agency publication that provides guidance concerning the building performance standards of the NFIP, which are

contained in Title 44 of the US Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for the use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

TEMPERATURE CONTROLLED

For the purposes of Section 7.4 Flood Damage Prevention, the temperature regulated by a heating and/or cooling system, built-in, or appliance.

VIOLATION

For the purposes of Section 7.4, Flood Damage Prevention, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE)

The height, in relation to ~~mean sea level~~ NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Item 6: Statement of Consistency and Reasonableness:

The requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)
- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

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 _____, 2018.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

.....

PLANNING BOARD DATE: 10/9/18
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 6 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 10/26/18 & 11/2/18
BOARD OF COMMISSIONERS PUBLIC HEARING: 11/5/18
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: PB 18-24 Flood Ordinance TA (PB 18-24 Currituck County Flood Maps and Ordinance)



STAFF REPORT
PB 18-20
PONDEROSA ENTERPRISES, INC.
BOARD OF COMMISSIONERS
OCTOBER 15, 2018

APPLICATION SUMMARY	
Property Owner: Ponderosa Enterprises Inc 613 Shortcut Road Barco NC 27917	Applicant: Ponderosa Enterprises Inc 613 Shortcut Road Barco NC 27917
Case Number: PB 18-20	Application Type: Conditional Rezoning
Parcel Identification Number: 0052000022B0000	Existing Use: Agricultural
Land Use Plan Classification: Full Service	Parcel Size (Acres): 11.6
Maple/Barco Small Area Plan Classification: Employment	Airport Compatibility Use Zone: 1, 2, and 3
Zoning History: A-40 (1974); A (1989)	
Current Zoning: GB and AG with Airport Overlay District (AO)	Proposed Zoning: C - GB

SURROUNDING PARCELS		
	Land Use	Zoning
North	Airport/Maple Campus	HI/GB
South	Woodland/Cultivated Farmland	HI
East	Mobile Home Park/Self-Storage	GB
West	Cultivated Farmland/Woodland	HI

STAFF ANALYSIS

REQUEST

The property owner is requesting a conditional rezoning from AG (Agricultural) to C-GB (Conditional-General Business). At this time, there is not a specific user for the property. According to the applicant, the proposed uses include "only uses compatible with GB zoning, office, commercial, personal services, institutional, etc. Uses that provide Employment opportunities for county residential and goods and services to county residents and visitors." The owner proposes the following zoning conditions:

- The property will not be used for ministorage.
- A Type A landscape buffer will be provided between the two GB uses.

A community meeting was held at Ponderosa Enterprises, Inc. on July 23, 2017 with no one in attendance.

The conceptual plan for the property includes a fuel and convenience store and four multipurpose buildings (office, mixed use residential/commercial, and commercial). The buildings range in size

from approximately 7,000 sf to 10,000 sf. The plan indicates green spaces and a sidewalk connecting the buildings. There is one entrance to the development off of Shortcut Road.

The applicant previously submitted a straight rezoning from AG to GB for the property, but withdrew that application and submitted this conditional rezoning from AG to C-GB request.

UDO

The applicant owns a neighboring 30 acre tract zoned GB and contains Ponderosa Mobile Home Park. On the north side of Shortcut Road is the county airport and community center in Maple. The airport is zoned HI and the community center is zoned GB.

The area of the request is also located within the Airport Overlay District (AO) and Compatibility Use Zones 1, 2, and 3.

- Compatible Use Zone 1 limits uses to single-family detached dwellings, aviation related uses, nonresidential uses that do not exceed an occupancy of ten people per acre, or conservation.
- Compatible Use Zone 2 limits uses to single-family detached dwellings, agricultural, agriculture support and services uses, nonresidential uses that do not exceed an occupancy of 40 people per acre, or conservation.
- Compatible Use Zone 3 limits uses to those permitted in the base zoning district.

The ability to increase residential density within the GB zoning district is limited by Airport Overlay District (AO) that will remain on the property.

2006 Land Use Plan

The proposed rezoning to C-GB appears to be consistent with the Full Service designation identified in the 2006 LUP. The listed uses include retail (fuel and convenience), mixed use retail/commercial, and multipurpose business spaces. With agreed upon assurances applied through the conditional zoning district demonstrating general land uses, architectural design, and site features, it is possible to determine consistency with the policies identified in the plans approved by the county such as the Land Use Plan. The proposed architectural renderings are compatible with the county complex across Shortcut Road.

The Maple-Barco Small Area Plan

The Future Land Use Map identifies the property as Employment, which anticipates land uses that will generate economic activity or job growth. The proposed rezoning to C-GB appears to be consistent with the Employment land use designation. The MBSAP suggests areas should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential. The proposed development plan and site design are consistent with the desired density, character of growth, and level of services appropriate for the study area.

RECOMMENDATION

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends approval of the conditional rezoning.

ADOPTED PLANS

The 2006 Land Use Plan classifies this site as Full service within the Barco-Coinjock-Airport subarea. The policy emphasis for the Barco-Coinjock-Airport subarea is for the area to emerge as the principle community center serving the central areas of the mainland. The proposed plan is in keeping with the policies of the plan, some of which are:

Policy CD1	Neighborhood serving commercial districts shall be encouraged. Appropriately designed, small-scale business should locate near neighborhood serving facilities such as schools and parks.
Policy CD2	Commercial or mixed use centers should be clustered to prevent strip development and minimize traffic generation.
Policy CD4	Highway oriented commercial uses should be clustered along the highway to minimize signage, access points, and prevent strip development.
Policy CD9	Businesses must coordinate their site design with other nearby uses.
Policy ED1	New and expanding business are encouraged that diversify the local economy, train and use a more highly skilled labor force, and are compatible with the environmental quality and natural amenity-based economy of Currituck County.

The Maple-Barco Small Area Plan classifies this site as Employment. The plan states that the area should be developed in mixed use or campus like setting with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential. The proposed plan is in keeping with the policies of the plan, some of which are:

Policy LU4	Encourage and allow small, locally owned businesses to locate in the area.
Policy LU9	The density, character of grown, and level of service must be appropriate for the study area.
Policy TR4	Infrastructure must be integrated into new developments that promote multimodal transportation, interconnecting employment centers, business, and neighborhoods.

The Connect Currituck Pedestrian Master Plan calls for a multi-modal side-path/trail along Shortcut Road. NCDOT's road widening project places the multi-modal side-path/trail on northern side of Shortcut Road, opposite this project.

CONSISTENCY STATEMENT

This conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and is compatible with existing and proposed uses surrounding the land subject to the application, and it is an appropriate zoning district and use for the land.

CONDITIONS OF APPROVAL

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

Agreed upon conditions of approval:

1. The property will not be used for ministorage.
2. A Type A landscape buffer will be provided between the two GB uses.

Suggested conditions of approval that must be agreed to by the owner:

1. Building architecture and design features shall be consistent with the photographs submitted with the application to provide consistency and compatibility with the nearby county complex. (See Attached)
2. Residential uses shall only be allowed through a mixed use building to limit the density allowed in the airport approach zone to an appropriate level.
3. Place the fueling station/canopy to the side and/or rear of the fuel and convenience center building and move the building closer to Shortcut Road. This building front will be the most visible in the complex and should set the architectural tone and campus like setting of the proposed development along Shortcut Road, a major arterial street.
4. Provide a central courtyard with pedestrian features (i.e. benches, water feature) with buildings oriented inward towards the central courtyard to mimic the campus like feel and pedestrian activity between employment areas and the other uses as required by the Maple Barco Small Area Plan.
5. Provide a handicap accessible pedestrian connection to the mobile home park to encourage pedestrian activity between the uses.
6. Provide a minimum and maximum building square footage to ensure compatibility with the area.
7. Impose the suggested two story limit on all buildings because of the project's location in the airport approach zone.

PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval of this request subject to the consistency statement and the following conditions:

Agreed upon conditions of approval:

1. The property will not be used for ministorage.
2. A Type A landscape buffer will be provided between the two GB uses.

Suggested conditions of approval that must be agreed to by the owner:

3. Building architecture and design features shall be consistent with the photographs submitted with the application to provide consistency and compatibility with the nearby county complex. (See Attached)
4. Residential uses shall only be allowed through a mixed use building to limit the density allowed in the airport approach zone to an appropriate level.

5. Place the fueling station/canopy to the side and/or rear of the fuel and convenience center building and move the building closer to Shortcut Road. This building front will be the most visible in the complex and should set the architectural tone and campus like setting of the proposed development along Shortcut Road, a major arterial street.
6. Provide a central courtyard with pedestrian features (i.e. benches, water feature) with buildings oriented inward towards the central courtyard to mimic the campus like feel and pedestrian activity between employment areas and the other uses as required by the Maple Barco Small Area Plan.
7. Provide a handicap accessible pedestrian connection to the mobile home park to encourage pedestrian activity between the uses.
8. Provide a minimum and maximum building square footage to ensure compatibility with the area.
9. Impose the suggested two story limit on all buildings because of the project's location in the airport approach zone.

Planning Board Discussion 10/9/2018

Tammy Glave, Senior Planner, presented the staff report and showed the proposed plans, current zoning map, explaining the proposed changes. Ms. Glave also showed examples of design features for the building's architectural design elements. The canopy for the gas station will be to the side and facing to the back of the building. Also a sidewalk will be made from the mobile home park to the building. The owner will not use the property for ministorage and a Type A landscape buffer will be provided between the two General Business uses (the proposed building and the existing mobile home park). Staff recommends approval of the conditional rezoning since it is consistent with the Full Service Plan of the 2006 Land Use Plan and the Maple/Barco Small Area Plan. The Technical Review Committee recommends approval with the suggested conditions listed in the staff report.

Board discussion was held over item #6 in the suggested conditions and what the minimum and maximum building square footage would be.

Chairman Whiteman asked for a motion.

Mr. Craddock motioned to approve PB 18-20 Ponderosa Enterprises Inc. requested Conditional Rezoning since it is consistent with the adopted plans of the Land Use Plan policies CD1, CD2, CD4, CD9, ED1 and the Maple-Barco Small Area Plan policies LU4, LU9 and TR4. This conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and is compatible with existing and proposed uses surrounding the land subject to the application, and it is an appropriate zoning district and use for the land. The conditions of approval shall be:

1. The property will not be used for ministorage.
2. A Type A landscape buffer will be provided between the two GB uses.

And also conditions:

1. Building architecture and design features shall be consistent with the photographs submitted with the application to provide consistency and compatibility with the nearby county complex. (See Attached)
2. Residential uses shall only be allowed through a mixed use building to limit the density allowed in the airport approach zone to an appropriate level.
3. Place the fueling station/canopy to the side and/or rear of the fuel and convenience center building and move the building closer to Shortcut Road. This building front will be the most

visible in the complex and should set the architectural tone and campus like setting of the proposed development along Shortcut Road, a major arterial street.

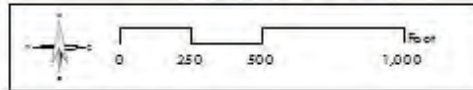
4. Provide a central courtyard with pedestrian features (i.e. benches, water feature) with buildings oriented inward towards the central courtyard to mimic the campus like feel and pedestrian activity between employment areas and the other uses as required by the Maple Barco Small Area Plan.
5. Provide a handicap accessible pedestrian connection to the mobile home park to encourage pedestrian activity between the uses.
6. Provide a minimum and maximum building square footage to ensure compatibility with the area.
7. Impose the suggested two story limit on all buildings because of the project's location in the airport approach zone.

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

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



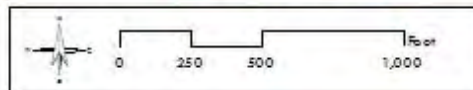
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
2016 Aerial Photography



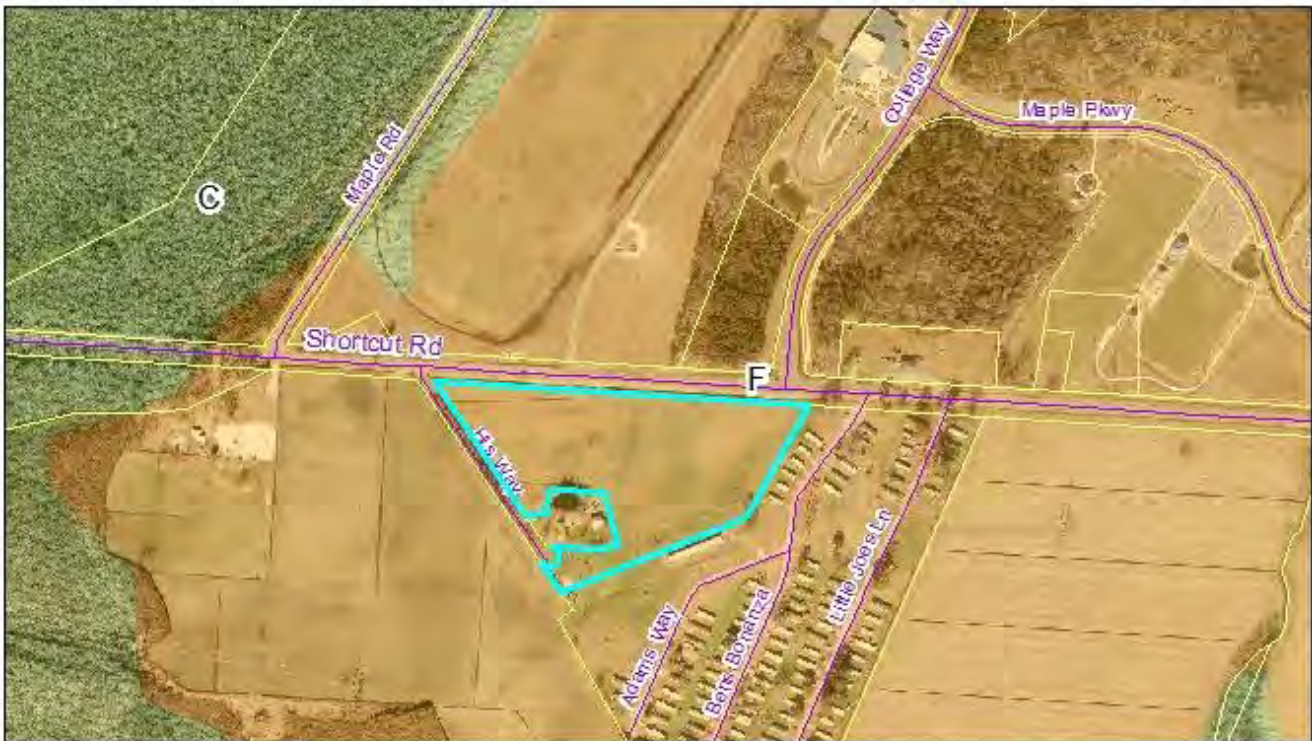
Currituck County
Planning and
Community Development



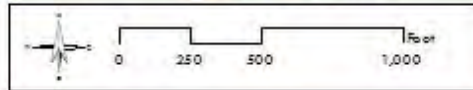
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
Zoning



Currituck County
Planning and
Community Development



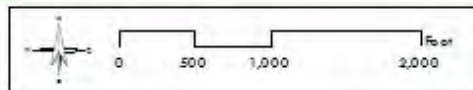
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
LUP Classification



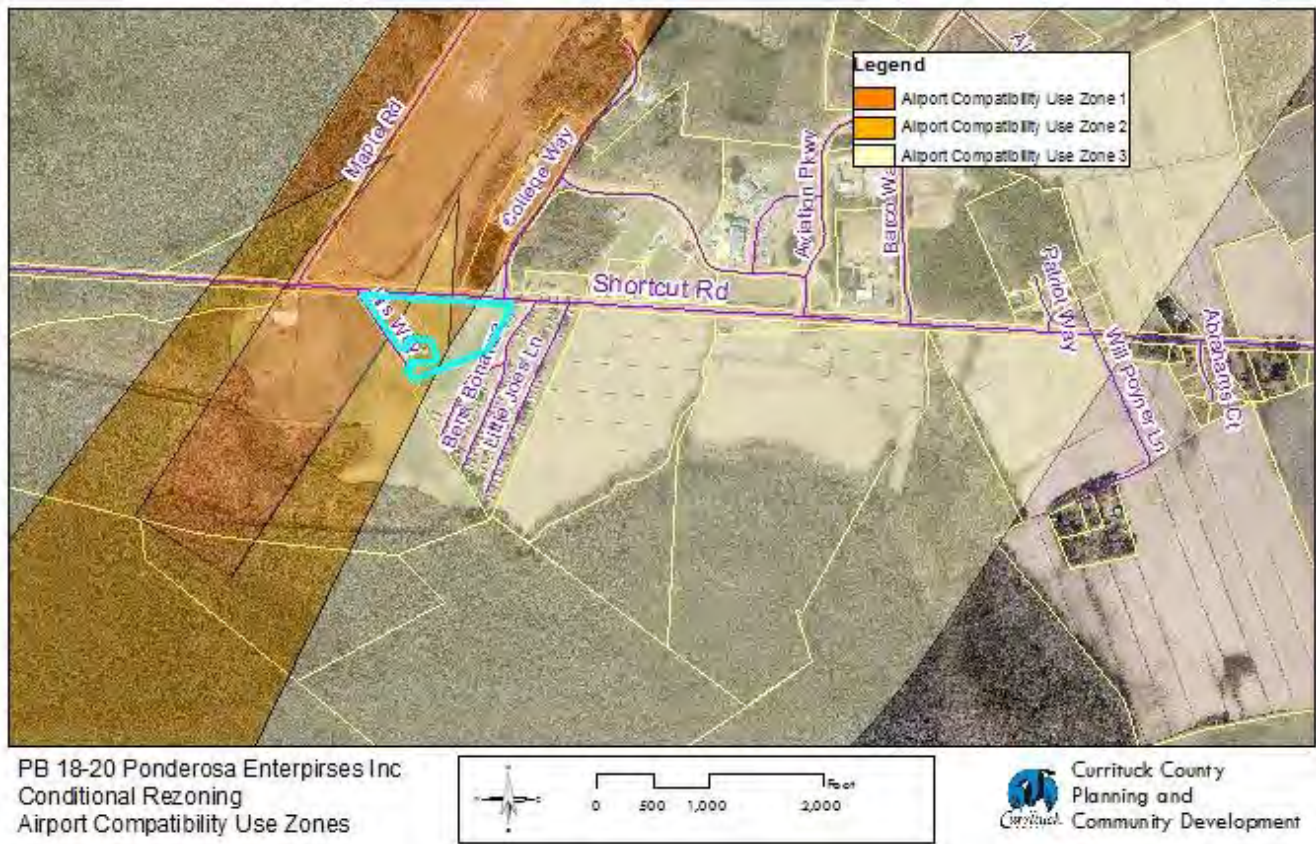
 Currituck County
Planning and
Community Development



PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
Maple-Barco SAP Classification



 Currituck County
Planning and
Community Development





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

MEMORANDUM

TO: Board of Commissioners

FROM: Planning Staff

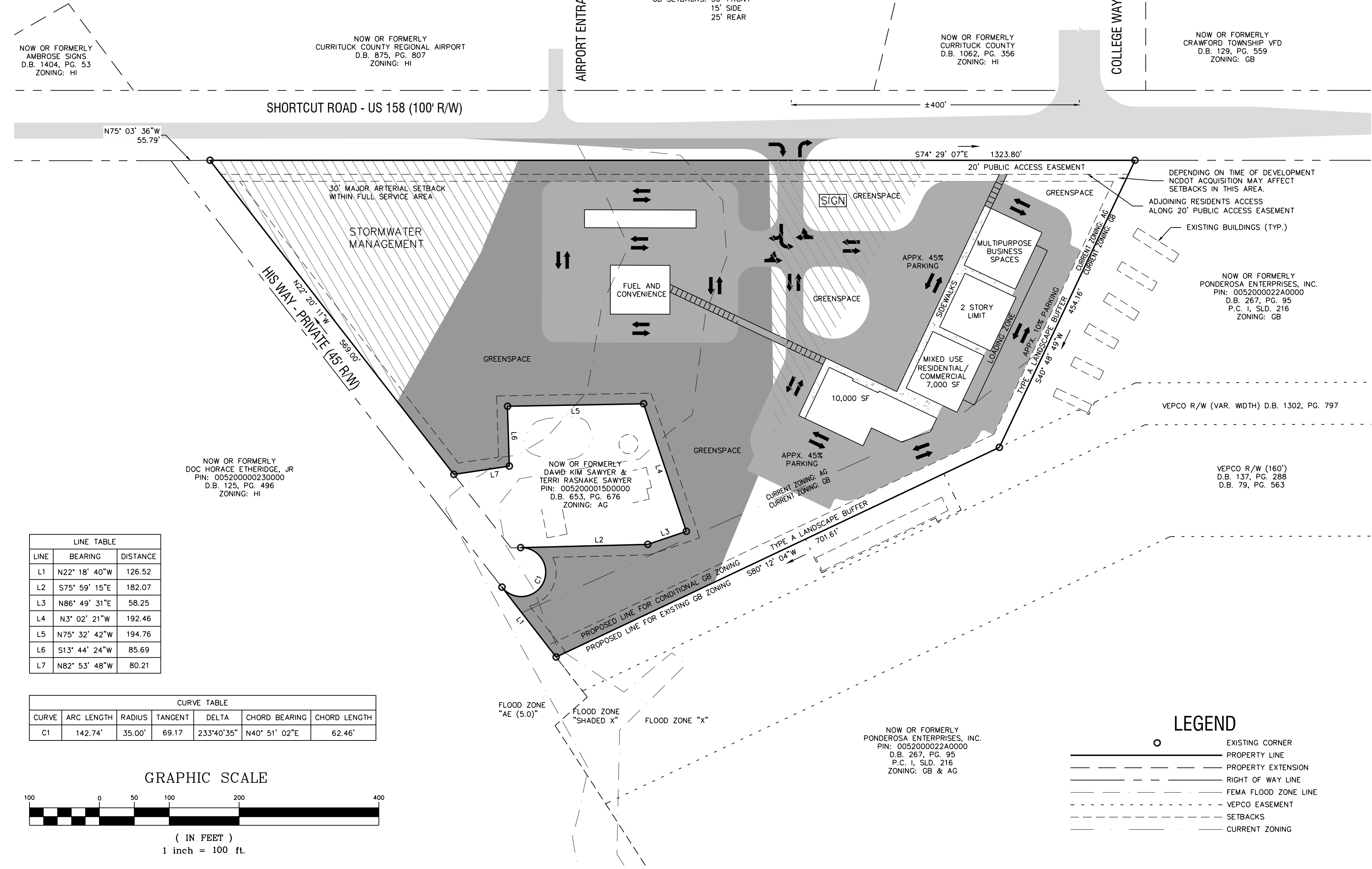
DATE: October 31, 2018

SUBJECT: Ponderosa Inc Conditional Rezoning – Allowed Uses

The Board of Commissioners directed staff to work with the applicant to develop an agreed upon list of allowed uses regarding this specific C-GB rezoning request. The following uses will be allowed:

- Agriculture/Horticulture
- Agri-education
- Agri-entertainment
- Agri-business
- Equestrian facility
- Farmers market
- Nursery, production
- Roadside market
- Agricultural research facility
- Distribution hub for agricultural products
- Farm machinery sales, rental, and service
- Silviculture
- Dwelling, live/work
- Dwelling, upperstory
- Youth club facility
- Adult day care center
- Child care center
- College or university
- Vocational or trade school
- Religious institution
- Animal grooming
- Animal shelter

Kennel
Veterinary clinic
Dinner theater
Restaurant, with indoor or outdoor seating
Specialty eating establishment
Business and sales (office)
Professional services (office)
Fitness center
Recreation, indoor
Theater
Artisan Food and Beverage Producer
Convenience store
Drug store or pharmacy
Entertainment establishment
Financial institution
Funeral home
Grocery store
Laundromat
Personal services establishment
Repair establishment
Retail sales establishments
Boat and marine rental, sales, and service



1

REVISIONS:
08-20-18 PER TRC
COMMENTS

DRAWING #: 18-1290
DRAWN: JHS
CHECKED: ETH
APPROVED: ETH
DATE: 07-25-18
SHEET # 1 OF 1
SCALE: 1" = 200'
PROJECT #: 18-1290



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: Eddie Hyman
 Ponderosa Enterprises Inc.

From: Tammy D. Glave, CZO
 Senior Planner

Date: August 9, 2018, 2018

Re: Ponderosa Enterprises Inc., Conditional Rezoning Request

Following are the comments received to date for Ponderosa Enterprises Inc. for the August 15, 2018 Technical Review Committee (TRC) meeting. In order to be placed on the September 11, 2018 Planning Board agenda, all outstanding TRC comments must be received by August 20, 2018. TRC comments are valid for six months. Please let me know if you have any questions. Thanks.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment:

1. The Maple Barco Small Area Plan (MBSAP) suggests areas should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential.
 - a. The site plan presented does not appear to be a campus like setting, but rather a convenience store and a mini-mall/strip-type building.
 - b. A campus is traditionally:
 - A collection of buildings and grounds that belong to one individual/entity with common architecture, landscaping, and site features;
 - The collection of buildings is connected through open space, sidewalks and other pedestrian features (i.e. park-like setting with benches, water feature, etc.); and,
 - The collection of buildings is oriented inward towards a central courtyard, etc.
2. Please show the entrance to the airport on the opposite side of Shortcut Road. Is it possible to align proposed entrance with that entrance? If not, is driveway spacing adequate according to the UDO?
3. The site appears to have wetland characteristics as delineated on the GIS map. Please provide USACE documentation that jurisdictional wetlands are not present on the site or provide a delineated map approved by the USACE and method of preserving delineated wetlands.
4. Additional potential conditions to consider:
 - No dwelling units.

- Architectural features will be consistent with those proposed in the application submittal.
 - Minimum/maximum building square footages
 - Infrastructure
 - Building story limits
 - Non-access easement along the length of His Way to better control access to the site.
 - Provide pedestrian connection to the mobile home park.
5. It is important to note in the planning stage that Community Form and Nonresidential Design Standards apply to the development at site plan submittal.

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

Reviewed with comment:

Fire

1. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The back of 150' should be measured in a straight line.
2. Fire apparatus access must be at least 20' wide 13' 6" in height.
3. Maximum slope shall not exceed 10%.
4. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
5. Fire hydrants must be within 500' of all road frontages.
6. Cul de sacs must be 96' in width curb to curb at the center of the cul de sac.
7. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
8. Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.

Inspections

1. Provide detailed drawing for clustered mailbox unit on plan, if required by the US Post Office.

Currituck County Code Enforcement (Stacey Smith, 252-232-3027)

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.

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

Reviewed with comment:

1. Please consult with Kevin Carver RS at 252-232-6603 concerning wastewater treatment and disposal approval for proposed businesses on site plan proposed. Thank You.

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

Reviewed without comment.

US Post Office (Barco)

Please contact the US Post Office to determine method of mail delivery.

Comments Not Yet Received from:

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

Currituck Soil and Stormwater (Will Creef, 252-232-3360)

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

The following items are necessary for resubmittal:

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

A photograph of a commercial building with a light-colored brick facade and white architectural accents. The building features a central tower with a peaked roof and several arched and rectangular windows. A parking lot in the foreground contains several vehicles, including white SUVs and a black sedan. The scene is captured during the "blue hour" of twilight.

7.A.e

Attachment: 4

Packet Pg. 160

A photograph of a two-story brick building with a light-colored facade and white trim around the windows and roofline. The building features several arched windows and doorways. In the foreground, there is a paved parking lot with a black SUV and a black sedan parked. A small landscaped area with a young tree and some shrubs is in front of the building. The sky is clear and blue.

7.A.f

Attachment: 5

Packet Pg. 161

A photograph of a two-story brick building with white architectural accents, including arched windows and doorways. A small tree stands in front of the building, and a flag is visible near one of the entrances. A blue SUV is parked in the asphalt lot to the right. The scene is captured during the day with soft lighting.

7.A.g

Attachment: 6

Packet Pg. 162

A photograph of a long, single-story brick building with a series of arched doorways. The building is constructed of light-colored bricks and has white-painted arch frames. A wide, light-colored concrete sidewalk runs along the front of the building. To the left of the sidewalk, there is a landscaped area with young green trees and shrubs. In the background, more trees and a clear sky are visible. The scene is captured during the day, with some interior lights of the building visible through the glass doors.

7.A.h

Attachment: 7

Packet Pg. 163

A photograph of a brick building's exterior at dusk. A large, multi-paned glass door with a white frame is the central focus, reflecting the sky and showing an interior view of a brightly lit room with tables and chairs. To the right of the door, a black, ornate lantern-style light fixture is mounted on the brick wall. Further right, another doorway is visible, partially obscured by a potted plant and a flag. The sky is a deep blue, and the overall scene is well-lit by the building's interior lights and the ambient light of twilight.

7.A.i

Attachment: 8

Packet Pg. 164

A photograph of a brick building with large glass doors and windows, illuminated from within. The building has a classic architectural style with arched windows and a sidewalk in front. The sky is a deep blue, suggesting dusk. The image is overlaid with three text boxes: a grey box in the top right corner, a white box on the right side, and a grey box in the bottom right corner.

7.A.j

Attachment: 9

Packet Pg. 165

A photograph of a brick building's exterior at dusk. The building features a series of arched windows and doorways with white trim. A sidewalk runs along the front of the building. A black lantern-style light fixture is mounted on the brick wall. The sky is a deep blue, and the interior lights of the building are visible through the glass.

7.A.k

Attachment: 10

Packet Pg. 166

A photograph of a brick building with arched windows and a sidewalk at dusk. The building is made of light brown bricks and has several arched windows with black frames. A concrete sidewalk runs along the front of the building. To the right of the sidewalk is a row of green bushes. The sky is a deep blue, and the building's lights are on, casting a warm glow. The overall scene is a quiet street at twilight.

7.A.I

Attachment: 11

Packet Pg. 167

A photograph of a brick building's exterior at dusk. The building features large, arched glass doors with black frames and white trim. A concrete sidewalk runs along the front of the building. In the background, there are trees and a covered walkway with columns. The sky is a clear blue.

7.A.m

Attachment: 12

Packet Pg. 168



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Ponderosa Enterprises, Inc.
 Address: 613 Shortcut Road
Barco, NC 27917
 Telephone: 252-202-4661
 E-Mail Address: dauidsawyerrealty@gmail.com

PROPERTY OWNER:

Name: Ponderosa Enterprises, Inc.
 Address: 613 Shortcut Road
Barco, NC 27917
 Telephone: 252-202-4661
 E-Mail Address: dauidsawyerrealty@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Owner

Property Information

Physical Street Address: 613 Shortcut Road, Barco, NC 27917
 Location: Across US HWY 158 from Currituck Counry Regional Airport
 Parcel Identification Number(s): 0052000022A0000
 Total Parcel(s) Acreage: 11.60 ac
 Existing Land Use of Property: Agricultural

Request

Current Zoning of Property: AG Proposed Zoning District: GB

Community Meeting

Date Meeting Held: 07-23-18 Meeting Location: Ponderosa Enterprises

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):

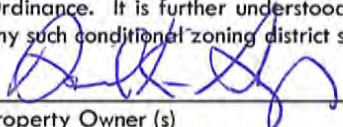
ONLY USES COMPATIBLE WITH GB ZONING. OFFICE
COMMERCIAL, PERSONAL SERVICE, INSTITUTIONAL, ETC.
USES THAT PROVIDE EMPLOYMENT OPPORTUNITIES FOR
COUNTY RESIDENTS AND GOODS AND SERVICES TO COUNTY
RESIDENTS AND VISITORS.

Proposed Zoning Condition(s):

THE PROPERTY WILL NOT BE USED FOR MINI STORAGE.
A TYPE A LANDSCAPE BUFFER WILL BE PROVIDED BETWEEN
THE TWO GB USES.

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

7-25-18

Date

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

Conditional Rezoning Design Standards Checklist

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

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: _____

TRC Date: _____

Project Name: Ponderosa Enterprises, Inc.

Applicant/Property Owner: David Sawyer

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

Conditional Rezoning Submittal Checklist

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

Conditional Rezoning Submittal Checklist

Date Received: _____

TRC Date: _____

Project Name: Ponderosa Enterprises, Inc.

Applicant/Property Owner: David Sawyer

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning application	
2	Application fee (\$150 plus \$5 for each acre or part thereof)	
3	Community meeting written summary	
4	Conceptual development plan	
5	Architectural drawings and/or sketches of the proposed structures.	
6	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



CAMDEN

CHOWAN

CURRITUCK

DARE

GATES

HYDE

PASQUOTANK

PERQUIMANS

TYRRELL

WASHINGTON

COLUMBIA

CRESWELL

DUCK

EDENTON

ELIZABETH CITY

GATESVILLE

HERTFORD

KILL DEVIL HILLS

KITTY HAWK

MANTEO

NAGS HEAD

PLYMOUTH

ROPER

SOUTHERN SHORES

WINFALL

October 18, 2018

Dear Commissioners,

On October 17, 2018, **Kelsey Hall** completed the Community Advisory Committee training required by G.S. 131D-32 and has been designated by the Office of the State Ombudsman to serve as a member of the Currituck County Joint Community Advisory Committee.

I would like to recommend that she be appointed by your Board for a one year term.

Kelsey Hall
174 Old Jury Rd.
Moyock, NC 27958

If you have questions regarding this appointment, please feel free to contact me at (252) 426-5753 ext 225 or bjordan@accog.org. Thank you in advance for your consideration.

Sincerely,

Brandi Jordan, MSW
 Regional Long-Term Care Ombudsman

Attachment: 2018-11-05 CAC APPT Kelsey Hall (Board Appointments-Joint Nursing/Domiciliary Advisory)

LIBRARY BOARD OF TRUSTEES
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Kerri Engley	District 1		Bob White	7/17/2017	1st 6/30/2019
Madolin Rose Kelly	District 2		Bobby Hanig	6/19/2017	1st 6/30/2019
Colleen Umphlett	District 3		Mike Payment	6/19/2017	2nd 6/30/2019
Leigh Dix	District 4		Paul Beaumont	3/6/2017	Unexp 6/30/2018
Stacy Vasquetellas	District 5		Marion Gilbert	6/19/2017	2nd 6/30/2019
Coston Charles	At-Large		Mike Hall	8/7/2017	1st 6/30/2019
Tom Oakes	At-Large		Kitty Etheridge	7/18/2016	2nd 6/30/2018

Attachment: Library Board Appointment Form (Board Appts-Library Board)

PLANNING BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Jeff O'Brien (Resigned)	District 1		Bob White	February 6, 2017	1st Term 12/31/2018
Steven Craddock	District 2		Bobby Hanig	February 20, 2017	2nd Term 12/31/2018
James Timothy Thomas	District 3		Mike Payment	February 6, 2017	1st Term 12/31/2018
C. Shay Ballance	District 4		Paul Beaumont	January 17, 2017	1st Term 12/31/2018
Carol Bell	District 5		Marion Gilbert	January 4, 2016	2nd Term 12/31/2017
Fred Whiteman	At-Large		Mike Hall	January 2012-2016 January 3, 2017	2nd Term 12/31/2018
John McColley (Resigned)	At-Large		Kitty Etheridge	December 4, 2017	2nd Term 12/31/2019
Jane Overstreet	Outer Banks		Consensus	April 4, 2017	2nd Term 12/31/2018

Must be replaced

Attachment: Planning Board Appointment Form (Board Appts-Planning Board)

SENIOR CITIZEN ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cindy Scott	District 1		Bob White	3/6/2017	1st 2/1/2019
Rita Ferebee	District 2		Bobby Hanig	8/6/2018	2nd 2/1/2020
Janet Lovell	District 3		Mike Payment	2/6/2017	1st 2/1/2019
David Myers	District 4		Paul Beaumont	7/17/2017	1st 2/1/2019
Mary Ellen Maxwell	District 5		Marion Gilbert	4/3/2017	Unexp 2/1/2018
Betty Ann Fairchild	At-Large		Mike Hall	8/20/2018	Unexp 2/1/2020
Alisa Hugdahl	At-Large		Kitty Etheridge	8/6/2018	Unexp 2/1/2020

Must be replaced

Commissioner Etheridge Serves on this Board



CURRITUCK COUNTY NORTH CAROLINA

October 15, 2018

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 3:30 PM Lifeguard Services

The Currituck County Board of Commissioners attended a work session at 3:30 PM in the Conference Room of the Historic Courthouse to discuss beach lifeguard services. Ben Stikeleather, Assistant County Manager, discussed his recent meeting with Lighthouse Resort Services President, Michael Cherry, the current ocean rescue service provider for Currituck County, and reviewed the unresolved issues related to the contract that would require Board direction. Mr. Cherry's suggestion that he and two Captains be hired on as full-time County employees was denied by the Board, as was a request that a storage facility for lifeguard service equipment be provided by the County. Mr. Stikeleather reviewed discussion on enhanced lifeguard coverage, and Commissioners agreed gaps in locations along the beach strand should be filled, whether by shifting stand locations or by adding stands or roving patrols. Commissioners also agreed to consider extending coverage into the shoulder season, perhaps through Columbus Day weekend. After discussion, the Board directed staff to put the contract out to bid for a four-year term with the current scope of service and including bid alternates for enhancing the service coverage areas with additional patrols and extending the length of the season. There was a brief discussion about lifeguard uniforms and Commissioners agreed the bathing suits worn by lifeguards were appropriate. The work session concluded at 4:15 PM.

2. 5:00 PM Flood Ordinance Standard

Immediately following the session on lifeguard services, the Board of Commissioners attended a second work session to discuss the County's flood ordinance and hear an update on the new Federal Emergency Management Agency (FEMA) flood maps, effective December 21, 2018. Laurie LoCicero, Planning and Community Development Director, attended with County Planners Jennie Turner and Jason Litteral. Ms. LoCicero described requirements related to FEMA's National Flood Insurance Program (NFIP), which include adopting FEMA flood maps and enforcing local flood development regulations, and explained the combination of program participation and enforcement of local ordinances results in a reduced cost of flood insurance for the community. Responsibilities of participating communities were reviewed along with an explanation and discussion of the community rating system, base flood elevations, and flood modeling. Maps were displayed to show changes from the 2005 maps and showed a large number of properties were removed from flood hazard areas. It was also noted that rainfall was not included in the modeling, although flooding from rainfall events are becoming more frequent. Revisions to the flood damage prevention regulations in the County's Unified Development Ordinance (UDO) were reviewed. Commissioners expressed concern with the number of properties removed from the flood hazard areas and asked staff to encourage property owners to

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

continue to maintain flood insurance. Planning staff responded to questions posed by Commissioners and said the Ordinance would be brought to the Board for consideration at the November 5th meeting. The work session concluded at 5:11 PM.

6:00 PM CALL TO ORDER

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

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

Chairman Hanig called the meeting to order.

A) Invocation & Pledge of Allegiance-Pastor Frank Custer, Pentecostal Minister

Pastor Frank Custer attended to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Gilbert amended the agenda and moved New Business Item A to follow the Commissioner's Report. A Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege was added to follow the Special Meeting of the Tourism Development Authority.

Commissioner Payment moved for approval of the agenda and the motion was seconded by Commissioner White. The motion passed unanimously.

Approved agenda:

Work Session

3:30 PM Lifeguard Services

5:00 PM Flood Ordinance Standard

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Pastor Frank Custer, Pentecostal Minister

B) Approval of Agenda

Public Comment

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

Commissioner's Report**New Business-Amended**

Consideration and Action: PB 16-12 Glenmoor Ridge: Request for a two year extension of the preliminary plat/use permit for a conservation subdivision consisting of 48 residential lots located on the south side of Tulls Creek Road behind the Moyock Library.

Public Hearings

- A) Public Hearing and Action: PB 16-12 Glenmoor Ridge:**
Request for an amended preliminary plat/use permit to add two additional lots to the original 48 lot conservation subdivision located on the south side of Tulls Creek Road, Tax Map 22, Parcel 78A, Moyock Township.
- B) PB 18-21 Grout Text Amendment:** Request to amend the Unified Development Ordinance, Sections 4.4.2 and 4.4.6, to allow temporary residences during construction of new dwellings.
- C) PB 18-20 Ponderosa Enterprises Inc:** Request for Conditional rezoning of 11.6 acres from General Business (GB) and Agriculture (AG) to Conditional General Business (C- GB) for property located in Maple, adjoining Ponderosa Mobile Home Park to the north, Parcel Identification Number 0052-000-022B-0000, Crawford Township.

New Business

- A) Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Chapter 9, Article I of the Currituck County Code of Ordinances by Adding Section 9-10 Regulating Campaigning on County Property**
- B) Consent Agenda**
 - 1. Approval Of Minutes-October 1, 2018
 - 2. Budget Amendments
 - 3. Project Ordinance: 10 Acre Parcel - Corolla, NC
 - 4. Surplus Resolution and Authorization for Sergeant Wayne Penn Twiford, Jr., and Deputy Shelton Lee Price to Purchase their Service Weapons Upon Retirement

5. Petition for Road Additions-Albemarle Estates, Harbinger
6. Approve Currituck County Personnel Travel Policy for Use by ABC Board

C) County Manager's Report

Recess

Special Meeting of the Tourism Development Authority

TDA Budget

Amendments

Adjourn Special Meeting

Closed Session

Amended Item: Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the Attorney-Client Privilege regarding the matter captioned Judith Ayers v. Currituck County Department of Social Services

Adjourn

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

PUBLIC COMMENT

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

Chairman Hanig opened the Public Comment period. No one was signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman Hanig congratulated Fire and Emergency Medical Service (EMS) Deputy Chief Tim Riley and Training Officer April Elmore, recipients of the Anchors of Our Community Awards presented by the Norfolk Admirals Hockey Team, Water Department employee Linda Skinner for being designated North Carolina's A-well Operator of the Year, and Water Superintendent Yama Jones who serves as President of the Northeast Section of the North Carolina Water Works Association. He said October is Breast Cancer Awareness Month, provided statistics and asked that we keep all those affected in our thoughts.

Commissioner Hall announced the weekend's American Foundation for Suicide Prevention walk in Virginia Beach and encouraged people to provide assistance those who may be struggling.

Commissioner White encouraged citizens to take time to read the County's Focus newsletter. He discussed his attendance at the Whalehead and Village of Ocean Hill property owners meetings and said the owners appreciated having County representatives attend. He discussed a consent agenda item which contains funds for design work on a county-owned tract in Corolla. He said the parcel will contain a new Alcoholic Beverage Control (ABC) store and possibly county offices and a visitor center. He announced an upcoming tourism conference he will attend in Asheville, North Carolina.

Commissioner Beaumont said he attended the Whalehead property owner's meeting where the consistent issue of flooding on Bonito Road was discussed. As the Commissioner serving on the Albemarle Regional Planning Organization, he learned the North Carolina Department of Transportation (NCDOT) will be committing resources to improve drainage on Bonito. He encouraged leaders of property owner associations to contact Commissioners to engage in discussion.

Commissioner Etheridge reminded everyone of the County's One-stop voting schedule and announced Tuesday, November 6, is Election Day. She thanked Chairman Hanig for acknowledging Breast Cancer Awareness Month, as she is an eight-year cancer survivor.

Commissioner Gilbert noted Maple Park was full of kids playing tournaments over the weekend and hopes the Board will continue to work on providing accommodations in the area. She said the Maple Dog Park should open in a couple of weeks and announced the weekend's Moyock Womans Club Farm to Table event in front of the Historic Courthouse, part of Currituck's 350th Anniversary celebration. She said the Kansas City Barbeque Cook-off and rodeo will be held November 3 at the Currituck County Rural Center with Currituck 350th Anniversary events to begin at Noon.

Commissioner Payment said he received many calls from citizens pertaining to ditching and drainage and relayed concerns to Representative Bob Steinburg, who assured him all issues will get addressed by NCDOT. Commissioner Payment announced an upcoming lunch and learn where state Health Department officials and others will hold discussion on the Opioid Epidemic, sponsored by the Currituck Wild Goose Rotary and Currituck Chamber of Commerce.

NEW BUSINESS-AMENDED

- 1. Consideration and Action: PB 16-12 Glenmoor Ridge: Request for a two year extension of the preliminary plat/use permit for a conservation subdivision consisting of 48 residential lots located on the south side of Tulls Creek Road behind the Moyock Library.**

Planning and Community Development Director, Laurie LoCicero, reviewed the circumstances for the applicant's request for a two year preliminary plat extension.

Mark Bissell of Bissell Professional Group, Engineer, spoke on behalf of the applicant

and confirmed the request was made as they await approval of a right of way from the adjacent Currituck Reserve subdivision.

Commissioner Gilbert made a motion to grant the two-year request for extension of the preliminary plat/use permit for PB 16-12: Glenmoor Ridge. The motion was seconded by Commissioner White and passed unanimously.

September 18, 2018

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

SEP 19 2018
BY: [Signature]

Re: Glenmoor Ridge – Request for Extension of Use Permit

Dear Tammy:

The subdivision known as Glenmoor Ridge was approved under Permit No. PB 16-12 for property located on Tax Map 22, Parcel 78A, Moyock Township. This permit was issued on September 19, 2018 for a 48 lot conservation subdivision. We are requesting approval of an extension of the use permit for two years for the following good cause:

The land that will become Glenmoor Ridge is currently accessed from Tulls Creek Road by a 100' easement, known as Campus Drive, which does not provide legal access for the purpose of recording a subdivision. A condition of the approval was for the right-of-way issue to be resolved prior to submitting construction drawings for Glenmoor Ridge. The 100' easement is located on land owned by AH Currituck Reserve, which is the entity that is developing the adjacent Currituck Reserve subdivision. Campus Drive has been scheduled to be platted and dedicated to public use in connection with the Currituck Reserve subdivision, which is presently undergoing a review of its construction drawings for issuance of a Construction Authorization, which will result in the improvement of Campus Drive to the UDO standards for subdivision roads, which will then provide the required legal access to Glenmoor Ridge for the platting of that subdivision, thus satisfying the original permit condition.

The Use Permit has not expired, and the subdivider is in the process of amending the Glenmoor Ridge plan based on an agreement with AH Currituck Reserve that provides for some residual open space to go to Glenmoor with the platting of Campus Drive, which is now in process, which will provide for the construction of a community mall center that will serve both subdivisions.

Thank you for your consideration of this request. Please let me know if we need to provide any additional information in support of the extension.

Sincerely yours,
BISSELL PROFESSIONAL GROUP

[Signature]
Mark S. Bissell, P.E.

cc: Mr. Justin Old

To: Board of Commissioners

From: Planning Staff

Date: September 25, 2018

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

Subject: PB 16-12 Glenmoor Ridge, Preliminary Plat Extension

On September 19, 2016, the Board of Commissioners approved the preliminary plat/use permit for Glenmoor Ridge. This is a conservation subdivision consisting of 48 residential lots located off of Tulls Creek Road in Moyock. The preliminary plat approval was due to expire on September 19, 2018.

On September 18, 2018 the engineer, Mark Bissell - Bissell Professional Group, submitted a request for preliminary plat extension of the subdivision indicating the applicant has proceeded with the requirement to work out access issues to Campus Drive with the Currituck Reserve subdivision developers. Currituck Reserve is currently under consideration for construction drawing approval and once that plat is approved, Glenmoor Ridge will have a proper access along Campus Drive.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may grant a two year extension of the preliminary plat one time for good cause. The applicant is requesting a one year extension.

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

PUBLIC HEARINGS

A. Public Hearing and Action: PB 16-12 Glenmoor Ridge:

APPLICATION SUMMARY	
Property Owner: Allied Properties LLC 417 Caratoke Hwy Unit D Moyock NC 27958 AH Currituck Reserve LLC 222 Central Park Ave Ste 2100 Virginia Beach VA 23462	Applicant: Allied Properties, LLC 417 Caratoke Hwy Unit D Moyock, NC 27958
Case Number: PB 16-12	Application Type: Major Subdivision, Amended Preliminary Plat/Use Permit (Type II)
Parcel Identification Numbers: 0022-000078A-0000 0022-000-078E-0000	Existing Use: Undeveloped
Land Use Plan Classification: Rural Moyock Small Area Plan: Limited Service	Parcel Size (Acres): 50.67 acres (total)
Number of Units: 48 residential lots (original approval) + 2 lots = 50 total lots	Project Density: .99 unit/acre
Required Open Space: 20.27 acres (40%)	Provided Open Space: 20.4 acres

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	MOYOCK LIBRARY/RESIDENTIAL	AG AND SFM
SOUTH	FARMLAND	SFM
EAST	FARMLAND/RESIDENTIAL	AG AND SFM
WEST	UNDEVELOPED	SFM

In 2008, the Board of Commissioners approved Currituck Reserve, a 688 lot planned unit development on 471 acres at a density of 1.47 units per acre. This parcel was included in that development. The development approval for Currituck Reserve expired and the properties that were once part of the Currituck Reserve development are now proposed as three separate subdivisions (Glenmoor Ridge, Currituck Reserve, Waterleigh). On September 19, 2016 the Board of Commissioners approved a 48 lot conservation subdivision for this property by this same applicant with a density of one unit per acre.

Through a lot recombination plat with the new Currituck Reserve subdivision and a right-of-way dedication plat, this subdivision gained 2.99 acres. The developer is requesting to amend the approved preliminary plat/use permit to add 2 additional lots for a total of 50 lots.

INFRASTRUCTURE

WATER	PUBLIC
SEWER	ON-SITE SEPTIC
TRANSPORTATION	PEDESTRIAN: 5' WIDE SIDEWALKS AND PEDESTRIAN TRAILS
	STREETS: CURB AND GUTTER STREETS WILL BE DESIGNED AND CONSTRUCTED TO NCDOT STANDARDS.
STORMWATER/DRAINAGE	AN AGREEMENT BETWEEN AH CURRITUCK RESERVE AND ALLIED PROPERTIES WITH A COMBINATION OF CURB AND GUTTER, SWALES, AND STORMWATER PONDS
RECREATION AND PARK AREA DEDICATION	THE COUNTY WILL BE ACCEPTING A PAYMENT-IN-LIEU \$6,012.07 FOR THE 50 LOTS.
RIPARIAN BUFFERS	THERE ARE NO 404 JURISDICTIONAL WETLANDS ON THE PROPERTY.

Schools - Adequate Public Facilities

ACTUAL CAPACITY – JANUARY 2018		STUDENTS GENERATED BY THIS DEVELOPMENT
MOYOCK ELEMENTARY SHAWBORO ELEMENTARY CENTRAL ELEMENTARY	83%	ELEMENTARY: 12.5 MIDDLE: 4 HIGH: 7
GRIGGS ELEMENTARY JARVISBURG ELEMENTARY	64%	
KNOTTS ISLAND ELEMENTARY	30%	
MOYOCK MIDDLE CURRITUCK MIDDLE	78%	
CURRITUCK HIGH JP KNAPP EARLY COLLEGE	80%	

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE AMENDED USE PERMIT AND APPROVAL OF THE AMENDED PRELIMINARY PLAT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
 - a. The recombination plat with AH Currituck Reserve property and the right-of way dedication plat must be recorded prior to subdivision approval. (Planning)
 - b. Remove "wetlands" from the Parkland/Recreation fee-in-lieu statement. (Planning)
 - c. Plat corrections: correct corner lot setback to corner side setback; remove one of the review officer certificates. (Planning)
 - d. That a meeting take place between the County Engineer and the engineers, stormwater designers, and applicants of Glenmoor Ridge, Currituck Reserve, and Waterleigh subdivisions to discuss the drainage system being shared between the three subdivisions prior to plat approval. (Engineering)
 - e. Consider recreational improvements around the pond. (Parks and Recreation)
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The recombination plat with AH Currituck Reserve property and the right-of way dedication plat must be recorded prior to subdivision approval. (Planning)
 - b. Remove "wetlands" from the Parkland/Recreation fee-in-lieu statement. (Planning)
 - c. Plat corrections: correct corner lot setback to corner side setback; remove one of the review officer certificates. (Planning)
 - d. That a meeting take place between the County Engineer and the engineers, stormwater designers, and applicants of Glenmoor Ridge, Currituck Reserve, and Waterleigh subdivisions to discuss the drainage system being shared between the three subdivisions prior to plat approval. (Engineering)

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. THE USE WILL ADHERE TO COUNTY HEALTH AND SAFETY STANDARDS, INCLUDING RECOMMENDATIONS MADE BY ALBEMARLE REGIONAL HEALTH SERVICES. THE PROJECT SHOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY.

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

PRELIMINARY APPLICANT FINDINGS:

1. LAND TO THE EAST HAS BEEN DEVELOPED INTO SINGLE FAMILY HOMES; THE LAND TO THE WEST HAS ALREADY BEEN PROPOSED AS A CONSERVATION SUBDIVISION; THIS TRACT WILL BE DEVELOPED SIMILARLY; OVER 40% OF THE LAND WILL BE PRESERVED AS OPEN SPACE. THE USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING LANDS, AND WILL BE IN HARMONY WITH THE SURROUNDING AREA.

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

PRELIMINARY STAFF FINDINGS:

1. THE LAND USE PLAN CLASSIFIES THIS AREA AS RURAL WITH DENSITIES ALLOWED AT NO MORE THAN ONE UNIT PER THREE ACRES. HOWEVER, THE MORE SPECIFIC MOYOCK SMALL AREA PLAN CLASSIFIES THIS AREA AS LIMITED SERVICE WITH ALLOWABLE DENSITIES OF 1 TO 1.5 UNITS PER ACRE. THE .99 UNITS PER ACRE DENSITY PROPOSED IS CONSISTENT WITH THE MOYOCK SMALL AREA PLAN. SOME OF THE PLAN POLICIES BEING MET INCLUDE:

POLICY FLU1: PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY.

POLICY CC1: ENCOURAGE AND FOSTER DEVELOPMENT THAT IS COMPATIBLE WITH RURAL ATMOSPHERE, TRANSITIONAL AREAS, AND A SMALL TOWN, MAIN STREET FEEL CONSISTENT WITH THE VISION, POLICIES, AND FUTURE LAND USE MAP OF THIS PLAN.

POLICY IS1: THE COSTS OF INFRASTRUCTURE, FACILITIES, AND SERVICES RELATED TO NEW GROWTH AND DEVELOPMENT SHOULD BE BORNE PRIMARILY BY THOS CREATING THE DEMAND.

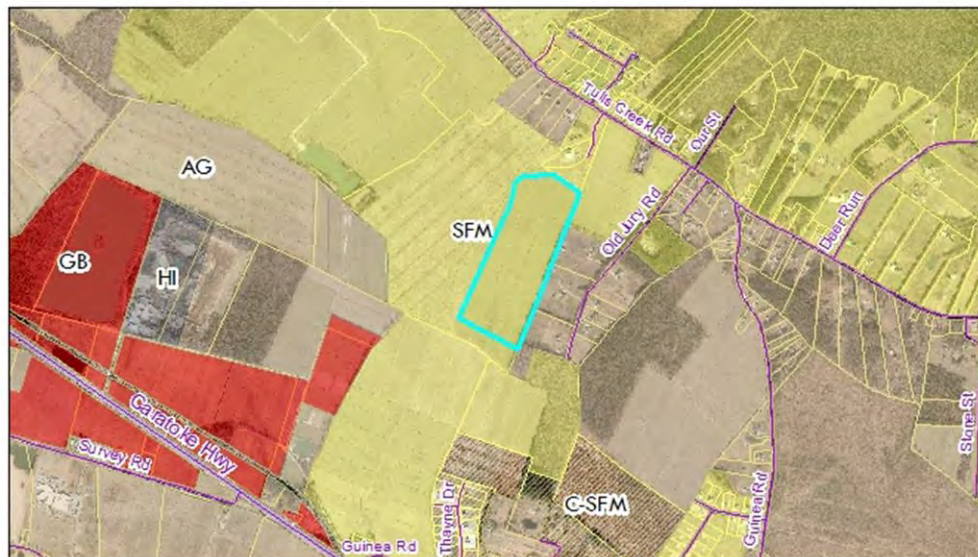
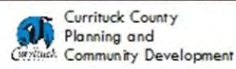
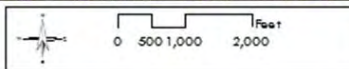
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY STAFF FINDINGS:

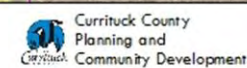
1. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED SUBDIVISION.

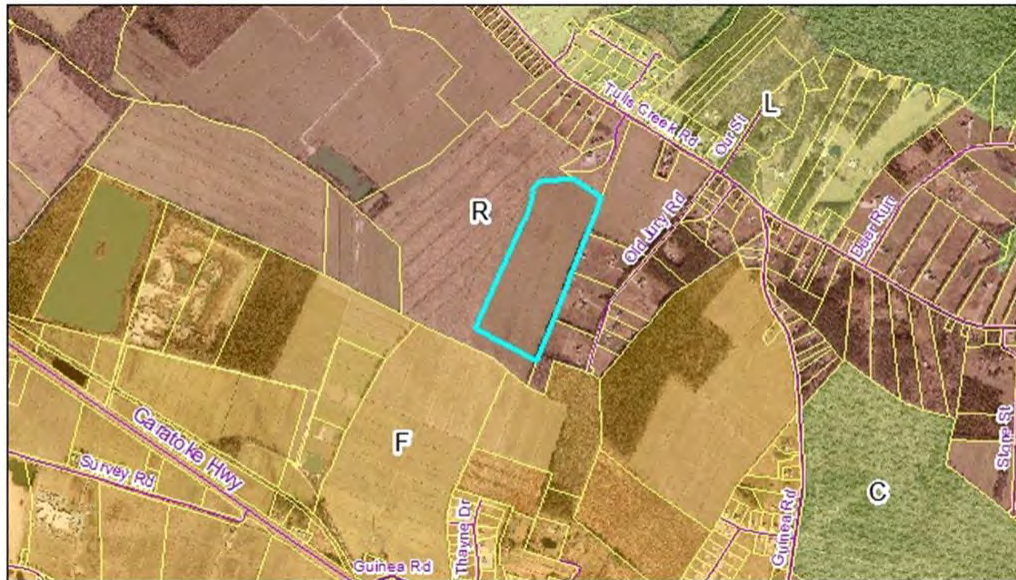


PB 16-12 Glenmoor Ridge
Amended Preliminary Plat/Use Permit
2016 Aerial Photography

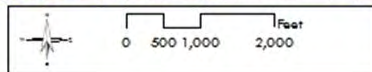


PB 16-12 Glenmoor Ridge
Amended Preliminary Plat/Use Permit
Zoning

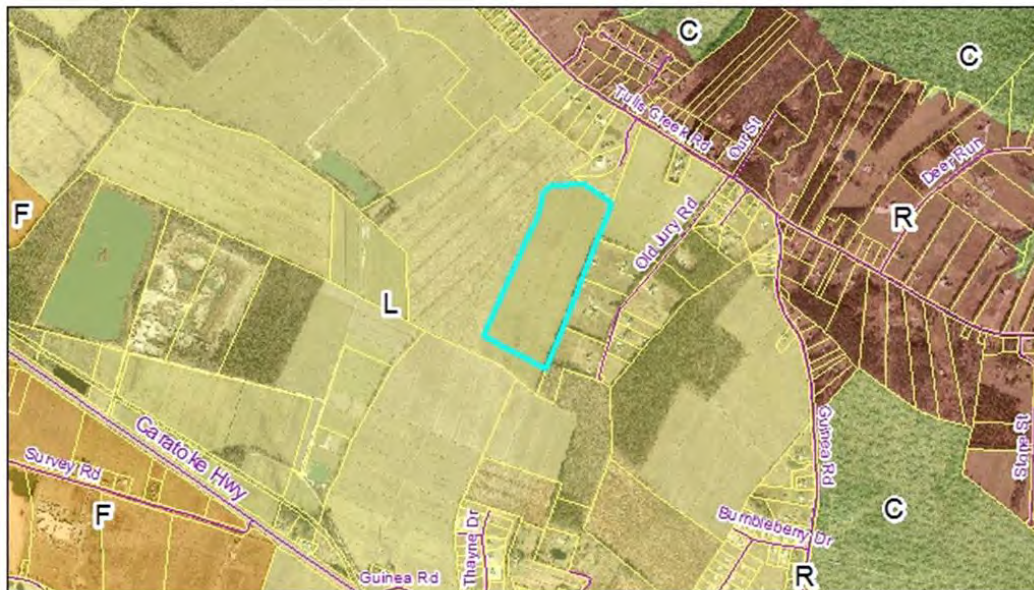




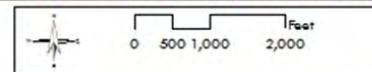
PB 16-12 Glenmoor Ridge
Amended Preliminary Plat/Use Permit
2006 LUP Classification



Currituck County
Planning and
Community Development



PB 16-12 Glenmoor Ridge
Amended Preliminary Plat/Use Permit
Moyock SAP Classification



Currituck County
Planning and
Community Development

Parties were sworn and Laurie LoCicero, Planning and Community Development Director, reviewed the application for an amended plat with the Board of Commissioners, a request that would add two lots to the subdivision. She said the Technical Review Committee (TRC) supported approval of the request, and Ms. LoCicero presented the supportive findings of fact for which staff is responsible. Ms. LoCicero responded to questions posed by Commissioners and highlighted the location and reconfiguration of lots from the original plat.

Sworn testimony on behalf of the applicant was provided by Engineer Mark Bissell of Bissell Professional Group, who presented information to support approval of the project. He reviewed the stormwater management plan, noted pond locations and how

they would work in conjunction with neighboring Currituck Reserve subdivision. Mr. Bissell also highlighted the location of cluster mailboxes that would serve both Glenmoor Ridge and Currituck Reserve and inclusion of a turning lane to enhance traffic safety.

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

Commissioner Gilbert moved to approve PB 16-12, Glenmoor Ridge, for the amended preliminary plat/use permit to add two additional lots with the facts and findings that were presented in addition to the stormwater plan that is in conjunction with the adjoining properties that have been vetted through the Planning Department. The use will not endanger the public health or safety: the use will adhere to county health and safety standards, including recommendations made by Albemarle Regional Health Services. The project should not adversely affect the public health or safety. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located: Land to the east has been developed into single-family homes; the land to the west has already been proposed as a conservation subdivision; this tract will be developed similarly; over 40% of the land will be preserved as open space. The use will not injure the value of adjoining or abutting lands and will be in harmony with the surrounding area. The use will be in conformity with the Land Use Plan or other officially adopted plans: The Land Use Plan classifies this area as Rural with densities allowed at no more than one unit per three acres. However, the more specific Moyock Small Area Plan classifies this area as Limited Service with allowable densities of 1 to 1.5 units per acre. The .99 units per acre density proposed is consistent with the Moyock Small Area Plan. Some of the plan policies being met include Policy FLU1, Policy CC1, Policy IS1. The use will not exceed the county's ability to provide adequate public facilities: Currituck County has adequate public facilities to serve the proposed subdivision.

Commissioner Gilbert confirmed the conditions listed in the staff report are to be included in the motion. The motion was seconded by Commissioner Etheridge and passed unanimously.

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

B. PB 18-21 Grout Text Amendment:

Planning and Community Development Director, Laurie LoCicero, reviewed the text amendment for Commissioners which, if approved, would allow the use of campers as temporary residences in conjunction with new construction. Ms. LoCicero, after review, said the Planning Board recommended approval with consideration given on a case by case with a use permit. Staff does not recommend approval of the text amendment.

Applicant and Carova Beach resident, Steve Grout, disagreed with the staff assessment and provided comments to support approval of the text amendment. He talked about storm safety, the sheltered location of the lot he is building on, and difficulty with finding rental property. He said he would be willing to apply for a use permit and believes it is fair to allow the use of campers for new construction, as is allowed for repair of damaged homes. Commissioner Gilbert discussed the fact that the Board decision would affect the entire county, and several Commissioners relayed their experiences during construction of their own homes. Enforcement and compliance were discussed, and Mr. Grout said he is before the Board because he wants to follow the rules and do things the right way. Ms. LoCicero reviewed eight conditions recommended by staff for approval of the text amendment. Mr. Grout responded to specific questions posed by Commissioners regarding his current residence in Carova and purpose for the request.

Chairman Hanig opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

Commissioner White moved to deny PB 18-21 because it is not consistent with Land Use Plan, specifically Goal 7, to exercise caution, foresight and common sense in dealing with the risks of coastal development. And, the request is not reasonable and not in the public interest because use of a temporary residence during new construction is not a necessary use as evidenced by the lack of permits issued over the last eight year period. Temporary residences are not as safe as permanent dwellings and by continuing to limit the number of allowable temporary residences the county will exercise caution by reducing the number of dwellings subject to higher risk. Additionally, the proposed text amendment does not result in a logical and orderly development pattern as the permanent use dwelling should be established prior to the temporary use, or temporary residence.

The motion was seconded by Commissioner Gilbert and the motion passed with a vote of 5-2. Commissioners Beaumont and Hall voted against the motion.

To: Board of Commissioners

From: Planning Staff

Date: October 15, 2018

Subject: PB 18-21 Stephen and Rachael Grout, Text Amendment, Temporary Residence for New Construction

The enclosed text amendment submitted by Stephen and Rachael Grout revises Chapter 4 of the Unified Development Ordinance as it pertains to temporary uses for New Construction. The UDO distinguishes temporary uses permitted for "New Construction" and "Expansion or Replacement of Existing Facilities". The use of a **temporary residence** is not an allowed temporary use for new construction. For instance, a property owner cannot live in camper while building a new house on the same lot; however, a property owner may live in a camper while rebuilding a damaged home on the same lot. This text amendment proposes to allow temporary residences for new construction subject to the conditions already in place for temporary residences for expansion or replacement of existing facilities.

Background

The provision that allowed temporary residences for new construction was removed when the County rewrote and adopted the UDO effective January 1, 2013.

Prior to the 2013 UDO update, temporary residences were allowed for new construction:

3.2.7 Temporary Emergency, Construction or Repair Residences

- A. Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.
- B. Permits for temporary residences to be occupied by persons intending to live in such permanent residence pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the administrator may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.
- C. Temporary emergency, construction, or repair residences shall consist of campers, travel trailers, recreational vehicles and Class "B" mobile homes.

Staff reviewed permits issued for temporary residences from 2005 through the end of August 2018. Six permits were issued: one for use of a temporary residence for new construction (2010), four for use during repair of fire damaged structures and one for use while raising a flood prone structure.

Benchmarking

Staff reviewed other coastal North Carolina communities' ordinances to determine common practice related to the use of a temporary residence during construction of a new dwelling. Dare, Pasquotank, Perquimans, Brunswick, Pender and New Hanover Counties prohibit the use for new construction. Camden County allows the use for a six month period which may be extended up to three months. Carteret County allows the use for a nine month period with no extensions. Chowan County allows the use for one year and the permit may be renewed for another year.

Land Use Plan Consistency

The UDO requires that the Board of Commissioners adopt a statement of consistency and reasonableness that describes whether the decision on the amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest.

The request is inconsistent with the following Land Use and Development Goal of the 2006 Land Use Plan:

- 7. To exercise caution, foresight, and common sense in dealing with the risks of coastal development.

Temporary residences are not as safe as permanent dwellings and by continuing to limit the number of allowable temporary residences, the county will exercise caution by reducing the number of dwellings subject to a higher risk.

The use of a temporary residence for new construction is not a necessary use. It is reasonable and in the public interest to allow a temporary residence in the case of an established dwelling where occupants are temporarily displaced (ex: dwelling sustained damage or construction or additions that render an existing dwelling uninhabitable). It is not reasonable and in the public interest to allow use of a temporary residence when it is not necessary. The County should continue to allow temporary residences only when absolutely necessary. With the current and projected increase of building

permits, there is greater potential to result in more temporary residence permits for new construction. Additionally, the request is not in the public interest as evidenced by the lack of permits issued over an 8 year period for this particular use.

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;
 - a. *The proposed text amendment is in conflict with Goal 7 of the Land Use Plan.*
- (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;
 - a. *The proposed text amendment does not address a demonstrated community need as evidenced by the issuance of one permit over an 8 year period.*
- (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;
 - a. *The proposed text amendment does not improve compatibility among uses.*
- (6) Would result in a logical and orderly development pattern; and
 - a. *The proposed text amendment does not result in a logical and orderly development pattern as the permanent use (dwelling) should be established prior to the temporary use (temporary residence).*
- (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 denial of this text amendment due to its inconsistency with the Land Use Plan and because the use is not reasonable and in the public interest.

If the Planning Board recommends adoption of the text amendment, staff requests that consideration be given to the following:

Temporary residences for new construction shall:

1. Be limited to a six month period during construction of a dwelling unit on the same lot.
2. Allow that one additional period not to exceed three months may be approved if it is determined by the Planning Director that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the new construction.
3. Obtain a building permit for the principal dwelling unit prior to issuance of a temporary use permit.
4. Obtain all building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary residence prior to issuance of a temporary use permit.
5. Not use a generator to provide power.
6. Be removed from the lot or disconnected from water supply, waste discharge system and electrical supply within 30 days of issuance of the certificate of occupancy or upon expiration of the temporary use permit, whichever occurs first.
7. Be limited to AG, SFM, and SFI zoning districts.
8. Not be permitted in SFO (Single Family Residential - Outer Banks), Commercial or Industrial zoning districts
- 9.

***Carefully consider whether the use should be permitted in the SFR (Single Family Residential - Outer Banks Remote) zoning district. Parking of major recreational equipment is not permitted in the SFR zoning district. ***

Planning Board Recommendation 10/9/2018: Approval (Unanimous) with a condition of a required Use Permit and with modified staff recommendation conditions listed in the motion

Motion:

Mr. Ballance motioned to approve PB 18-21 Grout Text Amendment to allow temporary residences on lots with ongoing construction of a new dwelling with the condition of a required Use Permit (approved by the Board of Commissioners) and with conditions below:

Temporary residences for new construction shall:

1. Be limited to a six month period during construction of a dwelling unit on the same lot.
2. Allow that one additional period not to exceed three months may be approved if it is determined by the Planning Director that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the new construction.
3. Obtain a building permit for the principal dwelling unit prior to issuance of a temporary use permit.
4. Obtain all building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary residence prior to issuance of a temporary use permit.
5. Not use a generator to provide power.
6. Be removed from the lot or disconnected from water supply, waste discharge system and electrical supply within 30 days of issuance of the certificate of occupancy or upon expiration of the temporary use permit, whichever occurs first.
7. Be allowed in all zoning districts that allow single family dwellings.
8. Not be permitted in LI or HI zoning districts.

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

RESULT:	DENIAL [5 TO 2]
MOVER:	Bob White, Commissioner
SECONDER:	Marion Gilbert, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Bob White, Commissioner
NAYS:	Paul M. Beaumont, Commissioner, Mike D. Hall, Commissioner

C. PB 18-20 Ponderosa Enterprises Inc: Request for Conditional rezoning of 11.6 acres from General Business (GB) and Agriculture (AG) to Conditional General Business (C-GB) for property located in Maple, adjoining Ponderosa Mobile Home Park to the north, Parcel Identification Number 0052-000-022B-0000, Crawford Township.

APPLICATION SUMMARY	
Property Owner: Ponderosa Enterprises Inc 613 Shortcut Road Barco NC 27917	Applicant: Ponderosa Enterprises Inc 613 Shortcut Road Barco NC 27917
Case Number: PB 18-20	Application Type: Conditional Rezoning
Parcel Identification Number: 0052000022B0000	Existing Use: Agricultural
Land Use Plan Classification: Full Service	Parcel Size (Acres): 11.6

APPLICATION SUMMARY	
Maple/Barco Small Area Plan Classification: Employment	Airport Compatibility Use Zone: 1, 2, and 3
Zoning History: A-40 (1974); A (1989)	
Current Zoning: GB and AG with Airport Overlay District (AO)	Proposed Zoning: C - GB

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	AIRPORT/MAPLE CAMPUS	HI/GB
SOUTH	WOODLAND/CULTIVATED FARMLAND	HI
EAST	MOBILE HOME PARK/SELF-STORAGE	GB
WEST	CULTIVATED FARMLAND/WOODLAND	HI

REQUEST

The property owner is requesting a conditional rezoning from AG (Agricultural) to C-GB (Conditional-General Business). At this time, there is not a specific user for the property. According to the applicant, the proposed uses include “only uses compatible with GB zoning, office, commercial, personal services, institutional, etc. Uses that provide Employment opportunities for county residential and goods and services to county residents and visitors.” The owner proposes the following zoning conditions:

- The property will not be used for ministorage.
- A Type A landscape buffer will be provided between the two GB uses.

A community meeting was held at Ponderosa Enterprises, Inc. on July 23, 2017 with no one in attendance.

The conceptual plan for the property includes a fuel and convenience store and four multipurpose buildings (office, mixed use residential/commercial, and commercial). The buildings range in size from approximately 7,000 sf to 10,000 sf. The plan indicates green spaces and a sidewalk connecting the buildings. There is one entrance to the development off of Shortcut Road.

The applicant previously submitted a straight rezoning from AG to GB for the property, but withdrew that application and submitted this conditional rezoning from AG to C-GB request.

UDO

The applicant owns a neighboring 30 acre tract zoned GB and contains Ponderosa Mobile Home Park. On the north side of Shortcut Road is the county airport and community center in Maple. The airport is zoned HI and the community center is zoned GB.

The area of the request is also located within the Airport Overlay District (AO) and Compatibility Use Zones 1, 2, and 3.

- Compatible Use Zone 1 limits uses to single-family detached dwellings, aviation related uses, nonresidential uses that do not exceed an occupancy of ten people per acre, or conservation.
- Compatible Use Zone 2 limits uses to single-family detached dwellings, agricultural, agriculture support and services uses, nonresidential uses that do not exceed an occupancy of 40 people per acre, or conservation.
- Compatible Use Zone 3 limits uses to those permitted in the base zoning district.

The ability to increase residential density within the GB zoning district is limited by Airport Overlay District (AO) that will remain on the property.

2006 Land Use Plan

The proposed rezoning to C-GB appears to be consistent with the Full Service designation identified in the 2006 LUP. The listed uses include retail (fuel and convenience), mixed use retail/commercial, and multipurpose business spaces. With agreed upon assurances applied through the conditional zoning district demonstrating general land uses, architectural design, and site features, it is possible to determine consistency with the policies identified in the plans approved by the county such as the Land Use Plan. The proposed architectural renderings are compatible with the county complex across Shortcut Road.

The Maple-Barco Small Area Plan

The Future Land Use Map identifies the property as Employment, which anticipates land uses that will generate economic activity or job growth. The proposed rezoning to C-GB appears to be consistent with the Employment land use designation. The MBSAP suggests areas should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential. The proposed development plan and site design are consistent with the desired density, character of growth, and level of services appropriate for the study area.

TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE CONDITIONAL REZONING.

ADOPTED PLANS

THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE BARCO-COINJOCK-AIRPORT SUBAREA. THE POLICY EMPHASIS FOR THE BARCO-COINJOCK-AIRPORT SUBAREA IS FOR THE AREA TO EMERGE AS THE PRINCIPLE COMMUNITY CENTER SERVING THE CENTRAL AREAS OF THE MAINLAND. THE PROPOSED PLAN IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS SHALL BE ENCOURAGED. APPROPRIATELY DESIGNED, SMALL-SCALE BUSINESS SHOULD LOCATE NEAR NEIGHBORHOOD SERVING FACILITIES SUCH AS SCHOOLS AND PARKS.
POLICY CD2	COMMERCIAL OR MIXED USE CENTERS SHOULD BE CLUSTERED TO PREVENT STRIP DEVELOPMENT AND MINIMIZE TRAFFIC GENERATION.
POLICY CD4	HIGHWAY ORIENTED COMMERCIAL USES SHOULD BE CLUSTERED ALONG THE HIGHWAY TO MINIMIZE SIGNAGE, ACCESS POINTS, AND PREVENT STRIP DEVELOPMENT.
POLICY CD9	BUSINESSES MUST COORDINATE THEIR SITE DESIGN WITH OTHER NEARBY USES.
POLICY ED1	NEW AND EXPANDING BUSINESS ARE ENCOURAGED THAT DIVERSIFY THE LOCAL ECONOMY, TRAIN AND USE A MORE HIGHLY SKILLED LABOR FORCE, AND ARE COMPATIBLE WITH THE ENVIRONMENTAL QUALITY AND NATURAL AMENITY-BASED ECONOMY OF CURRITUCK COUNTY.

THE MAPLE-BARCO SMALL AREA PLAN CLASSIFIES THIS SITE AS EMPLOYMENT. THE PLAN STATES THAT THE AREA SHOULD BE DEVELOPED IN MIXED USE OR CAMPUS LIKE SETTING WITH GENEROUS, LINKED OPEN SPACE TO MAXIMIZE VALUE, PROMOTE VISUAL QUALITY, AND ENCOURAGE PEDESTRIAN ACTIVITY BETWEEN EMPLOYMENT AREAS AND AREAS OF SUPPORTING USES SUCH AS RETAIL, RESTAURANTS, AND RESIDENTIAL. THE PROPOSED PLAN IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY LU4	ENCOURAGE AND ALLOW SMALL, LOCALLY OWNED BUSINESSES TO LOCATE IN THE AREA.
POLICY LU9	THE DENSITY, CHARACTER OF GROWN, AND LEVEL OF SERVICE MUST BE APPROPRIATE FOR THE STUDY AREA.
POLICY TR4	INFRASTRUCTURE MUST BE INTEGRATED INTO NEW DEVELOPMENTS THAT PROMOTE MULTIMODAL TRANSPORTATION, INTERCONNECTING EMPLOYMENT CENTERS, BUSINESS, AND NEIGHBORHOODS.

THE CONNECT CURRITUCK PEDESTRIAN MASTER PLAN CALLS FOR A MULTI-MODAL SIDE-PATH/TRAIL ALONG SHORTCUT ROAD. NCDOT'S ROAD WIDENING PROJECT PLACES THE MULTI-MODAL SIDE-PATH/TRAIL ON NORTHERN SIDE OF SHORTCUT ROAD, OPPOSITE THIS PROJECT.

THIS CONDITIONAL ZONING REQUEST IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE LAND USE PLAN AND MAPLE-BARCO SMALL AREA PLAN AND IS COMPATIBLE WITH EXISTING AND PROPOSED USES SURROUNDING THE LAND SUBJECT TO THE APPLICATION, AND IT IS AN APPROPRIATE ZONING DISTRICT AND USE FOR THE LAND.

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

CONDITIONS OF APPROVAL

ONLY CONDITIONS MUTUALLY AGREED TO BY THE OWNER MAY BE APPROVED AS PART OF A CONDITIONAL ZONING DISTRICT. CONDITIONS SHALL BE LIMITED TO THOSE THAT ADDRESS CONFORMANCE OF DEVELOPMENT AND USE OF THE SITE WITH COUNTY REGULATIONS AND ADOPTED PLANS AND THAT ADDRESS THE IMPACTS REASONABLY EXPECTED TO BE GENERATED BY THE DEVELOPMENT OR USE. NO CONDITION SHALL BE LESS RESTRICTIVE THAN THE STANDARDS OF THE PARALLEL GENERAL USE ZONING DISTRICT.

Agreed upon conditions of approval:

1. THE PROPERTY WILL NOT BE USED FOR MINISTORAGE.
2. A TYPE A LANDSCAPE BUFFER WILL BE PROVIDED BETWEEN THE TWO GB USES.

Suggested conditions of approval that must be agreed to by the owner:

1. BUILDING ARCHITECTURE AND DESIGN FEATURES SHALL BE CONSISTENT WITH THE PHOTOGRAPHS SUBMITTED WITH THE APPLICATION TO PROVIDE CONSISTENCY AND COMPATIBILITY WITH THE NEARBY COUNTY COMPLEX. (SEE ATTACHED)
2. RESIDENTIAL USES SHALL ONLY BE ALLOWED THROUGH A MIXED USE BUILDING TO LIMIT THE DENSITY ALLOWED IN THE AIRPORT APPROACH ZONE TO AN APPROPRIATE LEVEL.
3. PLACE THE FUELING STATION/CANOPY TO THE SIDE AND/OR REAR OF THE FUEL AND CONVENIENCE CENTER BUILDING AND MOVE THE BUILDING CLOSER TO SHORTCUT ROAD. THIS BUILDING FRONT WILL BE THE MOST VISIBLE IN THE COMPLEX AND SHOULD SET THE ARCHITECTURAL TONE AND CAMPUS LIKE SETTING OF THE PROPOSED DEVELOPMENT ALONG SHORTCUT ROAD, A MAJOR ARTERIAL STREET.
4. PROVIDE A CENTRAL COURTYARD WITH PEDESTRIAN FEATURES (I.E. BENCHES, WATER FEATURE) WITH BUILDINGS ORIENTED INWARD TOWARDS THE CENTRAL COURTYARD TO MIMIC THE CAMPUS LIKE FEEL AND PEDESTRIAN ACTIVITY BETWEEN EMPLOYMENT AREAS AND THE OTHER USES AS REQUIRED BY THE MAPLE BARCO SMALL AREA PLAN.
5. PROVIDE A HANDICAP ACCESSIBLE PEDESTRIAN CONNECTION TO THE MOBILE HOME PARK TO ENCOURAGE PEDESTRIAN ACTIVITY BETWEEN THE USES.
6. PROVIDE A MINIMUM AND MAXIMUM BUILDING SQUARE FOOTAGE TO ENSURE COMPATIBILITY WITH THE AREA.
7. IMPOSE THE SUGGESTED TWO STORY LIMIT ON ALL BUILDINGS BECAUSE OF THE PROJECT'S LOCATION IN THE AIRPORT APPROACH ZONE.

PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval of this request subject to the consistency statement and the following conditions:

Agreed upon conditions of approval:

1. THE PROPERTY WILL NOT BE USED FOR MINISTORAGE.
2. A TYPE A LANDSCAPE BUFFER WILL BE PROVIDED BETWEEN THE TWO GB USES.

Suggested conditions of approval that must be agreed to by the owner:

3. BUILDING ARCHITECTURE AND DESIGN FEATURES SHALL BE CONSISTENT WITH THE PHOTOGRAPHS SUBMITTED WITH THE APPLICATION TO PROVIDE CONSISTENCY AND COMPATIBILITY WITH THE NEARBY COUNTY COMPLEX. (SEE ATTACHED)
4. RESIDENTIAL USES SHALL ONLY BE ALLOWED THROUGH A MIXED USE BUILDING TO LIMIT THE DENSITY ALLOWED IN THE AIRPORT APPROACH ZONE TO AN APPROPRIATE LEVEL.
5. PLACE THE FUELING STATION/CANOPY TO THE SIDE AND/OR REAR OF THE FUEL AND CONVENIENCE CENTER BUILDING AND MOVE THE BUILDING CLOSER TO SHORTCUT ROAD. THIS BUILDING FRONT WILL BE THE MOST VISIBLE IN THE COMPLEX AND SHOULD SET THE ARCHITECTURAL TONE AND CAMPUS LIKE SETTING OF THE PROPOSED DEVELOPMENT ALONG SHORTCUT ROAD, A MAJOR ARTERIAL STREET.

6. PROVIDE A CENTRAL COURTYARD WITH PEDESTRIAN FEATURES (I.E. BENCHES, WATER FEATURE) WITH BUILDINGS ORIENTED INWARD TOWARDS THE CENTRAL COURTYARD TO MIMIC THE CAMPUS LIKE FEEL AND PEDESTRIAN ACTIVITY BETWEEN EMPLOYMENT AREAS AND THE OTHER USES AS REQUIRED BY THE MAPLE BARCO SMALL AREA PLAN.
7. PROVIDE A HANDICAP ACCESSIBLE PEDESTRIAN CONNECTION TO THE MOBILE HOME PARK TO ENCOURAGE PEDESTRIAN ACTIVITY BETWEEN THE USES.
8. PROVIDE A MINIMUM AND MAXIMUM BUILDING SQUARE FOOTAGE TO ENSURE COMPATIBILITY WITH THE AREA.
9. IMPOSE THE SUGGESTED TWO STORY LIMIT ON ALL BUILDINGS BECAUSE OF THE PROJECT'S LOCATION IN THE AIRPORT APPROACH ZONE.

Planning Board Discussion 10/9/2018

Tammy Glave, Senior Planner, presented the staff report and showed the proposed plans, current zoning map, explaining the proposed changes. Ms. Glave also showed examples of design features for the building's architectural design elements. The canopy for the gas station will be to the side and facing to the back of the building. Also a sidewalk will be made from the mobile home park to the building. The owner will not use the property for ministorage and a Type A landscape buffer will be provided between the two General Business uses (the proposed building and the existing mobile home park). Staff recommends approval of the conditional rezoning since it is consistent with the Full Service Plan of the 2006 Land Use Plan and the Maple/Barco Small Area Plan. The Technical Review Committee recommends approval with the suggested conditions listed in the staff report.

Board discussion was held over item #6 in the suggested conditions and what the minimum and maximum building square footage would be.

Chairman Whiteman asked for a motion.

Mr. Craddock motioned to approve PB 18-20 Ponderosa Enterprises Inc. requested Conditional Rezoning since it is consistent with the adopted plans of the Land Use Plan policies CD1, CD2, CD4, CD9, ED1 and the Maple-Barco Small Area Plan policies LU4, LU9 and TR4. This conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and is compatible with existing and proposed uses surrounding the land subject to the application, and it is an appropriate zoning district and use for the land. The conditions of approval shall be:

1. The property will not be used for ministorage.
2. A Type A landscape buffer will be provided between the two GB uses.

And also conditions:

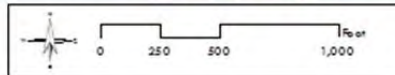
1. Building architecture and design features shall be consistent with the photographs submitted with the application to provide consistency and compatibility with the nearby county complex. (See Attached)
2. Residential uses shall only be allowed through a mixed use building to limit the density allowed in the airport approach zone to an appropriate level.
3. Place the fueling station/canopy to the side and/or rear of the fuel and convenience center building and move the building closer to Shortcut Road. This building front will be the most visible in the complex and should set the architectural tone and campus like setting of the proposed development along Shortcut Road, a major arterial street.
4. Provide a central courtyard with pedestrian features (i.e. benches, water feature) with buildings oriented inward towards the central courtyard to mimic the campus like feel and pedestrian activity between employment areas and the other uses as required by the Maple Barco Small Area Plan.
5. Provide a handicap accessible pedestrian connection to the mobile home park to encourage pedestrian activity between the uses.
6. Provide a minimum and maximum building square footage to ensure compatibility with the area.

7. Impose the suggested two story limit on all buildings because of the project's location in the airport approach zone.

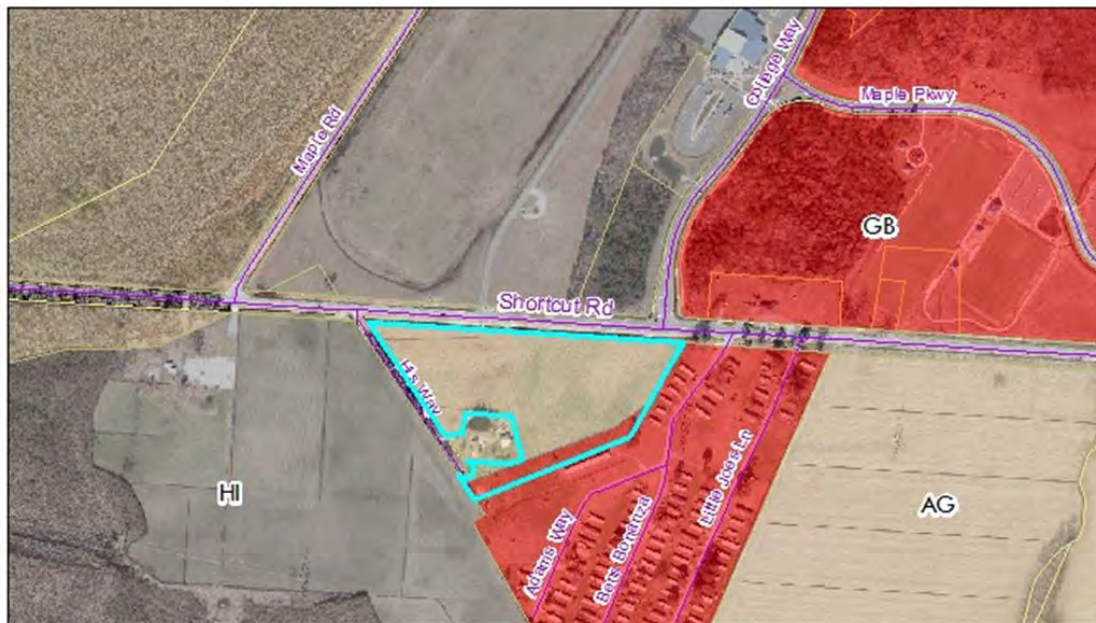
Mr. Thomas seconded the motion and the motion carried unanimously.



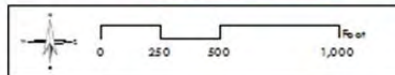
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
2016 Aerial Photography



Currituck County
Planning and
Community Development



PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
Zoning

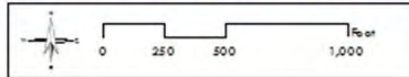


Currituck County
Planning and
Community Development

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)



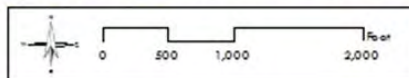
PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
LUP Classification



Currituck County
Planning and
Community Development

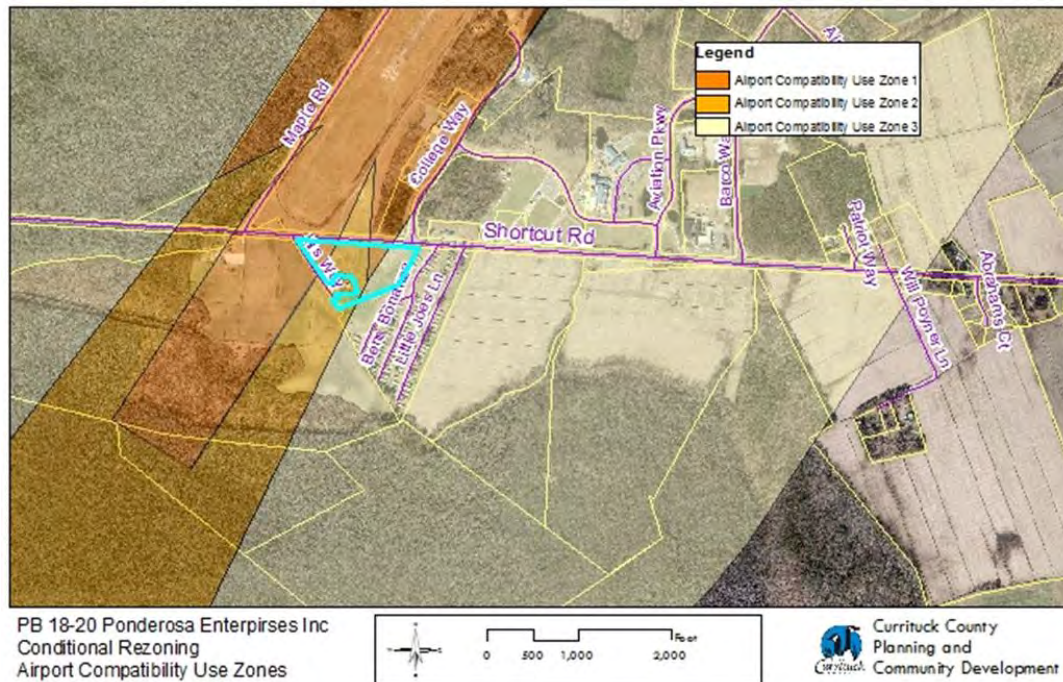


PB 18-20 Ponderosa Enterprises Inc
Conditional Rezoning
Maple-Barco SAP Classification



Currituck County
Planning and
Community Development

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)



Planning and Community Development Director, Laurie LoCicero, reviewed the conditional rezoning request with the Board of Commissioners and noted the Technical Review Committee (TRC) and Planning Board recommended approval subject to conditions, which were presented to Commissioners. The Board expressed concern with the proposed gas station being in such close proximity to the county airport. Ms. LoCicero responded to questions relative to the airport overlay zone as well as the commercial and residential included in the conceptual design plan. Ms. LoCicero reviewed some possible commercial uses and said prohibited uses could be designated more clearly if the Board desired. Chairman Hanig suggested taking time to designate the allowable commercial uses at the location. Commissioner Beaumont requested a visual so the Board could see the airport overlay over top of the site design.

Eddie Hyman of Timmons Group, and Applicant, David Sawyer, were present to speak in support of the request. Mr. Hyman reviewed the conceptual design and said the airport and the overlay zone were taken into account during design. He said the rezoning request is to improve the marketability of the land and that a buyer would need Board approval to move forward with any type of construction. During discussion, County Attorney, Ike McRee, said the language is very broad in the application as it relates to commercial uses, and with the concerns expressed by the Board, Mr. McRee suggested the General Business zone uses be delineated. Applicant, David Sawyer, said they want to be good stewards and provide something that will be an asset to the county. He provided a history of the project and recalled initial discussions with the Planning Board last year. Mr. Sawyer said he wants to use the property at its highest and best use.

Commissioners continued to express concern over the potential commercial uses and the close proximity of the gas station to the airport runway and Mr. Hyman agreed to compile a list of permissible uses for the commercial units.

There was no further discussion and Chairman Hanig opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Hall made a motion to continue the item to the November 5, 2018 Board of Commissioners meeting to allow time for applicants to speak with county staff and come back to the Board with some options. Commissioner Payment seconded the motion and the motion passed unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 11/5/2018 6:00 PM
MOVER:	Mike D. Hall, Commissioner	
SECONDER:	Mike H. Payment, Vice Chairman	
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner	

NEW BUSINESS

A. Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Chapter 9, Article I of the Currituck County Code of Ordinances by Adding Section 9-10 Regulating Campaigning on County Property

County Attorney, Ike McRee, reviewed the Ordinance with the Board of Commissioners. He explained the Ordinance would give affect to a Resolution adopted by the Currituck County Board of Elections regarding One-stop voting for the purpose of protecting the rights of voters and campaigners and to allow reasonable ingress and egress for early voting.

Mr. McRee responded to Board questions. Commissioner Hall discussed the restrictions on the size of signs and the location designated for campaigning during early voting. Commissioner Etheridge said the Ordinance will not affect early voting if it doesn't pass at this meeting and that it can be revised later. Commissioner Etheridge moved to amend Chapter 9, Article I, of the Currituck County Code of Ordinances by adding Section 9-10 regarding campaigning on County property. The motion was seconded by Commissioner Payment. The Board voted 6-1, with Commissioner Hall voting against approval. Mr. McRee said the vote was not unanimous and the ordinance would need to be brought for a second reading at the next Board meeting.

Commissioner Hall moved to reconsider the last vote. The motion was seconded by Commissioner Etheridge. The motion to reconsider passed unanimously, 7-0.

Mr. Scanlon explained the ordinance being considered is recognizing the authority and ability of the Board of Elections to regulate and establish rules. He said it would be more appropriate to bring concerns to them for modification.

After discussion, Commissioner Etheridge moved to amend Chapter 9, Article I, of the Currituck County Code of Ordinances by adding Section 9-10 regarding campaigning on County property. The motion was seconded by Commissioner Payment. The motion passed unanimously.

Commissioner Etheridge agreed to speak to the Board of Elections about revisions to the Resolution.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 9, ARTICLE I OF THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING SECTION 9-10 REGULATING CAMPAIGNING ON COUNTY PROPERTY

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

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

WHEREAS, the county, by and through its Board of Elections, has a duty to protect the rights of voters and those campaigning to allow peaceful and reasonable ingress and egress to the Board of Elections office and voting enclosure contained within.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding Section 9-10 to Chapter 9, Article I to read as follows:

Sec. 9-10. Campaigning on county property.

No person shall campaign, solicit votes, or erect or maintain temporary signs on county property where One Stop or Early Voting is occurring except in accordance with rules and regulations adopted by the county Board of Elections. Further, no person shall cook, or cause to be cooked, food on county property where One Stop or Early Voting is occurring.

PART II. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART IV. This ordinance is effective upon adoption.

ADOPTED this 15th day of October, 2018.

Bobby Hanig, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

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

B) Consent Agenda

Commissioner Gilbert moved for approval of the Consent Agenda. County Manager, Dan Scanlon, reviewed Item 6, the ABC Board Travel Policy. After review, Commissioner Hall seconded the motion to approve Consent Agenda. The Consent Agenda was unanimously approved.

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

1) Approval Of Minutes-October 1, 2018

1. Minutes for October 1, 2018

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10796-514500	Training & Education		\$ 400
10796-514000	Travel	\$ 400	
		\$ 400	\$ 400
Explanation:	Currituck County Rural Center (10796) - To cover additional travel expenses associated with World Equestrian Games and State Fair.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10795-590000	Capital Outlay	\$ 1,700	
10795-532000	Supplies		\$ 1,700
		\$ 1,700	\$ 1,700

Explanation: Parks & Recreation (10795) - Transfer funds to capital outlay to replace parts on playground due to vandalism at Walnut Island Park.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10510-502100	Overtime	82,400	
10510-505000	FICA	6,304	
10510-507000	Retirement	11,124	
10990-587015	T T - Occupancy Tax	77,915	
10340-463000	Beach Driving Permits		177,743
		\$ 177,743	\$ 177,743

Explanation: Sheriff (10510); Transfer to Occupancy Tax (10990) - Increase appropriations to reimburse departments for expenses incurred from implementing the beach parking pass program for the 2018 summer and upcoming expenses for the 2019 summer through the end of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$177,743.

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
16609-513000	Utilities	\$ 900	
16609-545000	Contracted Services		\$ 900
		\$ 900	\$ 900

Explanation: Ocean Sands North/Crowne Point Watershed (16609) - Transfer funds for temporary electric service at the Ocean Sands North/Crowne Point watershed district for aquifer flow test modeling.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
66868-545000	Contracted Services	\$ 40,975	
66868-590000	Capital Outlay		\$ 40,975
		\$ 40,975	\$ 40,975

Explanation: Southern Outer Banks Water (66) - To move money from Capital Outlay to Contracted Services to provide funds for year 1 of a 10 year contract to provide tank painting and tank paint maintenance for the three elevated water tank on the Outer Banks.

Net Budget Effect: Southern Outer Banks Water (66) - No change.

3. Project Ordinance: 10 Acre Parcel - Corolla, NC

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:

Communication: Minutes for October 15, 2018 (Approval Of Minutes for October 15, 2018)

SECTION 1. The project authorized is design and conceptual drawings of layout of the Currituck County 10 Acre tract in Corolla at the terminus of the mid-County bridge.

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

County 10 Acre Tract in Corolla	\$ 100,000
	<u>\$ 100,000</u>

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

Transfer from Occupancy Tax	\$ 100,000
	<u>\$ 100,000</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 15th day of October 2018.

4. Surplus Resolution and Authorization for Sergeant Wayne Penn Twiford, Jr., and Deputy Shelton Lee Price to Purchase their Service Weapons Upon Retirement

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on October 15, 2018, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Sergeant Wayne P. Twiford that his duty weapon, a Glock 22 handgun, Serial #PVF940, be given to him. Mr. Twiford has made the request to purchase same for \$1 upon his retirement.

ADOPTED this the 15th day of October, 2018.

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on October 15, 2018, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Deputy Shelton L. Price that his duty weapon, a Glock 22 handgun, Serial #PVF977, be given to him. Mr. Price has made the request to purchase same for \$1 upon his retirement.

ADOPTED this the 15th day of October, 2018.

5. Petition for Road Additions-Albemarle Estates, Harbinger

6. Approve Currituck County Personnel Travel Policy for Use by ABC Board

C) County Manager's Report

No report.

RECESS

Chairman Hanig recessed the regular meeting of the Board of Commissioners to hold a special meeting of the Tourism Development Authority.

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a Special Meeting during a recess of the 6:00 PM regular meeting to sit as the Tourism Development Authority. The special meeting was held in the Board Meeting Room of the Historic Courthouse located at 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering budget amendments.

TDA Budget Amendments

The meeting was convened by Chairman Hanig and County Manager, Dan Scanlon, reviewed the Budget Amendments for Board consideration.

Commissioner White moved for approval and the motion was seconded by Commissioner Gilbert. The motion passed unanimously.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of October 2018 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.					
			Debit		Credit
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>				
15447-545015	Beach Renourishment	\$	2,200		
15447-516002	Outer Banks Access Ramps	\$	2,500		
15448-532500	Concessions/Whalehead	\$	1,125		
15390-499900	Appropriated Fund Balance			\$	5,825
			\$ 5,825		\$ 5,825
Explanation:	Occupancy Tax - Tourism Related (15447) - Carry forward projects in progress at the prior fiscal year end.				
	Various homeowners	Beach grass			2,200
20181733	E Z Equipment	Dune Grading			2,500
20181547	Donna Strawhand	Ornaments			1,125
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$5,825.					
The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of October 2018 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.					
			Debit		Credit
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>				
15442-557100	Software License Fee	\$	350		
15442-532000	Supplies			\$	350
			\$ 350		\$ 350
Explanation:	Occupancy Tax Promotions (15442) - Transfer budgeted funds for increase in software license fees.				
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$41,650.					

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of October 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-502000	Salaries	\$ 5,250	
15442-503500	Temp Salaries	\$ 30,467	
15442-505000	FICA	\$ 2,733	
15442-507000	Retirement	\$ 709	
15447-532160	Maintenance Supplies	\$ 23,856	
15442-532000	Supplies	\$ 3,500	
15442-511000	Telephone & Postage	\$ 400	
15442-545100	Credit Card Fees	\$ 11,000	
15390-495010	T F - Operating Fund		\$ 77,915
		<u>\$ 77,915</u>	<u>\$ 77,915</u>

Explanation: Occupancy Tax Promotions (15442); Occupancy Tax Tourism Related (15447) - Transfer funds collected from beach driving permits to reimburse for staff, signs, postage, increased credit card fees and other supplies related to implementing the beach driving ordinance.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$77,915.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of October 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
	T T - County Govt Construction	\$ 100,000	
15447-561000	Professional Services		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation: Occupancy Tax Tourism Related (15447) - Transfer funds to set up project for the County's 10 acre parcel in Corolla.

Net Budget Effect: Occupancy Tax Fund (15) -No change.

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

ADJOURN SPECIAL MEETING

There was no further business and Commissioner Payment moved to adjourn the Special Meeting of the Tourism Development Authority. The motion was seconded by Commissioner White. The motion passed unanimously and the meeting was adjourned.

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

CLOSED SESSION

Amended Item: Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the Attorney-Client Privilege regarding the matter captioned Judith Ayers v. Currituck County Department of Social Services

The Board returned to regular session and Chairman Hanig reconvened the regular meeting of the Board of Commissioners to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege regarding the matter captioned Judith Ayers v. the Currituck County Department of Social Services.

ADJOURN

Motion to Adjourn Meeting

The Board of Commissioners had no further business after returning from Closed Session. Commissioner White motioned for adjournment and the motion was seconded by Commissioner Hall. The motion passed unanimously and the regular meeting of the Board of Commissioners concluded at 8:27 PM.

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

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20190037

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10794-545000	PASS	\$ 2,000	
10794-545005	JCPC Council		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Juvenile Crime Prevention Control (10794) - To transfer budgeted funds from the JCPC certification budget to the PASS/Teen Court program to enable Currituck County Schools to employ a full-time position in that program. The 30% match will be from in-kind services matched through the Currituck County Schools. This recommendation has been approved by the JCPC Council.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs_Nov 5_General Meeting (Budget Amendments)

number

20190038

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-516000	Repairs and maintenance		\$ 1,000
61818-553000	Dues and subscriptions	\$ 1,000	
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Mainland Water (61818) - Transfer budgeted funds for annual payment for water lines under the railroad.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs_Nov 5_General Meeting (Budget Amendments)

iber

20190039

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-502000	Salaries		\$ 650
10460-511010	Data Transmission	\$ 650	
		<u>\$ 650</u>	<u>\$ 650</u>

Explanation: Public Works (10460) - Transfer budgeted funds for two aircards to access County server while out in the field.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs_Nov 5_General Meeting (Budget Amendments)

iber

20190041

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10410-557100	Software License Fee	\$ 117	
10531-557100	Software License Fee	20	
10535-557100	Software License Fee	4,182	
10540-561000	Professional Services	100	
10410-506000	Insurance Expense		117
10531-532000	Supplies		20
10535-506000	Insurance Expense		4,182
10540-506000	Insurance Expense		100
		<u>\$ 4,419</u>	<u>\$ 4,419</u>

Explanation: Administration (10410); Emergency Management (10531); Communications (10535); Inspections (10540) - Transfer budgeted funds for increases in software license fees and pre-employment screening.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

ber

20190042

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50511-590001	Detention Sewer to MCP Sewer	\$ 375,000	
50390-495042	T F - Transfer Tax Capital Fund		375,000
		<u>\$ 375,000</u>	<u>\$ 375,000</u>

Explanation: County Government Facilities (50511) - Increase appropriations in the multi-year construction fund for connection of sewer from Maple Commerce Park to the detention facility. Funding was appropriated in the Transfer Tax Capital fund, which is annually budgeted.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$375,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs_Nov 5_General Meeting (Budget Amendments)

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be used as a trade-in.

County Asset Tag	Description (Year Make Model)	Mileage	Serial Number
5945	2004 Ford E-450	136,467	1FDXE45P34HB41662

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

ADOPTED, this 5th day of November, 2018.

Bobby Hanig
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board

(Seal)

Nightingale: Saving Minutes, Saving Lives



*"When I heard the blades of the Nightingale,
I knew I was going to make it."*
Larry Saunders - trauma patient

The Case for Support of **The new Instrument Flight Rule (IFR) Helipads at Carova & Corolla**

June 2018



One of the most important journeys of your life could be with a group of strangers at thousands of feet above the ground. We don't know when it will happen or if it will happen. It could be the result of an ATV accident along the beach; or, it might involve your rescue to Sentara Norfolk General Hospital after a heart attack, stroke, or aneurysm. These instances require the flight of our "Airborne ICU", the Nightingale Air Ambulance.

Transporting patients faster and with the unparalleled skills of a highly trained medical emergency team, the Nightingale helicopter houses critical treatment equipment not available in most ground-based ambulances.



Our air ambulance transports patients all over the region: from the Eastern Shore down to Nags Head and from Williamsburg and Franklin to Ahoskie, NC. If you live within 125 miles of Sentara Norfolk General Hospital, Nightingale is there for you! The Nightingale program commissioned its first helicopter in 1982 and has since completed over 18,000 flights... without a single flight-related incident. That accomplishment is one more illustration of the Sentara unwavering commitment to patient safety and quality of care.



Now, the addition of Instrument Flight Rule (IFR) capability could mean Nightingale might reach you even when visibility is low. IFR has been used by commercial airlines for many years and this technology makes air ambulance transport much safer for patients and crew. A GPS signal guides the helicopter in for landing through a pre-programmed landing path.

Just ask David Rogers who was airlifted only after the fog cleared enough for Nightingale to launch. Had the skies remained clouded, emergent treatment of his abdominal aortic aneurysm may not have been possible. He would not have survived.

The Nightingale: Saving Minutes, Saving Lives Initiative is the call to support the development of two IFR- ready landing pads at Carova & Corolla.

Sentara is committed to the provision of emergency transport to our Currituck friends and support of all additional annual costs associated with this new technology.

With this in mind

Howard Kern, CEO of Sentara Healthcare and **Robert Fort**, Chair of the Sentara Foundation – Hampton Roads, in conjunction with the Sentara Board of Directors, respectfully invite

Currituck County

to participate in securing and advancing the safety of Carova & Corolla residents and visitors with a contribution of \$25,000*

*option to pay over more than one year

Your partnership to enhance access to this lifesaving service is clearly a worthy cause.

Your gift will help us save minutes and lives!



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-2109
(252) 232-3568 (FAX)

Memorandum

TO: Currituck County Board of Commissioners

CC: Sandra Hill, Finance Director

From: Tracy Sample, Tax Administrator

Date: October 16, 2018

RE: Order of Collections
2018 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

2018 REAL & PERSONAL PROPERTY TAX LEVY*	\$	35,470,016.42
PRIOR YEARS TAXES**	\$	<u>399,188.50</u>
TOTAL TAXES	\$	35,869,204.92

*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include taxes levied on registered motor vehicles which are collected by DMV, nor for tax discoveries, adjustments, releases, and deferred taxes. These are reported to the Finance Director as required throughout the year.

** Prior Year Taxes as of **OCTOBER 16, 2018**

Attachment: 2018 Order of Collections_memo (Tax-Order of Collections)

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes due, for the current year and the nine prior years, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this _____ day of _____, 20____.

(SEAL)
Chairman, Board of Commissioners of
Currituck County

ATTEST:

Clerk of Board of Commissioners of
Currituck County

(G.S. 105-321)

Attachment: 2018 Order of Collections (Tax-Order of Collections)

**FIRST AMENDMENT TO LICENSE AGREEMENT FOR PLACEMENT OF
COMMUNICATIONS FACILITY ON CURRITUCK COUNTY-OWNED TOWER**

THIS FIRST AMENDMENT TO LICENSE AGREEMENT FOR PLACEMENT OF COMMUNICATIONS FACILITY ON CURRITUCK COUNTY-OWNED TOWER (the "First Amendment") is made and entered into this ____ day of _____ 201_, by and between **CURRITUCK COUNTY** ("County") and CELLCO PARTNERSHIP d/b/a Verizon Wireless ("Licensee"). County and Licensee are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WITNESSETH:

WHEREAS, County and Licensee entered into a License Agreement For Placement of Communications Facility on Currituck County-Owned Tower on December 31, 2015, (the "Agreement"), whereby Licensee leased from County certain space on the Lessor's Tower located at 1099 Ocean Trail, Corolla, Currituck County, North Carolina, and as further described in the Agreement (the "Premises");

WHEREAS, the Parties desire to amend the Agreement to modify Licensee's equipment;

NOW THEREFORE, in consideration of the premises and the mutual undertakings herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Exhibit "B" of the Agreement is hereby replaced and superseded in its entirety by the attached Exhibit "B-1". In the event of any discrepancies between Exhibit "B" and Exhibit "B-1", Exhibit "B-1" shall control.
2. County and Licensee each hereby warrant to the other that the person executing this First Amendment on behalf of the warranting party has the full right, power and authority to enter into, and execute, this First Amendment on that party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this First Amendment.
3. There shall be no rental increase associated with this First Amendment. This First Amendment shall commence on the date it is fully executed.
4. The Agreement and First Amendment contain all agreements, promises or understandings between County and Licensee and no verbal or oral agreements, promises or understandings shall be binding upon either the County or Licensee in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and First Amendment shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of the Agreement and First Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining

provisions of the Agreement and First Amendment.

5. Except as expressly set forth herein, all other terms, covenants and conditions of the Agreement shall remain unmodified and in full force and effect, and the Parties hereby confirm and ratify such terms and conditions and agree to perform and comply with the same. In the event of a conflict between the terms of the Agreement and the terms of this First Amendment, the terms of this First Amendment shall be controlling.

[SIGNATURES TO FOLLOW]

Licensee: Ocean Hill/ 259081

IN WITNESS WHEREOF, County and Licensee have executed this First Amendment effective as of the day and year first above written.

COUNTY:

CURRITUCK COUNTY

WITNESS

By: _____
Name: _____
Title: _____
Date: _____

LICENSEE:

CELLCO PARTNERSHIP
d/b/a Verizon Wireless

WITNESS

By: _____
Name: Thomas O'Malley
Title: Director – Network Field Engineering
Date: _____

Attachment: 1st AMENDMENT 1099 Ocean Trl (Verizon Tower Equipment Amendment 1099 Ocean Trail)

Licensee: Ocean Hill/ 259081

EXHIBIT "B-1"

Licensee is authorized to install and maintain the following equipment on the Ocean Hill Water Tower:

1. (8) antennas
2. (8) RRHs
3. (4) diplexers
4. (2) OVPs
5. (2) Fiber lines
6. (4) Coax lines
7. antennas mounted at the 100' centerline of the water tank

Memorandum

TO: Dan Scanlon

From: Sandra Hill

Date: October 29, 2018

Subject: Record Disposal

The Finance Office would like permission to dispose of the following records, which are scheduled for disposal as per the record retention schedule.

<u>Time Period</u>	<u>Description</u>
FY 2015	
July 1, 2014- June 30, 2015	Accounts Payable Invoices Bank Statements Bank Reconciliation Reports Deposit Slips Accounts Receivable Files Daily Receipts Budget Amendments Journal Vouchers NC Sales Tax Summary Reports Sales Tax Refund Report Investment Records Web Payments Purchasing Card Statements
FY 2015	
WHALEHEAD TRUST	Profit and loss statements Various reports from Quick books Past Events Information Daily Front Desk Sheets
FY 2018	
4/2018-7/2018	RIC Checks
7/2017-4/2018	Inspections Deposit
1/2018-6/2018	Tax Deposits
4/2018--6/2018	Water Deposits

Number

TDA2019014

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-590460	Capital Facility Projects	\$ 25,000	
15447-590460	Capital Facility Projects	\$ 10,000	
15320-415000	Occupancy Tax		\$ 35,000
		<u>\$ 35,000</u>	<u>\$ 35,000</u>

Explanation: Occupancy Tax - Promotion (15442); Occupancy Tax - Tourism Related (15447) - Increase appropriations for emergency replacement of HVAC equipment at the Moyock Welcome Center and contingency for additional emergency repairs on aging systems.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$35,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Nov 5_TDA (TDA Budget Amendments)

Number

TDA2019015

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of November 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-516200	Vehicle Maintenance	\$ 1,500	
15447-516000	Repairs & Maintenance		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Transfer budgeted funds for vehicle repairs for staff that maintain facilities on the Currituck Outer Banks.

Net Budget Effect: Occupancy Tax Fund (15) -No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Nov 5_TDA (TDA Budget Amendments)